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**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**  
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Ask for / Gofynnwch am: M A Galvin

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

**Date / Dyddiad:** 8 Tachwedd 2014

Dear Councillor,

**LICENSING SUB-COMMITTEE B**

A meeting of the Licensing Sub-Committee B will be held in Committee Room 1, Civic Offices Angel Street Bridgend CF31 4WB on **Dydd Mawrth, 11 Tachwedd 2014 at 10.00 am.**

**AGENDA**

1. Ymddiheuriadau am absenoldeb  
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Cymeradwyaeth Cofnodion 3 - 22  
To receive for approval the public minutes of a Licensing Sub-Committee dated 19 August 2014, 28 August 2014, 5 September 2014, and 16 September 2014.
3. Datganiadau o fuddiant  
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 to Licence Private Hire Vehicle 23 - 26
5. Application to Licence Private Hire Vehicle 27 - 30
6. 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The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 Act to consider these items in private, the public will be excluded from the meeting during such consideration.

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- |     |   |         |
|-----|---|---------|
| 7.  | <u>Approval of Exempt Minutes</u><br>To receive for approval the confidential minutes of a Licensing Sub-Committee dated 19 August 2014, 28 August 2014, 16 September 2014.   | 31 - 40 |
| 8.  | <u>Application for Grant of New Licence</u>   | 41 - 46 |
| 9.  | <u>Application for Grant of New licence</u>   | 47 - 50 |
| 10. | <u>Application for Renewal of Licence</u>   | 51 - 54 |
| 11. | <u>Application for Renewal of Licence</u>   | 55 - 58 |
| 12. | <u>Application for Renewal of Licence</u>   | 59 - 62 |
| 13. | <u>Application for Renewal of Licence</u>   | 63 - 66 |
| 14. | <u>To Re-Admit Members of the Public</u>  |         |
| 15. | <u>Materion Brys</u><br>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:

GW Davies MBE  
PA Davies  
E Dodd

Councillors

CJ James  
PN John  
DRW Lewis

Councillors

DG Owen

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 19 AUGUST 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

Councillors

P A Davies

P N John

G W Davies MBE

D G Owen

E Dodd

Officers:-

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

411 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member for the reason so stated:-

Councillor C J James - In Hospital

MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of the meeting of the Licensing Sub-Committee of 24 June and the minutes of the Special Meeting of the Licensing Sub-Committee of 25 June 2014 be approved as a true and accurate record.

412 DECLARATIONS OF INTEREST

None.

413 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 Chris Jenkins to licence a Skoda Rapid vehicle registration number CF63 OFS 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 38 miles.

The Sub-Committee was informed by the Licencing and Registration Officer that the date of the first registration of the vehicle was 30 January 2014. As the vehicle was less than 12 months old and had less than 10,000 miles recorded there was no service history provided. 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.

The applicant informed the Sub-Committee that he had acquired this vehicle to replace an older vehicle in his fleet and that this vehicle had been on the forecourt of the dealership since its first registration.

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

RESOLVED: The Sub-Committee considered the application to licence a Skoda Rapid vehicle registration number CF63 OFS as a hackney carriage vehicle to seat four persons and granted the licence in view of the exceptional quality of the vehicle.

414 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 Richard David Singleton to licence a black Mercedes Benz vehicle registration number SIL 66 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 58,926 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle is pre-owned being first registered at the DVLA on 30 March 2011. The applicant had provided a full service history with the application and an MOT certificate which was carried out on 28 March 2014 at 24,768 miles. 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.

The applicant informed the Sub-Committee that he intended to use the vehicle within his chauffeur business and since acquiring the vehicle had used it on a private contract for a specific job every day which had significantly contributed to the high mileage. He had also used the vehicle as a wedding car and at funerals. In the event of his application being successful, he intended to use the vehicle for airport runs, particularly to Heathrow Airport, which was the bulk of his business.

The applicant informed the Sub-Committee that there had been a long delay with the DVLA in getting the car registered as it was originally purchased in the applicant's company's name, which delayed him in applying for a private hire vehicle licence.

