

Public Document Pack
Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol:
Ask for / Gofynnwch am:

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: 24 June 2014

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in Committee Rooms 2-3, Civic Offices, Angel Street, Bridgend on **Tuesday, 24 June 2014 at 10.00 am.**

AGENDA

1. To receive apologies for absence (to include reasons, where appropriate) from Members/Officers
2. Approval of Minutes 3 - 6
3. Declarations of personal and prejudicial interest
4. Officer's Report 7 - 24
5. The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.
If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.
6. To receive for approval the confidential minutes of a Licensing Sub-Committee 1 April 2014. 25 - 28
7. Officer's Confidential Report 29 - 34
8. To re-admit members of the Public.

9. To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

P A Davies
G W Davies MBE
E M Dodd

Councillors

C J James
P N John
D R W Lewis

Councillors

D G Owen

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 1 APRIL 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

Councillors

G W Davies MBE
P A Davies
E Dodd

R D Jenkins
P N John
D G Owen

Officers:

Y Witchell - Licensing and Registration Officer
J Evans - Legal Officer
J Monks - Democratic Services Officer - Committees

349 APOLOGIES FOR ABSENCE

None

350 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of the previous meetings of the Licensing Sub-Committee held on the 10th December 2013, 16th December 2013, 7th January 2014 and the 23rd January 2014 were approved as a true and accurate record.

351 DECLARATIONS OF INTEREST

None.

352 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Chairperson introduced those present.

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Peyton Travel Ltd to licence a Vauxhall Vivaro vehicle, registration number LM60 XLB, as a private hire wheelchair accessible vehicle to seat eight persons.

The applicant was present in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle the mileage was confirmed as being 96,404 miles.

Upon their return, the Licensing and Registration Officer informed Members that the reason this application had been brought before the Committee was due to the vehicle being over three years old. She asked the applicant for an explanation.

The applicant explained that his company undertook work with day care centres and schools, as well as private pre-booked work, and his intention was to have all his vehicles converted for wheelchair access. He advised that the vehicle in question was registered in 2010 and is just over three years old and held a certificate of testing in respect of the floor tracking and wheelchair anchorage. The vehicle is capable of accommodating two wheelchairs and five passengers or one wheelchair and seven passengers.

The Sub-Committee retired to consider the application and upon their return it was

RESOLVED: That the Sub-Committee had listened to the representations, and taken into consideration the policy in relation to the private hire vehicle, and that the vehicle falls outside the Policy in respect of its age.

The Sub-Committee, following inspection of the vehicle was prepared to relax the Policy and therefore granted a licence for the Private Hire Vehicle to seat eight people.

353 EXCLUSION OF THE PUBLIC

RESOLVED: That under section 100A(4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following item of business as it contains exempt information as defined in Paragraph 12 of Part 4, and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above to consider this item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants.

<u>Minute No.</u>	<u>Summary of Item:</u>
354	Confidential Minutes of the Licensing Sub-Committee dated the 10 th December 2013 and the 7 th January 2014.
355	Application for the grant of Hackney Carriage/Private Hire Driver's licence.
356	Review of Hackney Carriage/Private Hire Vehicles Driver's licence.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 29 APRIL 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

Councillors

G W Davies MBE

R D Jenkins

P A Davies

P N John

E Dodd

D G Owen

Officers:

Y Witchell - Licensing and Registration Officer
J Evans - Legal Officer
M A Galvin - Senior Democratic Services Officer - Committees

372 APOLOGIES FOR ABSENCE

None

373 DECLARATIONS OF INTEREST

None.

374 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION FOR GRANT OF HACKNEY CARRIAGE VEHICLE LICENCE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, to ask the Sub-Committee to consider an application to grant a licence for a hackney carriage wheelchair accessible vehicle.

On 15 April 2014, the Licensing Sub-Committee resolved to defer consideration of this application in order to enable the vehicle owner to confirm, that as well as for catering for 8 seats, the vehicle subject of the report was also wheelchair adaptable.

Application was being made by Paul Brain to licence a Ford Transit Tourneo vehicle registration number ND60 NEU as a hackney carriage wheelchair accessible vehicle to seat 8 persons.

