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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: Mark Anthony Galvin

Date / Dyddiad: 21 October 2015

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held in Committee Rooms 2/3, Civic Offices, Angel Street, Bridgend CF31 4WB on **Tuesday, 27 October 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. 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.
3. Approval of Minutes 3 - 6
To receive for approval the public Minutes of a meeting of the Licensing Sub-Committee held on 28 August 2015
4. Application To Licence A Private Hire Vehicle 7 - 10
5. 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.
6. Exclusion of the Public
The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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

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such consideration.

7. Application For Grant Of New Licence

11 - 14

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 ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 28 AUGUST 2015 AT 11.35AM

Present

Councillor R Williams – Chairperson

HE Morgan

B Jones

Officers:

Katia Daw

Lawyer

Yvonne Witchell

Licensing & Registration Manager

Andrew Rees

Senior Democratic Services Officer - Committees

Representing South
Police

Inspector J

PC K Ellis

Representing
Bridgend County
Borough Council

Matthew Jones

Environmental Health Officer

Representing the
Premises Licence
Holder

Mr R Hopkins

Premises Licence Holder

Mr R Keeble

Business Partner

Mr J Keeble

Manager of Premises

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. LICENSING ACT 2003: SECTION 34 APPLICATION FOR VARIATION OF PREMISES LICENCE - ROUTE 66 (FORMERLY HARWOODS), 17 COMMERCIAL STREET, MAESTEG

The Licensing and Registration Officer informed the Sub-Committee that the applicant has had discussions with the responsible authorities this morning prior to the commencement of the hearing.

The Licensing and Registration Officer reported on an application to vary the current licence to extend the timings for the licensable activities for the sale of alcohol, live music, recorded music, performance of dance which licensing activities are already

permitted in the current premises licence at the times specified on the licence. She stated that the key features of the variation application are to extend the hours of licensable activities as follows:

- | | |
|-----------------------------|---|
| Sale by retail of alcohol - | Monday-Tuesday 1000-0200 hours Wednesday to Sunday 1000-0300 hours |
| Recorded music - | Monday-Tuesday 1000-0230 hours Wednesday to Sunday 1000-0330 hours |
| Live music - | Monday-Tuesday 1000-0030 hours and Wednesday to Sunday 1000-0100 hours |
| Hours open to the public - | Monday –Tuesday 1000-0230 hours Wednesday 0300 hours and Thursday to Friday 1000-0330 hours |

The Licensing and Registration Officer informed the Sub-Committee that the application includes seasonal variations for the 14 day period before and after Christmas and for British summertime. She also stated that the plan accompanying the application included a new decking area on the lower ground floor which is marked as a fire exit but where no licensable activities are to take place.

In response to a question from the Licensing and Registration Officer in which she requested clarification of the proposed hours, the applicant confirmed that he proposed to open the premises to the public on Wednesdays until 0300 hours.

The Licensing and Registration Officer informed the Sub-Committee that representations had been received from South Wales Police, the Licensing Authority and the Environmental Health Department. Those representations had been agreed prior to the commencement of the hearing. The Environmental Health Officer informed the Sub-Committee that the Department did not consider the timings proposed in the application did not promote the licensing objective of the prevention of public nuisance and prevention of children from harm. As a result of discussions held with the applicant this morning he had agreed revised timings for licensable activities from Monday to Saturday and Sundays which precede Bank Holiday Mondays until 0200 hours.

The applicant confirmed the above revised hours had been agreed with the Environmental Health Department.

The applicant requested an adjournment of the hearing as he needed to seek clarification from the Planning Department as to the proposed floor layout. There may also be a need for a new application for the premises as the plans for the premises may require a substantial variation.

PC Ellis stated that he fully supported the request by the applicant for an adjournment.

The Sub-Committee adjourned at 11.40am to consider the request for an adjournment and re-convened at 11.43am.

The Chairperson informed all parties that the Sub-Committee is prepared to grant the request of the applicant for an adjournment.

The Legal Officer advised that a substantial variation to the premises licence would require a new application to be made as s.36(6)(b) prevents a variation of a license to vary substantially the premises. The Legal Officer also advised that, should the application for variation proceed as currently outlined, the Sub-Committee is minded to

LICENSING ACT 2003 SUB-COMMITTEE (A) - FRIDAY, 28 AUGUST 2015

undertake a sit visit to the premises to enable it to take a view as to whether the proposals are a substantial variation to the premises licence.

RESOLVED: That the Sub-Committee stand adjourned.

The applicant requested that, if possible, the hearing take place prior to 17 September 2015 as he is due to have an operation. He can attend after this date but will need his business partner to speak on his behalf.

The meeting closed at 11.47 am

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

27 October 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE A PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider the application to grant a licence for a wheelchair accessible 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 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 date of first registration of the vehicle was 23 May 2007.
- 4.2 The vehicle was previously licensed with Bridgend County Borough Council from 2011 onwards. The licence expired on 15 September 2015.
- 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 2.2.3) 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 2.2.4.)The licensee of any vehicle licensed under the Council's special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc that are necessary. The maximum seating capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair.

(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.”

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

4.4.1 This case is referred to the Licensing Sub-Committee 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 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
21 October 2015

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 Form
Private Hire Policy Guidelines
Vehicle Testing History

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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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