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

RESOLVED: That the Sub-Committee considered the application to licence a Mercedes Benz vehicle registration number SIL 66 as a Private Hire Vehicle to seat four persons. Although the application was outside the Policy, the Sub-Committee had considered the exceptional quality of the vehicle and granted the licence.

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

The Applicant was present in support of his application and on inspecting the vehicle the Sub-Committee confirmed mileage as being 87,135 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle is pre-owned and was first registered at the DVLA on 1 June 2010. The Applicant had provided a full service history for the vehicle, but had not provided an MOT certificate, although had confirmed to the Sub-Committee that he was in possession of a valid MOT certificate. 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.

The Applicant informed the Sub-Committee that he had intended purchasing a brand new vehicle; however the cost had been prohibitive and had purchased this vehicle instead. He also informed the Sub-Committee that he drives for Driven Taxis of Porthcawl.

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

RESOLVED: That the Sub-Committee considered the application to licence a Vauxhall Insignia vehicle registration number B15 CKE as a private hire vehicle. The Sub-Committee considered that in light of the above and having considered the condition and appearance of the vehicle and the statements made the by the Applicant granted the application for a Private Hire Vehicle License in view of the exceptional quality of the vehicle.

416 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>
417	Exempt Minutes of the Licensing Sub-Committee of 24 June 2014.
418	Application for renewal of Hackney Carriage and Private Hire Vehicle licence.

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 28 AUGUST 2014 AT 10.00AM

Present:

Councillor D R W Lewis – Chairperson  
Councillor E M Dodd  
Councillor D G Owen

Officers:

R Morris - Senior Licensing Assistant  
S Jones - Licensing Assistant  
A Lee - Legal Officer  
J Monks - Democratic Services Officer – Committees

Invitees:

P A Rose - Applicant  
N Singh - Proposed Designated Premises Supervisor  
A Harries - Solicitor for the Applicant

South Wales Police Representatives

P C Ellis - South Wales Police  
C Gould - Solicitor for South Wales Police

5 APOLOGIES FOR ABSENCE

None.

6 DECLARATIONS OF INTEREST

None.

7 LICENSING ACT 2003: SECTION 17  
APPLICATION FOR NEW PREMISES LICENCE  
FOX & HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND

The Senior Licensing Assistant reported that an application had been made by Mr Paul Anthony Rose for a new Premises Licence for the above premises. She stated that the premises was described as a public house.

The application was for a new Premises Licence which authorises the supply of alcohol premises, Sunday to Thursday from 1130 to 2300 hours and Friday and Saturday from 1130 to 0000 hours. Non-standard timings on Christmas Day for the supply of alcohol would be restricted to 1200 – 1500 hours and 1900 to 2230 hours and on Good Friday from 1200 to 2300 hours. Recorded music was also applied for at the same timings as the supply of alcohol, with live music on Saturday nights from 2100 to 2245 hours and on Sunday nights from 1700 to 1900 hours only. The application also requested for the premises to close to the public with a wind down time of 30 minutes after the end of the supply of alcohol, to include the non-standard timings.

She reported that representations had been received from the South Wales Police attached at Appendix B to the report, with copies having been forwarded to the applicant, Mr Rose, for his consideration.

She informed the Sub-Committee that since those representations were circulated, the Licensing Department had received a letter from the South Wales Police dated the 22<sup>nd</sup> August 2014, in respect of the application, wishing to redact in its entirety the disclosure in the confidential report solely relating to the applicant, as the convictions did not relate to him and therefore were not relevant. The letter was circulated to all Members.

Ms Harries, on behalf of Mr Rose, informed the Committee that the application related to long-established licensed premises built in 1913, and as far as Mr Rose was aware, it had operated continually as a licensed premises until 2012 when the Premises Licence Holder at that time, Mr Kevin Williams, had decided to step down from running the premises due to ill health. Based on information given to Mr Rose by Mr Williams' wife, there was doubt as to whether the licence was surrendered as Mr Williams was suffering from memory problems and had no recollection. She advised that the application was therefore proceeding as a new application.

Ms Harries referred the Committee to the Home Office guidance in that each application should be considered on its own merits and stated that the Police representations against the application related to the manner in which the premises was operated by the previous Premises Licence Holder from 2010 until 2012 when he ceased trading from the premises, which she stressed had nothing to do with this application.

She informed the Committee that Mr Rose was of completely clean character and was seeking a full time career in the licensed trade, and fully intended to co-operate with the Licensing Department and the Police. He was aware of the problems in the way the premises had been operated in the past. She reported that Mr Rose attended a Premises Licence Holder training course on the 20<sup>th</sup> August 2014 which he passed and was awaiting written confirmation, after which it was his intention to apply for a Personal Licence and seek to be a Designated Premises Supervisor to replace Mr Singh, which was a temporary measure, as he had always intended to be hands-on at the premises.

Ms Harries commented that the application was fairly limited for permission to sell alcohol, with recorded music via a juke box on demand, with live music restricted to Saturday evenings and Sunday afternoons. The application also requested a slight extension of 30 minutes wind down time to the licensing hours, which reflected the hours previously operated at the premises. She informed Members that Mr Rose was looking to install CCTV at the premises, and had received quotations for the installation of six cameras inside and two cameras outside, as there was only one entrance and exit to the premises; however he was awaiting the outcome of this application before proceeding. She further informed Members that Mr Rose was aware of the difficulties around underage drinking, as experienced by the previous Premises Licence Holder, and had attended a relevant training course and would exhibit 'Drink 25' notices at the premises. He was also fully aware of the need for a suitable security system to be put in place at the premises.

Ms Harries then referred to the fact that Mr Rose had opened the premises in good faith on the 23<sup>rd</sup> May this year, after checking the position with Mrs Williams who had assured him that there was a valid Premises Licence in place. She informed Members that it was not usual for Premises Licences to be surrendered from someone who was retiring, as it usually formed part of the sale and the new owner would then apply for a transfer of the Licence. On the 17<sup>th</sup> June 2014, the applicant received a telephone call from PC Ellis, advising him that the Premises Licence had been surrendered and therefore he was operating illegally, after which Mr Rose immediately closed the premises and attended the Licensing Department in order to discuss the situation with the Licensing Officer, which resulted in his application.

Ms Harries concluded, by requesting the Committee to grant the application subject to appropriate conditions, as Mr Rose intended to make this his livelihood and provide an additional facility and amenity for the local community. She reiterated that Mr Rose did not



intend to repeat the problems encountered by the previous Licence Holder and would run the premises in a responsible manner.

Mr Rose informed Members that he had no previous experience in the licensing trade; however he had attended the relevant course which he had passed and was aware of the legal obligations and responsibilities of a Designated Premises Supervisor. He referred to the period between 2010 and 2012 when the premises was run by Mr Neil Williams, the previous owner's son, along with a friend, and explained that during that period underage drinking regularly took place at the pub. Mr Rose advised that he did visit the pub on occasions and commented that it had a bad reputation and was being run as a "knocking shop". The two friends subsequently fell out and it was left to Mr Williams Senior to continue running the pub during the last few months before it closed. Mr Rose informed the Sub-Committee that he was a good friend of Mr Neil Williams, but did not regard him as a good businessman.

Mr Rose continued by saying that he had invested his redundancy money in the pub and intended to run the premises himself on a full time basis. He wanted to get the pub up and running with a view to buying it, therefore it was in his best interests to run it properly.

Ms Harries asked Mr Rose whether he had employed registered door staff during the three week period when the premises was open by him.

Mr Rose informed Members that three days prior to opening the pub, one of his bar staff had contacted a local security firm requesting two door staff and the same two were on duty at the pub for the three weekends it was open. An incident had taken place outside the premises on the 14<sup>th</sup> June when it was brought to his attention that one of the door staff had actually had his licence revoked. He assured the Sub-Committee that he would ensure future door staff were properly registered, and he had taken the advice of PC Ellis to check the relevant listings on the SIA website. He advised that if the application was granted he would be employing security staff to be on duty on Friday and Saturday nights, and that no children would be admitted. Four staff would be employed and he would ensure that they received full training. He would also be expecting each of them to obtain a Personal Licence.

Mr Rose reported that with regard to the role of the Premises Licence Holder he was proposing Mr Singh to undertake the role on a temporary basis until such time as he is granted a Premises Licence. He informed Members that Mr Singh worked part time in the Post Office next door to the Fox and Hounds and was available on a daily basis to assist at the pub. He confirmed that Mr Singh currently held a Premises Licence.

One Member stated that during the three weeks this year when the Fox and Hounds was opened, he had personally witnessed a considerable number of people standing outside the pub drinking alcohol and smoking, with crowd spilling out onto the main road, despite door staff being present.

Mr Rose explained that he did not allow glasses and bottles to be taken out of the pub and there were signs posted inside the pub to that effect. With regard to smoking, he had subsequently created a smoking area at the rear of pub where smokers could go.

Another Member asked whether security staff had been considered at the pub on Sunday afternoons when it was proposed to have live music events.

Mr Rose advised that he would only be expecting between 10 and 15 people at those events and it would not be worthwhile therefore to employ door staff. In response to a question from Members, he advised that should the number of people attending increase, such as a Bank Holiday, then door staff would be in attendance.

A Member asked Mr Rose his reasons for wanting to take over a pub which had a bad reputation, and how he intended to turn it around.

Mr Rose explained that the pub was a popular venue within the community and although it had a bad history, he did not intend to run it in that way and was willing to work alongside the Licensing Authority and the Police to do whatever it took. The feedback he had received in the three weeks it was open had been that customers had commented how much better the pub was being run.

Another Member asked Mr Rose why he had requested an extension on Friday and Saturday nights as the previous licence was until 11.00pm.

Mr Rose explained that he believed it would be an advantage to close 30 minutes after the other licensed venues in the area had closed.

8 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 No:</u>	<u>Summary of Item:</u>
9	To consider the proposed Premises Licence Holder.

10 LICENSING ACT 2003: SECTION 17  
APPLICATION FOR PREMISES LICENCE  
FOX AND HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND

The Chairperson then invited the South Wales Police to outline their objections to the application.

Ms Gould commenced by informing the Committee that it was not usual for the Police to object to a new Premises Licence; however in this case they had no alternative. She explained that the Fox and Hounds was opened illegally for a period of three weeks, during which time three offences were committed:

- Operating without a Premises Licence
- Failing to display a Premises Licence
- Employing illegal door staff

She informed the Sub-Committee that it had taken Mr Rose 4 ½ months to apply for a Designated Premises Supervisor Licence, and maintained that neither Mr Rose nor Mr Singh had any idea of their legal obligations to inform the Licensing Authority of any relevant convictions. Also, there was an incident of public disorder which took place outside the Fox and Hounds on the night of the 14<sup>th</sup> June 2014. She advised that as a result of the three offences and one incident of public disorder, the Police had grave concerns as to whether the Licence should be granted.

PC Ellis referred the Sub-Committee to the fact that the previous owner, Mr Williams, suffered health issues and his wife had stated that he had no memory of surrendering the Premises Licence before he became ill.

PC Ellis advised that the pub was situated in the heart of the commercial area of the Ogmore Valley with four licensed venues, a takeaway and Off-licence within the vicinity, with numerous dwellings located to the rear, front and sides of the Fox and Hounds, and the application if approved would impact on those properties.

PC Ellis informed the Sub-Committee that on the 17<sup>th</sup> June 2014 Mr Rose was served with a warning letter by South Wales Police relating to him committing offences contrary to Section 136 of the Act of engaging in licensable activity without a Premises Licence, which he stated were the most serious offences incurring maximum penalties of imprisonment and/or a heavy fine. He informed the Sub-Committee that Mr Rose had simultaneously committed the most serious of offences under the Private Security Industry Act 2001 by employing a doorman who was unlicensed, which carries a severe maximum penalty of imprisonment and/or a heavy fine. He reported that what was more disturbing was the fact that the SIA had revoked the doorman's authorisation in November 2013 due to his having committed an act of violence.

