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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
Direct line / Deialu uniongyrchol: 01656 643148
Ask for / Gofynnwch am: M A Galvin

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

Date / Dyddiad: 22 Tachwedd 2014

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held in Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Dydd Mawrth, 25 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 - 6
To receive for approval the public minutes of the Special Licensing Act 2003 Sub-Committee of 28 October 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 Hackney Carriage Vehicle 7 - 8
5. Application to Licence Hackney Carriage Vehicle 9 - 10
6. Application to Licence Hackney Carriage Vehicle 11 - 12
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The minutes/reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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

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

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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 Exempt Minutes 13 - 14
To receive for approval the exempt minutes of the Licensing Sub-Committee of 28 October 2014.
9. Application for Grant of New Licence 15 - 18
10. To Re-Admit Members of the Public
11. Materion Brys
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 James
RD Jenkins
B Jones

Councillors

JE Lewis
HE Morgan
E Venables

Councillors

R Williams

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 28 OCTOBER 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

R D Jenkins

J E Lewis

H E Morgan

Officers:

L Jones - Head of Regulatory Services
R Hodgkinson - Legal Officer
J Monks - Democratic Services Officer - Committees

432 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member:

Councillor P James - Personal
Councillor E Venables - Holiday

433 MINUTES OF A PREVIOUS MEETING

RESOLVED: That the public minutes of a special meeting of the Licensing Sub-Committee held on the 29th August 2014, and the public minutes of the Licensing Sub-Committee held on the 2nd September and the 2nd October 2014 were approved as a true and accurate record.

434 DECLARATIONS OF INTEREST

Councillor J E Lewis declared a personal and prejudicial interest under Item 8, as the applicant was known to her. Councillor Lewis withdrew from the meeting for this item.

435 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 Llewellyn to licence a silver Mercedes Benz E200 Blue Efficiency, vehicle registration number WF11 UBC, 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 28,813 miles.

The Head of Legal and Regulatory Services informed Members that the vehicle falls outside the vehicle policy due to its age. The vehicle had not been adapted for wheelchair use.

RESOLVED: That the Sub-Committee considered the application to licence a silver Mercedes Benz E200 Blue Efficiency as a Private Hire Vehicle.

The Sub-Committee concluded that the vehicle was in an exceptional condition and therefore granted the Licence.

436 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 Stephen Munro to licence a Skoda Superb vehicle, registration number CE54 HJO as a Hackney Carriage vehicle to seat four persons.

The Sub-Committee inspected the vehicle and confirmed the mileage as being 440,493 miles.

The Head of Legal and Regulatory Services informed the Sub-Committee that the vehicle was first registered in October 2004 with Bridgend County Borough Council and the vehicle licence expired on the 8th October 2014. He referred Members to paragraph 2.5 of the policy guidelines, which stipulates that if an applicant fails to renew an existing licence before the expiry date, any subsequent application must be treated as one grant. As the vehicle did not fall under the category of exceptional circumstances, the application should be judged on its own merits. He advised that the vehicle had not been adapted for wheelchair use.

The Sub-Committee then questioned Mr Munro, who confirmed that he had not had any accidents in the vehicle, and that the MOT had expired on the 8th October 2014. He informed Members that the vehicle was last tested on the 6th June 2014.

Mr Munro explained that his licence was not renewed on time as he had misinterpreted the expiry date on the correspondence he received from the Licensing Department. Licence renewal reminders were sent to Mr Munro by post and e-mail.

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

RESOLVED: That the Sub-Committee, having viewed the vehicle and noted its condition, found that it clearly showed its age.

The Sub-Committee considered carefully the policy provisions within which they must formulate their decision.

The Sub-Committee considered the explanation offered by Mr Munro as to why his licence was not renewed on time. Whilst noting his claim to have misunderstood the date of renewal, it was also noted that reminders were sent to him by letter and e-mail. The Sub-Committee was of the view that it was Mr Munro's responsibility to renew his licence and he had reasonable opportunity to do so.

The Sub-Committee could not take into account these circumstances under the relaxation of policy provision and even if they could, the vehicle did not satisfy any of the criteria to which the Sub-Committee must have regard under paragraph 2.5 of the policy guidelines.

Accordingly, the Sub-Committee felt unable to grant a licence for a hackney carriage vehicle licence and the application was refused.

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 Items:</u>
437	Confidential minutes of meetings of the Licensing Sub-Committee held on the 2 nd September and the 2 nd October 2014.
438	Disciplinary Hearing for existing Licence Holder.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

25 NOVEMBER 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 the 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 Stephen Munro, to licence a vehicle registration number MK64 UEZ as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 30 September 2014.
- 4.2 The applicant submitted the application on 6 November 2014. On 10 November 2014, the mileage was 290 on viewing.
- 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:

(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) 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, so this case must be dealt with on its merits.

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

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

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

7. Financial Implications.

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

8. Recommendation.

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

Andrew Jolley
Assistant Chief Executive Legal and Regulatory Services
19 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

Hackney Carriage Vehicle Application Form
Hackney Carriage Policy Guidelines

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4. Current situation / proposal.

- 4.1 Application is made by Stephen Munro, to licence a vehicle registration number MK64 UFB as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 30 September 2014.
- 4.2 The applicant submitted the application on 6 November 2014. On 10 November 2014, the mileage was 333 on viewing.
- 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:

(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.

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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.

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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.

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

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4. Current situation / proposal.

- 4.1 Application is made by Stephen Munro, to licence a vehicle registration number MK64 UFZ as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle is 30 September 2014.
- 4.2 The applicant submitted the application on 6 November 2014. On 10 November 2014, the mileage was 249 on viewing.
- 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:

(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.

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

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