

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: 01656 643148  
Ask for / Gofynnwch am: Mr Mark Anthony Galvin

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

**Date / Dyddiad:** 5 Gorffennaf 2014

Dear Councillor,

**LICENSING SUB-COMMITTEE A**

A meeting of the Licensing Sub-Committee A will be held in Laleston Room, Sunnyside House, Bridgend on **Dydd Mawrth, 8 Gorffennaf 2014 at 10.00 am.**

**AGENDA**

1. Ymddiheuriadau am absenoldeb
2. Cymeradwyaeth Cofnodion 3 - 8
3. Declarations of personal and prejudicial interest
4. Officer's Report 9 - 20
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 The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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. Approval the confidential minutes 21 - 24
7. Officer's Confidential Report 25 - 32

Yours faithfully  
**P A Jolley**  
Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Tel/Ffôn: 01656 643643

SMS Messaging/Negeseuon SMS: 07581 157014

Fax/Facs: 01656 668126

Twitter@bridgendCBC

Email/Ebost: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Website/Gwefan: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Text relay: Put 18001 before any of our phone numbers for the text relay service

Cyfnwidi testun: Rhwyh 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Councillors:

P James  
RD Jenkins  
B Jones

Councillors

JE Lewis  
HE Morgan  
E Venables

Councillors

R Williams

1.

MINUTES OF A SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON MONDAY, 31 MARCH, 2014 AT 10.34AM

Present:-

Councillor R Williams - Chairperson

Councillors

P James  
G Thomas

Officers:-

Y Witchell - Licensing and Registration Officer  
R Morris - Senior Licensing and Registration Assistant  
A Lee - Legal Officer  
A Rees - Senior Democratic Services Officer - Committees

Premises Licence Holder

Mr Makhan Singh Sidhu

Applicants Representative

Mr Mark Perry of Hugh James Solicitors

Objector

Mrs Jacqueline O'Connor-Dixon

346 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B Jones who had a prior commitment.

347 DECLARATIONS OF INTEREST

None.

348 LICENSING ACT 2003: SECTION 17 APPLICATION FOR PREMISES LICENCE GARN INN, ALMA ROAD, MAESTEG

The Licensing and Registration Officer reported on an application made by Mr Makhan Singh Sidhu for a new Premises Licence at the Garn Inn, Alma Road, Maesteg. The premises is described as for a convenience store and the application sought to licence the ground floor of the building which authorised the supply of alcohol, from Monday to Saturday 0930 to 2230 hours and on a Sunday from 1030 to 2130 hours for off sales only.

The Licensing and Registration Officer stated that the application had been advertised in accordance with the Regulations and that representations had been received from South Wales Police and the Trading Standards and Environmental Health Departments of the Council and a member of the public. Since the publication of the report the Trading Standards Department had withdrawn their representations as the applicant had agreed with the Trading Standards Department for additional conditions to be imposed

on the licence relating to staff being given adequate training in relation to the sale of age restricted goods; the use of a recognised age verification scheme with a Challenge 25 Scheme being implemented within the premises requiring accepted forms of valid ID to include passport, driving license, validate and pass UK proof of age and the use of a documented system to record refused sales and the use of a refusal register or an electronic till prompt. The Licensing and Registration Officer also informed the Sub-Committee that the Public Protection Department had withdrawn its representations following agreement with the applicant regarding the location of the refrigerated unit in which the alcohol is kept so that it did not cause a problem of noise to the adjacent premises and that any external condenser unit would be installed to regulate the temperature of the fridges and noise levels from these units.

The Licensing and Registration Officer also informed the Sub-Committee that South Wales Police had withdrawn their representations as the applicant had undertaken to install a CCTV system at the premises.

The Licensing and Registration Officer informed the Sub-Committee that representations had been received from a local resident Mrs Jacqueline O'Connor-Dixon requesting the refusal of the application and who would be present to make a statement to the Sub-Committee.

The Licensing and Registration Officer invited the applicant to present the application to the Sub-Committee.

The applicant's representative informed the Sub-Committee that the original application for a Premises Licence had been submitted on behalf of the applicant by another firm of solicitors, which had resulted in representations being received by South Wales Police, the Trading Standards and Public Protection Departments. He stated that since his firm had acted for the applicant it had agreed conditions with South Wales Police, the Trading Standards and Public Protection Departments who had since withdrawn their objections.