PC Ellis reported that on the evening of the 14<sup>th</sup> June 2014 a female taxi driver parked outside the Fox and Hounds to pick up a fare. A large group of people were inside the pub, including a hen party and numerous customers were drinking alcohol in the street directly outside. There were two door staff on duty at the time. Some of the customers started to play fight and fell against the side of the taxi causing an indentation to the bodywork. The situation was such that the taxi driver requested police assistance via the emergency 999 system, reporting that her vehicle was being damaged, and one of the persons had attempted to remove the keys from the ignition. She further stated that the door staff were doing nothing to stop it. Police attended at the scene whereupon the taxi driver claimed that the damage would cost £5,000 to repair. The matter was dealt with when the

perpetrator agreed to pay for the repairs if they were proportionate to the cost of the damage which was disputed.

PC Ellis advised that the authorisation for this venue was surrendered in 2012 and in relation to the offence of operating without a Premises Licence, Mr Rose could have simply logged onto the Council's website where he could check the details of all licensed venues within the Borough. Similarly, the SIA maintain a public register, also easily accessed via the internet, of former licence holders whose licences had been revoked or suspended. Within minutes of logging onto both sites, Mr Rose would have been able to determine whether the premises and the door staff were appropriately authorised. Alternatively, he could have contacted either South Wales Police or the Licensing Authority, which the Home Office Guidance actively encouraged.

PC Ellis commented that not only were the offences committed of a serious nature, but the premises had clearly "reverted to type" as the incident was the subject of a 999 emergency call and had occurred late on a Saturday night. PC Ellis maintained that if Mr Rose thought that the venue was licensed but had not had sight of it, then he would not have known how to operate the premises in accordance with the conditions. Information was subsequently brought to the attention of the Police that Mr Rose had been operating without a licence since 23<sup>rd</sup> May 2014. He added that common sense would have told him that one cannot simply walk into a venue presumed to be licensed and run it. Given such circumstances, PC Ellis stated that South Wales Police did not believe that Mr Rose was a suitable person to hold a Premises Licence.

PC Ellis referred the Committee to Appendix C of the bundle which listed the reported incidents at the Fox and Hounds since 2010 when Mr Kevin Williams, the previous Licence Holder, was placed on an action plan.

PC Ellis referred to Mr Rose's claim that children under the age of 16 would not be permitted on the premises at any time, which he advised Members would therefore not benefit families who are part of the community, and in any event it was not enforceable.

PC Ellis advised that Mr Rose had not stipulated how many SIA security staff would be employed under his proposal to extend the opening hours. Also, Mr Rose was only proposing to employ two door staff on Friday and Saturday nights, and would be expected to undertake visual checks throughout the ground floor of the premises both internally and externally. However, PC Ellis advised that Mr Rose would be in breach of the Licensing Conditions if one of the door staff were to leave the entrance at any time. Also, Mr Rose only proposed keeping an Incident Log available for inspection and would liaise with the local Police for advice; however this was merely a proposal and not a condition. The premises had never previously had CCTV installed and Mr Rose was now seeking quotations for the installation however PC Ellis pointed out that this was not a statement, not a condition and therefore was not enforceable.

The application stated that the property was of solid stone construction throughout and catered for the local community. PC Ellis advised that this should have appeared on page 11 of the application under Guidance Note 1, which requires an applicant to give a general description of the premises. He pointed out that this was not a proposal compatible with Guidance Note 9, which requires applicants to list the steps they would take to promote all four licensing objectives.

11 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 No:</u>	<u>Summary of Item:</u>
?	To consider the proposed Premises Licence Holder.

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13 LICENSING ACT 2003: SECTION 17  
APPLICATION FOR PREMISES LICENCE  
FOX AND HOUNDS, HIGH STREET, OGMORE VALE, BRIDGEND ... (Contd)

The Chairperson then invited both parties to give their closing statements.

The Applicant's Closing Summary

Ms Harries, on behalf of the applicant, advised that it was mandatory for each application to be considered on its own merits. She explained that Mr Rose had informed the Committee of his intention to make managing the pub his livelihood and would be hands-on, with no wish to repeat the problems Mr Williams had encountered. Mr Rose understands the significance of a Personal Licence and Premises Licence and would apply to become a Designated Premises Supervisor (DPS) as soon as he had been granted his Personal Licence.

She continued by saying that Mr Rose accepted he was misled by Mr Singh in that he had not discussed with him the relevant conviction; however the second conviction was not relevant to the application. She explained that Mr Rose's intention had been for Mr Singh to be the temporary DPS, and it was his wish to be granted a licence today.

She advised that the Committee had heard Mr Rose's proposal and the Police representations against the application; the vast majority being related to the previous Licence Holder and the problems in the way he had run the premises. As the premises had been closed for two years, she did not believe that Mr Rose should be tarred with the same brush. Mr Rose was going into the pub fully aware of the problems and had made it clear that he was determined not to repeat those problems with his tenure at the premises.

She informed the Committee that Mr Rose did not want to formalise arrangements with the Williams family by way of a lease or purchase of the premises, prior to being granted a Premises Licence as he considered that it would be a waste of his money should he not be successful. With regard to the Premises Licence, she stated that Mr Rose had requested a slight increase in the trading hours on Friday and Saturday nights, with the premises closing 30 minutes after the other licensed premises in the vicinity to ensure that his customers would not be in the streets with those customers. Mr Rose was prepared to offer a condition in that there would be no admission to the premises after 11.30pm if the Committee felt that the migration of customers from one venue to another might be problematic. She added that this was a common condition to put on a Premises Licence.

With regard to other conditions, she advised that Mr Rose had addressed them within the licensing objectives and the Committee could impose those as conditions. Referring to the security staff, she advised that Mr Rose had been misled by the owner of the security firm when he employed two door staff into believing that they were both SIA registered. However, he had been informed since by PC Ellis that he could check on-line and would bear that advice in mind and would carry out his own checks in future rather than relying on other people telling him.

The South Wales Police Closing Summary

Ms Gould advised that the South Wales Police were concerned with this application and could not therefore support it in any way. She explained that most licensed premises did not commit three offences in a three year period, let alone in a period of just three weeks, which she stated showed a lack of understanding of Licensing Law. There were also concerns regarding the Williams family who previously ran the Fox and Hounds and were still involved, having overall control of the premises, which was not acceptable to the South Wales Police.

PC Ellis advised that there were a number of factors to prevent the Sub-Committee from granting the application. The recent history of offending by Mr Rose was most serious, not only under the Licensing Act, but also under the Private Security Act. Mr Rose displayed a complete lack of due diligence, a basic requirement of licensing guidance. In relation to Mr Singh, he demonstrated a failure to promote the objectives. Not only was he willing to commit relevant offences whilst being the holder of a Personal Licence, but committed a further licensing offence when he deceived the Licensing Authority by withholding this conviction from them. His actions further impacted on the objectives as the offences committed which led to his convictions and the caution were alcohol related. In fact when he committed criminal damage at a licensed venue he was extremely drunk. He advised that the Fox and Hounds had been a conduit for assaults, public disorder and anti-social behaviour and there had been several contraventions of the previous licence. The majority of calls to South Wales Police are such that they were made via the emergency 999 system and the incident which occurred in June 2014 was the subject of a 999 call, which had suggested that the proposed licensee was carrying on from the previous incumbent and that nothing would change.

In conclusion, PC Ellis advised that the Operating Schedule was overstuffed with statements which were irrelevant and contrary to Guidance Note 9, and the remainder of the proposals were either contradictory, the wording was incorrect, or could not be listed as conditions. Given the content of the Operating Schedule and the history of the persons nominated to fulfil positions of authority, coupled with the history of the Fox and Hounds itself, it was felt that this application would not promote the objectives and therefore PC Ellis requested that the application be refused.

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

RESOLVED: That the Sub-Committee heard the application of Mr Paul Rose for a New Premises Licence in respect of the Fox and Hounds, High Street, Ogmore Vale. The Sub-Committee also heard representations made by the South Wales Police.

The Representative of Mr Rose pointed out to the Sub-Committee that each application had to be treated on its own merits and that most of the representations made by the Police were in relation to the previous Premises Licence Holder of incidents which took place between 2010 and 2012 and which had nothing to do with this application. Mr Rose, when giving evidence, stated that the problems arose at the premises when Mr Neil Williams was running the same. Mr Neil Williams is the son of the previous Licence Holder, Mr Kevin Williams. Mr Rose stated that he knows Mr Neil Williams and that Mr Williams did not run the pub correctly. The Police in their representations stated that they believed that the previous Licence Holder still had an interest in the premises and could interfere with the running of this business. The Police and the applicant agreed that Mr Kevin Williams was suffering from Alzheimer's.

Mr Rose, when giving evidence, stated that he did not have a Lease in respect of the premises and there was no legal agreement between him and the Williams family. When asked what agreement he did have, Mr Rose explained to the Committee that he just had a verbal agreement with the family that he would run the premises if he could get a licence and if it went well, he would then purchase the premises. He had also invested money into the premises which he would get back if someone else purchased the business. It was further agreed that he would not pay rent but keep any



profits and the premises would increase in value if it was licensed. The pub was currently being marketed for sale and has been for the past two years.

The Police also gave evidence that Mr Rose opened the premises on the 23<sup>rd</sup> May 2014 without a licence and remained open until the 14<sup>th</sup> June 2014 when an incident took place outside the premises. A youth, who the Police stated came from the premises, damaged a taxi outside the premises. The Police also gave evidence to state that Mr Rose had employed a doorman who had his licence revoked. A letter was then written to Mr Rose on the 17<sup>th</sup> June 2014 by the Police, advising him that he had committed offences in respect of the premises, namely operating without a licence. Mr Rose gave evidence that he was advised by Mrs Williams, the wife of Mr Kevin Williams, that there was a valid licence in force. Representations were also made that there was no record of the licence being surrendered and that as soon as Mr Rose became aware that he did not have a licence, he immediately made an application for one. It was established that Mrs Williams came to the Council offices personally to surrender the licence as she did not wish to pay the annual fee in respect of the same. Mr Rose stated that he took the word of Mrs Williams when she had informed him that there was a premises licence in place.

The Police also raised objections in respect of the DPS, Mr Singh, in that he had a relevant conviction and a caution. Mr Singh did not inform the Licensing Section of this Authority of his conviction which is an offence under the Licensing Act. Mr Singh gave evidence that he would now immediately notify the Authority in writing of his conviction. Mr Singh also gave evidence that he had no experience in running licensed premises.

The Sub-Committee were persuaded by the Police evidence that the Williams family still had some interest in this business and had authority over Mr Rose. The Sub-Committee made this determination on the basis that no evidence had been put forward by Mr Rose to the contrary. There was no legal agreement in place in respect of these premises. The premises are still owned by the Williams family and legally there was nothing stopping them from running the premises again if a licence was granted in respect of the same.

The Sub-Committee felt that Mr Singh was not a suitable DPS for these premises as he had a relevant conviction under the Licensing Act and he had never run licensed premises previously. Furthermore, the Sub-Committee felt that as a DPS, he should have pointed out to Mr Rose that he should check whether a licence was in place before he opened the premises. The Sub-Committee also felt that Mr Rose did not do anything to check out the position in respect of the licence when opening the premises; he simply took the word of Mrs Williams, which led the Sub-Committee to believe that Mrs Williams had a degree of control over Mr Rose.

The Sub-Committee decided that in order to promote the four licensing objectives, in particular the prevention of crime and disorder, they could not grant a licence in respect of these premises. This decision was made on the basis that there was no evidence put forward that the Williams family are not involved in this business, as there was no legal agreement to contradict this representation made by the Police. This decision was also made on the basis that Mr Rose had already committed three offences under the

Licensing Act 2003 and Mr Singh, the proposed DPS, had also committed an offence under the Act by failing to notify the Council of a relevant conviction.

The meeting closed at 2.20pm.

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 5 SEPTEMBER 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

P A Davies  
G W Davies MBE

Officers:-

R Morris - Senior Licensing and Registration Assistant  
A Lee - Legal Officer  
M A Galvin - Senior Democratic Services Officer - Committees

Representing South Wales Police:

R Davies - Police Barrister  
PC K Ellis

Representing the Three Horseshoes:

C Davies - Solicitor  
D Evans - Premises Licence Holder  
A Williams - Proposed Designated Premises Supervisor

17 APOLOGIES FOR ABSENCE

None.

18 DECLARATIONS OF INTEREST

None.

19 LICENSING ACT 2003 - VARIATION OF DESIGNATED PREMISES SUPERVISOR, THREE HORSESHOES, QUEEN STREET, BRIDGEND

The Chairperson opened the meeting and the necessary introductions were made.

The Legal Officer advised that prior to the report being presented to Members, it was her understanding that the applicant may be requesting an adjournment of the meeting.

The Solicitor acting on behalf of the representatives of the Three Horseshoes explained that this was the case, and the reason for the request was due to the fact that further information over and above that contained in the report had been served on her client separately by the Police after the date the agenda/report had initially been issued. As this had not been served/received until Wednesday of this week, and due to it containing further Police evidence against her client, she had not had time to fully read and respond to this further documentation.

She added that as she wished to fully try and protect her client's best interests, and in order to in turn come back with a response to both this further evidence of the Police as well as the

evidence before the Sub Committee today , she gratefully if Members would consider adjourning the meeting for this purpose.

The Chairperson asked the Police representative's if they were in agreement with this request for adjournment on the above grounds, and they agreed that they were.

- RESOLVED: (1) That the Sub-Committee agreed to adjourn the meeting, and requested that this be reconvened at the earliest possible date convenient to both parties.
- (2) It further instructed that when a date was agreed upon which to reconvene the meeting, then both parties should have with them all the evidence to which they are going to refer to at the meeting, and that this evidence should have been served on all the appropriate parties in advance of the meeting in accordance with the appropriate statutory timescales.

This meeting closed 10.40am.

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN THE COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THUESDAY, 16 SEPTEMBER 2014 AT 10.00AM

Present:

Councillor D R W Lewis - Chairperson

Councillors

E M Dodd

P N John

D G Owen

Officers:

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

20 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following members:

Councillor C J James - Unwell  
Councillor G W Davies - Holiday

21 DECLARATIONS OF INTEREST

Councillor D R W Lewis declared a prejudicial interest under Agenda Item 4 as the appellant is a close neighbour of his. Councillor Lewis then withdrew from the meeting.

22 ELECTION OF CHAIRPERSON

Councillor P N John was elected as Chairperson for the meeting.

23 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.

Minute No:      Summary of Item:

24                      Application for the renewal of a licence to drive Hackney Carriage and Private Hire Vehicles.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

11 November 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 Peyton Travel Ltd to licence a Silver Vauxhall Vivaro vehicle registration number EN60 BYB 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 14 February 2011. The applicant has provided service history showing vehicle was serviced on 5 January 2012 at 15668 miles. Further services were on 16 August 2012 at 30289 miles, 13 February 2013 at 46588 miles and 12 January 2014 at 76255.
- 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.”*

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**  
**5 November 2014**

**Contact Officer:** Yvonne Witchell  
Licensing and Registration Officer

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

**Background documents**

Private Hire Vehicle Application  
Private Hire Policy Guidelines  
Vehicle Service History  
Certificate of Testing

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

11 November 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 Stewart Granville Forrester to licence a Citroen Berlingo, vehicle registration number PJ61 WGE as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 29 February 2014. The applicant has provided a service history with this application. The first service was carried out on 24 April 2012 and the recorded mileage was 10720 miles. An MOT certificate has been provided with the application which was carried out on 7 October 2014. The Odometer reading was 12756.
- 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**  
**5 November 2014**

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### **Background documents**

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

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