The vehicle is pre-owned and was first registered at the DVLA on 1 February 2011. The applicant has provided service history showing vehicle was serviced on 19 May 2011 at 10112 miles, 16 August 2011 at 21554 miles, 12 December 2011 at 34220 miles, 23 March 2012 at 45229 miles, 15 November 2012 at 56885, 20 March 2013 at 65551 miles and 15 October 2013 at 78994 miles.

The Licensing and Registration Officer advised that the application had been submitted before the Sub-Committee as the vehicle was not in accord with Licensing Policy guidelines, in that the vehicle was over three years old.

The Chairperson then adjourned the meeting in order for Members to inspect the vehicle, the mileage for which was 84,250.

Upon reconvening the meeting the Sub-Committee

RESOLVED: That the application made by Mr Brain to licence a Ford Transit Tourneo vehicle registration number ND60 NEU as a hackney carriage wheelchair accessible vehicle to seat eight persons be granted, the Sub-Committee having been satisfied that there was sufficient reason to depart from its Licensing Policy and in turn approve the application, following the vehicle having been inspected and after having considered the representations from Mr Brain made at the meeting .

375 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION FOR GRANT OF PRIVATE HIRE VEHICLE LICENCE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, to ask the Sub-Committee to consider an application to grant a licence for a private hire wheelchair accessible vehicle.

Application was being made by Peyton Travel Ltd to licence a Renault Traffic vehicle registration number MW60 DWK as a private hire wheelchair accessible vehicle to seat 8 persons.

The vehicle was pre-owned and was first registered at the DVLA on 20 January 2011. The applicant has provided service history showing vehicle was serviced on 18 January 2012 at 24665 miles and 10 February 2013 at 51943 miles.

The Licensing and Registration Officer advised that the application had been submitted before the Sub-Committee as the vehicle was not in accord with Licensing Policy guidelines, in that the vehicle was over three years old.

The Chairperson then adjourned the meeting, in order for Members to inspect the vehicle, the mileage for which was 76,674.

Upon the Chairperson reconvening the meeting, the Sub-Committee

RESOLVED: That the application made by Mr Brain to licence a Renault Traffic vehicle registration number MW60 DWK as a Private Hire wheelchair accessible vehicle to seat eight persons be granted, the Sub-Committee having been satisfied that there was sufficient reason to depart from its Licensing Policy and in turn approve the application, following the vehicle having been inspected and after having considered the representations from Mr Brain made at the meeting.

The meeting closed at 10.36am

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

24 JUNE 2014

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider an application to grant a licence for a hackney carriage vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. These applications are referred to Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by Edwin Brain, to licence a Vauxhall Insignia vehicle registration number CE14 HYT as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 30 April 2014.
- 4.2 The completed vehicle application was submitted on 6 June 2014.
- 4.3 The vehicle is submitted for consideration under the Council's Hackney Carriage Vehicle Policy.
- 4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

Policy(2.1) "Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers."

Policy(2.2) Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances.” The vehicle does not fall within the published guidelines for relaxing the policy e.g. being wheelchair accessible, so this case must be dealt with on its merits.

4.4.1 This case is referred to the Licensing Sub-Committee as the vehicle falls outside the vehicle policy for the first licensing of a hackney carriage.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Financial Implications.

7.1 None for the Authority. The Applicant has purchased the vehicle and paid the application fee.

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services

17 June 2014

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: (01656) 643105

E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Hackney Carriage Vehicle Application Form
Hackney Carriage Policy Guidelines

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

24 June 2014

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider the application to grant a licence for a private hire vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. These applications are referred to Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by David K. Llewellyn to licence a Silver Mercedes Benz E220 Blue Efficiency, vehicle registration number BD60 WVK as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 17 February 2011. The applicant has provided a full service history with this application. The first service was carried out on 17 February 2012 where no mileage was recorded. The second was carried out on 24 May 2013 at 30862. The last service was carried out on 2 June 2014 at 31360 miles. The applicant has also provided a MOT certificate this was also carried out on 2 June 2014 at 31360 miles.
- 4.3 The vehicle is submitted for consideration under the Council's Private Hire Vehicle Policy.

4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

(2.1) "Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered

keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:

- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

(2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Financial Implications.

7.1 None for the Authority. The Applicant has purchased the vehicle and paid the application fee.

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services

17 June 2014

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: (01656) 643105

E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines
Service History
MOT

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

24 JUNE 2014

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider the application to grant a licence for a private hire vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. These applications are referred to Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by David Jenkins to licence a Vauxhall Vivaro, vehicle registration number DA13 YPU as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 15 June 2013. The applicant has provided a full service history with this application. The service was carried out on 5 June 2014 at 11664 miles.
- 4.3 The vehicle is submitted for consideration under the Council's Private Hire Vehicle Policy.
- 4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

“(Policy 2.1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant's name. Applications will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:

- *That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- *That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- *That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

7. Financial Implications.

7.1 None for the Authority. The Applicant has purchased the vehicle and paid the application fee.

8. Recommendation.

8.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
17 June 2014

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: (01656) 643105

E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines
Service History

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

24 JUNE 2014

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE
THE PRIVATE SHOP 72 BRIDGEND ROAD ABERKENFIG

1. Purpose of Report

- 1.1 An application has been received from Darker Enterprises Limited for the renewal of the Sex Establishment Licence in respect of the above premises and is placed before the Sub-Committee for consideration as powers have not been delegated under the Scheme of Delegation to Officers

2. Connection to Corporate Improvement Plan/Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 The current licence is subject to the Council's standard conditions and to the special conditions attached at Appendix A. The hours of trading are from 0930 to 2000 hours Monday to Saturday and from 1000 to 1600 hours on Sunday.
- 3.2 There have been no recommendations from the statutory consultees to vary the current standard or special conditions in force and no representations or objections from the public.

4. Current Situation/Proposal

- 4.1 The applicant has complied with the statutory requirements to advertise the application.

4.2 Response to Public Notice:

The Council have not received any objections within the prescribed timescale.

4.3 Representations from Statutory Consultees:

No representations have been received from the statutory consultees, Ward Member or Town and Community Council.

The South Wales Police have confirmed that the applicant and the manager have no relevant convictions.

4.4 The Licensing and Registration Officer has confirmed that inspections have been carried out by the Council's Enforcement Officers and no breaches of the current licence were noted.

4.5 There is no Council policy relating to the grant of licences for this category of establishment.

4.6 Renewal Fee:

The renewal fee of £546.00 has been paid.

4.7 Guidance to Members: The Hearing

The Council is required to give an opportunity to the applicant to appear before them and be heard before it can refuse an application.

The Sub-Committee may wish to consider the application on the basis of the application itself, the information supplied by the applicant and objections and any representations received. It must, however, bear in mind that if, after consideration of this information it is minded to refuse the application, it must give the applicant an opportunity to be heard before it concludes its deliberations.

Guidance for Members: Grounds for refusal of application

Under Schedule 3 of Paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may refuse an application on one or more of the following grounds:-

- A. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason,
- B. that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant, renewal and transfer of such a licence if he made the application himself.
- C. that the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.
- D. that the grant or renewal of the licence would be inappropriate, having regard
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put;
or,
 - (iii) to the layout, character or condition of the premises,
vehicle, vessel or stall in respect of which the application is made

The Sub-Committee is advised that if it is minded to grant an application, It can impose conditions, terms and restrictions in addition to the standard and special conditions currently in force.

4.8 Rights of Appeal

An applicant may at any time, before the expiration of 21 days from the date of notification, appeal to the Magistrates' Court if the application is refused.

Similarly, the holder of the licence has 21 days to appeal to the Magistrates' Court if aggrieved by any term, condition or restriction placed upon the licence.

These rights of appeal do not apply if refusal is due to the status of the applicant under section 12(1) of the Act and also do not apply if refusal is due to either Ground C or D referred to in the above-mentioned Grounds for Refusal.

5. **Effect upon Policy Framework & Procedure Rules**

5.1 None

6. **Equality Impact Assessment**

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

7. **Financial Implications**

7.1 None.

8. **Decision Required**

8.1 The powers available to the Sub-Committee are as follows:

8.1.1 To renew the licence subject to the existing terms and conditions; or

8.1.2 To renew the licence subject to additional as amended terms and conditions; or

8.1.3 To refuse to renew the licence under Schedule 3 Paragraph 10(19) of the Act a Sun-Committee must give the holder of the licence the opportunity of appearing and being heard before refusing to renew a licence.