The applicant's representative informed the Sub-Committee that the applicant is a married man with children who intends to live at the premises with his family. His client had purchased the premises in December 2013 and had been surprised to receive objections to his application as the premises had previously been used as a public house, and would have received constant deliveries to the premises whilst it was operated as a public house. He stated that his client was not tied to a particular brand of convenience store but was a small family concern and that deliveries would be made by van to the rear of the premises early in the morning prior to peak traffic times in the locality. Previous deliveries to the public house would have warranted the concerns of the South Wales Police and the Public Protection Department.

The applicant's representative stated that the objection made by the local resident in relation to the licensing hours encouraging vagrants around the area and roaming and opportunist thieves was not a realistic objection as the premises would not solely be used as an off-licence but primarily as a general store. In terms of public safety, the convenience store would not attract a great deal of traffic, deliveries to the store would take place in the morning for the delivery of newspapers when traffic would be quiet. He did not believe that the convenience store would compromise public safety. The applicant's representative also informed the Sub-Committee that it was the intention to stop serving alcohol at the premises and 2230 hours and that the objection in relation to public nuisance was not realistic. In relation to the objection as to the prevention of the licensing objective of the protection of children from harm, the school which is in the vicinity of the store is a primary school and pupils attending the school would be taken to school by their parents and the applicant's representative did not see this as a relevant objection.

The applicant's representative stated that his client is a responsible businessman who already owns a business in Merthyr which he intends to sell in order to concentrate on the premises he has purchased in Maesteg. He stated that there were no other objections to the application for the Premises Licence other than the one from Mrs O'Connor-Dixon. He stated that the premises is a small general store with a small off-licence attached to it.

The Sub-Committee questioned whether the CCTV cameras would be in place in the premises prior to its opening. The applicant's representative confirmed that the CCTV cameras would be in operation prior to the opening of the store. The Sub-Committee questioned whether the parking which is available for deliveries to the rear of the store would also be available for customer car parking. The applicant's representative informed the Sub-Committee that his client proposed to tarmac the current grassed area opposite the premises to provide parking for customers.

The Sub-Committee questioned whether there would be provision for staff training in order to adhere to the licensing objectives. The applicant's representative informed the Sub-Committee that a condition had been agreed with South Wales Police in relation to the training of staff in the sale of age restricted goods, the use of a recognised age verification scheme and a Challenge 25 scheme and the implementation of a refusals register to document refused sales where a young person could not verify their age.

In response to a question from the Sub-Committee, the applicant's representative stated that the lane to the rear of the premises was for the sole use of the Garn Inn.

The Licensing and Registration Officer questioned whether any works were required to reconfigure the premises to enable it to operate as a convenience store. The applicant's representative informed the Sub-Committee that the interior of the premises was at present configured as a public house and had not yet been converted into a convenience store but the conversion would be undertaken in accordance with building regulations.

Mrs O'Connor-Dixon addressed the Sub-Committee to objecting to the application for a Premises Licence at the Garn Inn. She stated that the premises had been built in 1871 and is a landmark building in the area due to its history. She stated that she had bought her house some 27 years ago in order to be near Maesteg town centre and that the residents in Alma Road, Maesteg had not previously experienced any problems with the operation of the Garn Inn as a public house.

Mrs O'Connor-Dixon informed the Sub-Committee that the grassed area across the road from the premises was not a parking area and that a convenience store would compromise public safety in that a child leaving school could run across the road to go to the store crossing an already very busy road. She stated that although the school is a primary school many children walk to the school without their parents. She stated that when the premises was operated as a public house, there were no cars parked outside the premises and the police were never called to the premises. She stated that the residents of Alma Road were predominantly working families and elderly residents. There was no demand for a convenience store in this location as there is already a similar shop nearby and if the convenience store at the Garn Inn was not successful it would close and there would be an empty building. She stated that 700 residents had objected to the application via a petition. The Licensing and Registration Officer informed the Sub-Committee that the first application for a Premises Licence did attract a petition of objection but this was rejected on technical grounds and if there were concerns regarding highway safety, the traffic section of the Highways Department would have submitted objections to the application.

Mrs O'Connor-Dixon also informed the Sub-Committee that the residents wanted to have their public house back and had attempted to purchase the premises in order for it to continue as a local public house. She stated that the area could not accommodate any convenience store and there was no demand for one. She stated that if there was a

problem when the premises was operated as a public house, residents would speak to the landlord in order to reduce noise levels from the premises. She stated that with a convenience store, public nuisance and crime and disorder problems would escalate and the convenience store would not be workable.

The applicant's representative questioned the objector that the only reason for the application was due to the proposed sale of alcohol from the premises. The Legal Officer informed the Sub-Committee that the premises could open as a convenience store and that the Hearing was to determine the application for the sale of alcohol from the premises.

The Sub-Committee invited the parties to sum up.

Mrs O'Connor-Dixon expressed concern at the sort of clients who would be attracted to the premises and there was no demand in the area for a convenience store.

The applicant's representative informed the Sub-Committee that the premises could open as a convenience store and that the application before the Sub-Committee was to determine whether alcohol can be sold from the premises. He stated that in relation to the prevention of crime and disorder, there would be CCTV in place to discourage vagrants in the area. He did not believe that the premises would encourage opportunist thieves. In relation to public nuisance and public safety, he did not believe there would be inconvenience to residents as it was intended that deliveries would be made to the premises early in the morning and would be less of an issue in relation to the volume of traffic when the premises was operated as a public house with deliveries to service the public house. He stated that the Highways Department would have objected to the application for a premises licence if it had concerns regarding the volume of traffic in the area and road safety to children, but had not done so. He informed the Sub-Committee that his client is a responsible businessman and saw no reason for the objection to the licence.

The Sub-Committee retired to consider the matter at 11.05am and reconvened at 11.18am wherein it was

RESOLVED: That the Sub-Committee has considered the application and the representations made by both the applicant and the objector. The Sub-Committee has noted that the Police and Public Protection Department has withdrawn their representations in consideration for additional conditions on the licence.

The Sub-Committee has considered the four licensing objectives and taken the view that with the additional conditions added to the licence all objectives are satisfied.

The Sub-Committee feel that most objections raised by Mr J O'Connor-Dixon were not relevant and unfortunately could not be taken into consideration.

The Sub-Committee will grant the licence.

The meeting closed at 11.20am.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 13 MAY 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillor J E Lewis

Councillor H E Morgan

Officers:

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

366 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor B Jones - Work Commitments  
Councillor G Thomas - Work Commitments  
Councillor E Venables - Childcare Issues

367 DECLARATIONS OF INTEREST

None.

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

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by John Healey and Laura Davies to licence a Logan MCV Estate vehicle registration number CN14 UTC as a Hackney Carriage Vehicle to seat four persons. The date of the first registration of the vehicle was 26 March 2014.

The applicants were 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 127 miles.

Upon their return, the Licensing and Registration Officer informed Members that the reason this application had been brought before the Sub-Committee was due to the applicants missing the date by which applications are normally dealt with, as there was a two week period in which to submit applications for all new vehicles.

The applicants confirmed that they had received a copy of the report and that they submitted a completed application on the 17<sup>th</sup> April 2014, which was one week after the date for submission. The Licensing and Registration Officer asked the applicants for an explanation.

The applicants explained that they had been under the impression that they were required to complete all fittings to the car before applying for a licence. Also, due to a lack of funds,

the vehicle had cost more than expected due to the time it was in the garage underdoing the fittings.

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

RESOLVED: The Sub-Committee considered the application by John Healey and Laura Davies to licence a Logan MCV Estate vehicle registration number CN14 UTC as a Hackney Carriage Vehicle to seat four persons. The date of the first registration of the vehicle was 26 March 2014.

Following the inspection of the vehicle and representation by John Healey and Laura Davies the Sub-Committee resolved to grant the licence.

369 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 items of business as they contain exempt information as defined in Paragraphs 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 the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, 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 Nos.</u>	<u>Summary of Item:</u>
370	Disciplinary Hearing for existing licence holder.
371	Application for the renewal of Hackney Carriage and Private Hire Drivers licence.



## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

8 JULY 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 an 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 Richard David Singleton, to licence a silver Mercedes Benz Viano Ambiente, vehicle registration number RS14 FLY as a private hire vehicle to seat 7 persons. The date of first registration of the vehicle is 29 May 2014.
- 4.2 The completed vehicle application was received on 20 June 2014.
- 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."

*(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.”*

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 private hire vehicle.

## **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**

**2 July 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 Form  
Private Hire Policy Guidelines

This page is intentionally left blank

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING SUB COMMITTEE**

**8 JULY 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. The application is reported to Sub-Committee as it does not meet current policy guidelines for the grant under the scheme of delegation to officers. The vehicle will be available for viewing at the meeting.

**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.

**4. Current situation / proposal.**

- 4.1 Application is made by Stewart Forrester to licence a Vauxhall Meriva, vehicle registration number CE11 ZDL as a private hire vehicle to seat 4 passengers.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 15 April 2011. The applicant has provided a full service history with this application. The first service was carried out on 19 April 2012 at 7428 miles. The second service was carried out on 11 April 2013 at 14501 miles. A MOT certificate was issued on 13 February 2014, with the mileage covered as 19599 miles.
- 4.3 The vehicle has been submitted for consideration under the Council's Private Hire Vehicle Policy. This make and model of vehicle has not previously been submitted for licensing to this Council. The Council has considered the Department for Transport Best Practice guidelines in order to licence a wide range of vehicle types to meet the needs of customers. However, this is within the context of ensuring the comfort and safety of passengers. For this reason, the authority has adopted minimum seating measurements for vehicles. This vehicle does not meet one of the current seat requirements.

4.4 *Policy 4(c)* states that

“Seat Width: The width of the back seat from the squab to the front edge must not be less than 17”.

4.5 Officers have measured the vehicle and ascertained that whilst the outer rear seats are 18” and meet the guidelines, the middle seat is 16 ½” deep.

4.6 *Policy 4 (d)* states that

“Rear Seat (Length): The length of the rear seat measured in a straight line over the majority of its length be such as to allow adequate seating accommodation to the extent of at least 16” per person.”

4.7 The overall length of the rear seat measures 48 ½”; the middle seat distance between seat belt restraints is 12 ½” inches across.

4.8 In response, Mr Forrester has contacted the dealer who states that Vauxhall who he states has confirmed that the soft squab on this part of the seat compresses when sat against to give the 17” required in this Council’s policy guidelines.

4.9 Mr Forrester has stated that Vauxhall market this vehicle as a 5 seat car with three rear seat belts and that he wishes to use the vehicle to transport the elderly and families with children. He has also advised that the company for whom he proposes to work has customers who regularly travel to local surgeries and the hospitals in Cardiff, Bridgend and Port Talbot.

4.10 However, a private hire vehicle must be suitable in type size and comfort for all types of public hire as set out in Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 as follows:

“.. providing that a Council shall not grant such a licence unless they are satisfied

- (i) suitable in type, size and design for use as a private hire vehicle;
- (iv) safe; and
- (v) comfortable

4.11 The vehicle is also submitted for consideration of a relaxation of current age limits for non-wheelchair accessible vehicles. The policy guidelines relating to age limits for non- wheelchair accessible vehicles are set out in policy guideline policy 2.2.5.

#### 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 2.2.5) 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.

4.12 As a former mobility vehicle, the vehicle has grip bars which are an aid to easy access and exit from the rear passenger seats. The rear passenger doors open the opposite way to traditional doors. He has also stated that the vehicle has driver and front passenger airbags and side airbags.

4.13 The Department for Transport Best Practice Guidance states that “authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).”

4.14 The current policy guidelines published relating to private hire vehicles state that “the vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver.”

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

5.1 None

## **6. Equality Impact Assessment.**

6.1 This vehicle is not purpose built for wheelchair use but is said to have some accessibility features. 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 have regard to current policy guidelines and determine the application having regard to the information contained within this report.

**Andrew Jolley**  
**Assistant Chief Executive Legal and Regulatory Services**

**2 July 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

Department for Transport Best Practice guidelines available at  
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>



**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO LICENSING SUB COMMITTEE**

**8 JULY 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 wheelchair accessible 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 Paul A. Brain to licence a Ford Transit Tourneo vehicle registration number M6 PEY as a private hire wheelchair accessible vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 23 May 2007. The vehicle was previously licensed and expired on 13 June 2014. Application was made on 18 June 2014.
- 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 2.2) 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 general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:*

*(Policy 2.2.3) In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of*

wheelchair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements. Applications of this type 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:*

- *(Policy 2.2.5) 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.*
- *(Policy 2.2.5) 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*
- *(Policy 2.2.5) 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.”*

*(Policy 2.5) Applicants are reminded that if they fail to make application to renew an existing licence before the expiry date any subsequent application must be treated as one of grant. Any relaxation of current policies will only be granted in very exceptional circumstances. The responsibility for making an application rests solely with the licence holder. All applications of this type will normally be reported to the Licensing Sub-Committee for determination.*

4.4.1 This case is referred to the Licensing Sub-Committee because the vehicle is over 3 years old.

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

5.1 None

## **6. Equality Impact Assessment.**

6.1 This vehicle is 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**  
**2 July 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 Policy Guidelines

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank