

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 27 OCTOBER 2015 AT 10.00 AM

Present

Councillor R Williams – Chairperson

P James

RD Jenkins

JE Lewis

HE Morgan

Officers:

Katia Daw

Lawyer

Rachel Morris

Andrew Rees

Senior Democratic Services Officer - Committees

41. APOLOGIES FOR ABSENCE

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

Councillor B Jones – Dental appointment

Councillor E Venables – Holiday.

42. DECLARATIONS OF INTEREST

None.

43. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Act 2003 Sub-Committee of 28 August 2015 be accepted as a true and accurate record.

44. APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE

The Senior Licensing Assistant submitted a report regarding an application by Mr Paul A Brain to licence a silver Ford Tourneo registration number M6 PEY as a wheelchair accessible private hire vehicle to seat 8 persons. The vehicle had previously been licensed with the Council from 2011 until its expiry on 15 September 2015.

Mr Stephen Griffiths attended on behalf of the applicant in support of the application and the Sub-Committee adjourned the meeting in order to view the vehicle.

On inspecting the vehicle, the mileage was confirmed as being 110,000 miles.

Mr Griffiths explained that the expiry of the licence had been due to an oversight on the part of Mr Brain who operated a fleet of 75 vehicles.

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The Senior Licensing Assistant informed the Sub-Committee that 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 Sub-Committee retired to consider the application further on their return it was:

RESOLVED: That the Sub-Committee has considered the application to licence the silver Ford Tourneo registration number M6 PEY. The Sub-Committee has considered the fact it was previously licensed and the reasons why it had not been renewed.

The Sub-Committee has also considered the special policy considerations applicable for wheelchair accessible vehicles as well as the exceptional quality of the vehicle. The Sub-Committee has taken into account paragraphs 2.1, 2.2.3, 2.2.4 and 2.2.5 of its policy and granted the renewal of the licence.

45. URGENT ITEMS

There were no urgent items.

46. 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.

47. APPLICATION FOR GRANT OF NEW LICENCE

The Assistant Chief Executive - Legal and Regulatory Services submitted an exempt report regarding the following application for the grant of a licence to drive Hackney Carriage and Private Hire Vehicles.

Mr Leigh Jenkins

13 Bank Street

Maesteg

The applicant appeared before the Sub-Committee and confirmed his name and address and the accuracy of the report and was offered the opportunity to make representations in support of his application.

The Senior Licensing Assistant asked the applicant whether he was aware of any pending proceedings, including summonses, fixed penalty notices or similar or any other circumstances which had changed since she had signed the declaration on the application form. The applicant confirmed that there were no matters pending the Courts, including summonses, fixed penalty notices or similar or any other circumstances.

The Senior Licensing Assistant informed the Sub-Committee that the applicant had been summoned to appear before it due to him being convicted of the offence of dangerous driving in March 2009 and for exceeding the statutory speed limit on a public road in August 2014. In relation to the conviction for dangerous driving, the applicant explained that he was driving home from work in Swansea where he had been working as an electrician. He was driving along Fabian Way, Swansea joining the M4 and he accelerated to change lane to avoid colliding with another vehicle which resulted in him losing control of his vehicle and crashing into the central reservation. He was driving between 75-80mph at the time. The applicant explained that he sustained a number of injuries which meant that he had to spend a considerable time in hospital and that he could no longer work as an electrician. He stated that this was the best and the worst thing to have happened to him as he had since changed his outlook on life.

In relation to the conviction for exceeding the statutory speed limit, the applicant explained that it had taken place on Tremains Road, Bridgend when he was recorded driving at 36mph in a 30mph speed limit. The applicant did not have a clear recollection of the incident but believed he may have been accelerating down the hill.

The applicant informed the Sub-Committee that in the event of his application being successful he had been offered employment with Radio Cabs which would enable his son to live with him. The applicant stated that he was at present employed at Leekes in Melksham.

The Senior Licensing Assistant informed the Sub-Committee that paragraphs 2.3 and 2.4 relating to traffic offences and major traffic offences respectively were applicable to this case.

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

RESOLVED: That the Sub-Committee has considered the application for new licence and in particular the two convictions.

In relation to the conviction for dangerous driving in 2009, the Sub-Committee has heard the applicant's mitigation and apology. The incident took place at Fabian Way in Swansea as the applicant joined the M4. The applicant had explained that he was accelerating to change lane but had to swerve to avoid another car and this resulted in a collision with the central reservation. The applicant explained that he was rushing and speeding at the time, doing 75-80mph. The applicant also explained the injuries he suffered as a result meant he had to spend considerable time in hospital and he could

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no longer work as an electrician. The applicant had stated this was both the worse and best thing that had ever happened to him as it had changed his outlook on life.

In relation to the second conviction, the applicant had been speeding on Tremains Road in Bridgend. The applicant was doing 36mph in a 30mph limit. The applicant could not remember the incident but believed he may have been accelerating going down a hill. The Sub-Committee believes this to be an isolated speeding offence.

The Sub-Committee has heard the applicant's reasons for wanting to be a driver and his genuine remorse. The Sub-Committee has considered paragraphs 2.3 and 2.4 of the policy and granted the application by Mr Leigh Jenkins for a licence to drive hackney carriage and private hire vehicles.

The meeting closed at 10.34 am