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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: Andrew Rees

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

Date / Dyddiad: 13 August 2014

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in Council Chamber, Civic Offices, Angel Street, Bridgend on **Tuesday, 19 August 2014 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Approval of Minutes 3 - 8
To receive for approval the public minutes of a Licensing Sub-Committee of 24 June and 25 June 2014.
3. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008
4. Application for grant of Hackney Carriage Vehicle Licence 9 - 10
5. Application for grant of Private Hire Vehicle Licence 11 - 14
6. Application for grant of Private Hire Vehicle Licence 15 - 18
7. Exclusion of the Public
The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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

Tel/Ffôn: 01656 643643

SMS Messaging/Negeseuon SMS: 07581 157014

Fax/Facs: 01656 668126

Twitter@bridgendCBC

Email/Ebost: talktous@bridgend.gov.uk

Website/Gwefan: www.bridgend.gov.uk

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Act to consider these items in private, the public will be excluded from the meeting during such consideration.

8. Approval of Minutes 19 - 22
To receive for approval the confidential minutes of a Licensing Sub-Committee of 24 June 2014
9. Application for renewal of Hackney Carriage/Private Hire Vehicle Licence 23 - 26
10. To re-admit members of the Public.
11. Urgent Items
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

Note: If Members are unable to attend the meeting, then please telephone Cabinet & Committee Services (01656 643148) beforehand, so as to ensure that there is a quorum of three Members for the meeting.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 24 JUNE 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

P A Davies
D G Owen

Officers:-

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

380 APOLOGIES FOR ABSENCE

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

Councillor G W Davies MBE - Attending a funeral
Councillor E Dodd - Other Council business
Councillor C J James - In Hospital
Councillor P John - Holiday

381 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of the meetings of the Licensing Sub-Committee of 1 April and 29 April 2014 be approved as a true and accurate record.

382 DECLARATIONS OF INTEREST

Councillor D Owen declared a personal interest in Agenda Item 7a - Application for the renewal of Hackney Carriage/Private Hire Vehicle Driver Licence as the applicant is known to him as an MOT fitter at his local garage.

384 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, regarding an application by Mr Edwin Brain to licence a Vauxhall Insignia registration number CE14 HYT as a hackney carriage vehicle to seat four persons.

The applicant was present in support of his application and the Sub-Committee inspected the vehicle. On inspecting the vehicle, the mileage was confirmed as 16 miles.

The Sub-Committee was informed by the Licencing and Registration Officer that the date of the first registration of the vehicle was 30 April 2014. The application fell outside the Policy Guidelines for the first licensing of the vehicles and which would normally be refused, however a relaxation of the Policy may be considered in exceptional circumstances.

RESOLVED: That the Sub-Committee considered the application to licence a Vauxhall Insignia registration number CE14 HYT as a hackney carriage vehicle to seat four persons. Although under paragraph 2.1 the application is outside the Policy, the Sub-Committee has considered paragraph 2.2 and in view of the exceptional quality of the vehicle granted the licence.

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

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, regarding an application by Mr David K Llewellyn to licence a Silver Mercedes Benz E220 Blue Efficiency, vehicle registration number BD60 WVK as a private hire vehicle to seat four persons.

The applicant was present in support of his application and on inspecting the vehicle THE Sub-Committee confirmed the mileage as being 31851 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle is pre-owned and first registered at the DVLA on 17 February 2011. The applicant had provided a full service history and MOT for the vehicle. The application fell outside the Policy Guidelines for the first licensing of vehicles and which would normally be refused, however a relaxation of the Policy may be considered in exceptional circumstances.

RESOLVED: That the Sub-Committee considered the application to licence a Silver Mercedes Benz E220 Blue Efficiency as a Private Hire Vehicle. Although under paragraph 2.1 of the Policy the application is outside of the Policy, the Sub-Committee has considered paragraphs 2.25 and 2.4 and considered the exceptional quality of the vehicle and granted the licence.

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

The Assistant Chief Executive - Legal and Regulatory Services submitted a report, regarding an application by Mr David Jenkins to licence a Vauxhall Vivaro, vehicle registration number DA13 YPU as a private hire vehicle to seat eight persons.

The Sub-Committee inspected the vehicle and confirmed mileage as being 11741 miles.

The Licensing and Registration Officer informed the Sub-Committee that the vehicle is pre owned and was first registered at the DVLA on 15 June 2013. The applicant had provided a service history with the application. The application fell outside the Policy Guidelines for the first licensing of vehicles and which would normally be refused, however a relaxation of the Policy may be considered in exceptional circumstances.

RESOLVED: That the Sub-Committee considered the application to licence a Vauxhall Vivaro, vehicle registration number DA13 YPU as a private hire vehicle. Although under paragraph 2.1 of the Policy the application is outside Policy, but the Sub-Committee has considered paragraphs 2.25 and 2.4 and considered the exceptional of the vehicle and granted the licence.

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

The Assistant Chief Executive - Legal and Regulatory Services reported on an application from Darker Enterprises Limited for the renewal of the Sex Establishment Licence in respect of the above premises.

The current licence was subject to the Council's standard conditions and to special conditions. There had been no recommendations from the statutory consultees to vary the current standard or special conditions in force and not representations or objections from the public. The applicant had complied with the Public Notice of the application and there had been no objections received in response to the Public Notice, nor had there been any objections to the application from the Statutory Consultees.

The Licensing and Registration Officer advised the Sub-Committee in relation to a hearing, the grounds for refusal of the application and details of the rights of appeal, in the event of the application being refused.

RESOLVED: That application for the renewal of the Sex Establishment Licence in respect of the Private Shop, 72 Bridgend Road, Aberkenfig be granted subject to the existing terms and conditions.

388 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>
389	Confidential Minutes of the Licensing Sub-Committee of 1 April 2014.
390	Application for renewal of Hackney Carriage and Private Hire Vehicle licence.

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MINUTES OF A SPECIAL MEETING OF THE LICENSING SUB-COMMITTEE HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON WEDNESDAY, 25 JUNE 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

G W Davies MBE
E Dodd

Officers:-

Y Witchell - Licensing and Registration Officer
R Morris - Senior Licensing Assistant
K Daw - Legal Officer
M A Galvin - Senior Democratic Services Officer - Committees

Statutory Bodies:

PC Rowlatt - South Wales Police
H Williams - Senior Environmental Health Officer

Invitees:

R Owens - Premises Licence Holder, Clwb Calon Lan, Blaengarw
E Evans - Bar Person

391 APOLOGIES FOR ABSENCE

None.

392 DECLARATIONS OF INTEREST

None.

393 LICENSING ACT 2003: SECTION 51
APPLICATION FOR REVIEW OF PREMISES LICENCE
CLWB CALON LAN, CHURCH STREET, BLAENGARW, BRIDGEND

The Licensing and Registration Officer presented a report in respect of the above application, made by the Chief Officer of Police in relation to Clwb Calon Lan, Blaengarw.

She referred Members to the documentation that supported the report, i.e. the application form (including background documents) from the Police. together with a confidential section of report containing information regarding further incidents that had occurred at the premises relating to crime and disorder and anti-social behaviour. The grounds for review were based on an abject failure by the Premises Licence Holder to adhere to and promote the four Licensing Objectives whilst operating the premises under the Premises Licence.

Also attached to the report at Appendix B, in the support of the application for review, were representations made by the Authorities Public Protection Department.

The Licensing and Registration Officer confirmed that she was aware that discussions had taken place in advance of the meeting, between the representative of the Police and the Premises Licence Holder, and asked what the outcome was of this.

PC Rowlatt advised the Sub-Committee that in advance of the meeting, and since the agenda and reports had been distributed, further information in the form of evidence had been received as part of a witness testimony, and that due to this, negotiations had since commenced between the Police and the person(s) who had submitted this further information. The evidence related to issues of crime and disorder, and Mr Owens the Premises Licence Holder had also agreed to a request that the Police were going to make which was to adjourn the meeting to a later date, i.e. sometime in August, to have further discussions with both Mr Owens and the person(s) who came forward with the witness testimony.

Also, a further Statement of Evidence over and above that referred to above had been received advised PC Rowlatt and this was also presently being examined by the Police.

PC Rowlatt therefore asked the Sub-Committee if the meeting could be adjourned in order to further consider the above pieces of evidence and carry out further discussions with both the individuals who had presented this evidence and the Premises Licence Holder.

The Chairperson asked the Premises Licence Holder and the Senior Environmental Officer from the Public Protection Department, if they were in agreement with this recommendation for adjournment, and both confirmed in turn, that they offered no objection to this.

Members then retired to consider the request further, and upon their return, it was

RESOLVED: That the Sub-Committee agreed to adjourn the meeting, in order for all parties to consider the further evidence referred to by the Police, and that this be shared with all such parties as soon as possible. Members added that they would be very reluctant to adjourn the meeting again, and that the meeting should be reconvened at the earliest possible date in August.

The meeting closed at 2.45pm.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

19 AUGUST 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 Chris Jenkins, to licence a Logan Skoda Rapid vehicle registration number CF63 OFS as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 30 January 2014.
- 4.2 The completed vehicle application was submitted on 28 July 2014. On 25 July 2014, the vehicle was viewed by a Licensing Enforcement Officer and the recorded mileage was 14 miles. Therefore, no service history is provided with this application as the vehicle is less than 12 months old and has less than 10,000 miles recorded.
- 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 not purchased the vehicle and has 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
13 August 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

19 AUGUST 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 black Mercedes Benz, vehicle registration number SIL 66 as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 30 March 2011. The applicant has provided full service history with this application. The first service was carried out on 19 April 2012 and the recorded mileage was 8150 miles. The second service was carried out on 11 June 2013 and the recorded mileage was 16774 miles. The third service was carried out on 18 March 2014 and the recorded mileage was 24768 miles. The last service was carried out on 18 June 2014 and the recorded mileage was 44591 miles. The applicant has also provided a MOT certificate this was also carried out on 28 March 2014 at 24768 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.”

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
13 August 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
MOT certificate
Vehicle Service History

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

19 AUGUST 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 James Bickerstaff to licence a Vauxhall Insignia, vehicle registration number B15 CKE as a private hire vehicle to seat 4 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 June 2010. The applicant has provided a full service history with this application. The first service was carried out on 2 April 2011 and the recorded mileage was 19160 miles. The second service was carried out on 24 February 2012 and the recorded mileage was 38211 miles. The third service was carried out on 7 December 2012 and the recorded mileage was 57278 miles and the last service was carried out on 4 November 2013 and the recorded mileage was 76012 miles. An MOT certificate has not been provided with the application.

- 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
13 August 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

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By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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