P. A. Jolley – Assistant Chief Executive Legal & Regulatory Services
17 June 2014

Contact Officer: Sharon Jones – Licensing Assistant

Telephone: 01656 643294

E mail: Sharon.Jones2@bridgend.gov.uk

Postal Address: Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents: Application Form
Responses from Statutory Consultees
Public Notice Glamorgan Gazette 03/04/2014

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL
STANDARD TERMS, CONDITIONS AND RESTRICTIONS
SEX ESTABLISHMENT LICENCE

1. Premises licensed as a sex shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982 shall be used only for the purpose of a sex shop as defined in paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a sex shop.
2. Premises licensed as a sex shop shall only be permitted to be open for business to members of the public between the hours 9.00am to 6.00pm Monday to Saturday inclusive and shall not be permitted to be open for business to members of the public on Sunday, Good Friday or Christmas Day.
3. Over each entrance to the premises, in a position approved by the Bridgend County Borough Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed as a sex shop under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Such a notice shall also carry the full name of the Licensee and the number of the licence and, if the Licensee is a private or public company, the notice shall also carry the address of the registered or principal office and the full name of the secretary of the company. The lettering on such a notice shall be 76mm tall and at least 7mm thick and shall be in white on a dark background.
4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 51mm high and 7mm thick and shall be in dark letters on a light background.
5. No sign or words must be displayed on the outside of the premises or anywhere in the vicinity of the premises other than the words or signs mentioned in Conditions 3 and 4.
6. No person under the age of 18 years shall be allowed to work in the premises.
7. The licensee of the premises licensed as a sex shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.

8. The licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footplates or forecourts except any notice displaying the name or trading title of the licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.
9. No part of the interior of the premises or any of the contents of the premises shall be visible to any person outside the premises.
10. The premises must be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
11. There shall be no communication from the interior of the premises to any other premises other than means of communications to the staff quarters and any store room.
12. Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982, no music or any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
13. The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
14. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the licensee to sell or hire such article. The licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
15. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.

16. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
17. The licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
18. The licensee or some responsible person nominated by him/her in writing shall keep up-to-date records of all personnel employed at the premises and such records shall be continuously available for inspection by authorised officers of the Council or the Police.
19. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the County Borough Council within 14 days of such written details as the County Borough Council may require in respect of any new director, secretary or manager.
20. A copy of the licence and the conditions must be exhibited in a suitable and conspicuous place inside the licensed premises near the entrance door so as to be clearly visible to customers and patrons on entering the premises.
21. The County Borough Council reserves the power from time to time generally or in any special case to alter, modify or dispense with these Conditions or any of them so far as they lawfully may or can on such terms as they may think fit.
22. Alterations or additions either internal or external shall not be made to the licensed premises without written consent from the Council.
23. The licensee shall take all reasonable precautions for the safety of the public and employees.
24. The licensee shall comply with any fire prevention and safety measures which may be required by the Council.
25. In the event of any inconsistency between these conditions and any special conditions of the licence the special conditions shall prevail.

SPECIAL CONDITIONS relating to:-

**THE PRIVATE SHOP
72 BRIDGEND ROAD
ABERKENFIG
BRIDGEND**

SEX ESTABLISHMENT LICENCE

1. That the access door to the premises be affixed with an appropriate notice to indicate that this is the sole means of access to the premises in order to avoid disturbance or nuisance to the neighbouring premises; the size, text and format of these notices shall be agreed by the Council prior to the premises trading as a sex establishment.
2. That the person appointed manager be subject to a satisfactory Police National Computer check.
3. That standard condition 4 be varied as follows:-

At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in the following format:

To be in red lettering on light background at least 5cm tall x 5cm wide:

WARNING

NO ADMITTANCE TO PERSONS UNDER THE AGE OF 18 YEARS

To be in white lettering (2.5cm tall x 2.5cm wide)

Persons passing beyond this notice will find material on display which they may consider indecent.)

Hours of business

Mon-Sat 9.30am to 8.00pm

Sun 10.00am to 4.00pm

In addition, a similar notice, in the above corporate style must be affixed to the entrance to indicate that the entrance is the sole means of access to the premises in order to avoid disturbance or nuisance to the adjoining property.

By virtue of paragraph(s) 12, 13, 14, 18a of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Agenda Item 7

By virtue of paragraph(s) 12, 13, 14, 15, 16, 17, 18, 18a, 18b, 18c of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank