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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: Mr Mark Anthony Galvin

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

Date / Dyddiad: 9 March 2016

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, 15 March 2016 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
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 the Licensing Sub-Committee of 19 January 2016.
4. Application To Licence Private Hire Vehicle 7 - 10
5. Exclusion of the Public
The reports and minutes relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.
6. Approval of Exempt Minutes 11 - 14
To receive for approval the exempt Minutes of a meeting of the Licensing Sub-Committee held on 19 January 2016.

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7. Application For Grant Of New Licence 15 - 20
8. Application For Renewal Of Licence 21 - 24
9. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

P James
RM James
RD Jenkins

Councillors

JE Lewis
HE Morgan
E Venables

Councillors

R Williams

Agenda Item 3

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 19 JANUARY 2016 AT 10.00 AM

Present

Councillor R Williams – Chairperson

P James
HE Morgan

RM James

RD Jenkins

JE Lewis

Officers:

Andrea Lee - Legal Officer
Yvonne Witchell - Licensing and Registration Officer
Mark Galvin - Senior Democratic Services Officer - Committees

62. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E Venables who was unwell

63. DECLARATIONS OF INTEREST

None

64. APPROVAL OF MINUTES

RESOLVED: That the public Minutes of meetings of the following Licensing Sub-Committees be approved as a true and accurate record:-

23 October 2015
24 November 2015

65. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report, which requested the Sub-Committee to consider an application to grant a licence for a Hackney Carriage Vehicle under the Council's wheelchair accessible age policy.

Prior to considering the application, the Chairperson adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the Council Offices basement car park.

Upon their return, the Licensing and Registration Officer confirmed that the mileage of the vehicle was 80,795.

She then referred back to the application which was made by Peyton Travel Ltd to licence a Ford Transit vehicle registration number YR11 PZL as a hackney carriage vehicle accessible vehicle to seat 8 persons.

The vehicle was pre-owned and was first registered at the DVLA on 3 March 2011, and the applicant had provided a service history showing the vehicle was inspected on 9 May 2012 at 25,965 miles, 19 November 2013 at 48,863 miles and 24 January 2015 at 69,355 miles. The applicant had provided a certificate of testing from Swansea Coachworks Ltd in respect of a floor system for passenger seats and wheelchair.

The vehicle was submitted for consideration under the Council's Hackney Carriage Vehicle Policy, and paragraph 4.3 of the report gave the Policy guidelines in respect of vehicles of this nature.

Mr Paul Brain then gave an account of what the vehicle would primarily be used for, ie for taking people, some of which were in wheelchairs (and the vehicle was wheelchair accessible) to Day Centres. Some of his fleet of vehicles were becoming older and therefore he was looking to replace these with newer vehicles. He also took people to the airport for their holiday flights or to cruise ships in Southampton.

The application had been referred to the Licensing Sub Committee for determination, due to the vehicle being over 3 years old.

Members following the consideration of the application,

RESOLVED: That the application made by Peyton Travel Ltd for the grant of a Licence for the above Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy be granted, the Sub-Committee having determined that there were justifiable reasons to depart from its Licensing Policy in this instance.

66. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report, requesting the Sub-Committee to consider an application to grant a licence for a Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy.

Prior to considering the application, the Chairperson adjourned the meeting in order that members and Officers could inspect the vehicle that was situate in the basement car park of the Council Offices.

Upon reconvening the meeting, the Licensing and Registration Officer confirmed that the mileage of the vehicle was 107,607.

The Licensing and Registration Officer then referred to the report, and confirmed that the application had been made by Peyton Travel Ltd to licence a Ford Transit vehicle registration number PN62 CNF as a hackney carriage wheelchair accessible vehicle to seat 8 persons.

The vehicle was pre-owned and was first registered at the DVLA on 19 October 2012. The applicant had provided a service history showing that the vehicle was inspected on 21 October 2013 at 29,665 miles, 17 August 2014 at 61,397 miles, 24 February 2015 at 79,335 miles and 27 September 2015 at 92,110 miles. The applicant had provided a certificate of testing from Swansea Coachworks Ltd in respect of a floor system for passenger seats and wheelchair.

She added that the vehicle was being submitted for consideration under the Council's Hackney Carriage Vehicle Policy, and paragraph 4.3 of the report gave an outline of the Council's policy guidelines in respect of licensing vehicles of this nature.

Members, having considered the application,

RESOLVED: That the application made by Peyton Travel Ltd for the grant of a Licence for the above Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy be granted, the Sub-Committee having determined that there were justifiable reasons to depart from its Licensing Policy in this instance.

67. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report in order that Members could consider an application for the grant of a licence for a Hackney Carriage Vehicle, which fell outside the Council's policy guidelines.

The Chairperson advised that the meeting should stand adjourned, in order that Members and Officers could inspect the vehicle which was situate in the basement car park of the Council Offices.

Upon returning to the meeting, the Licensing and Registration Officer confirmed that the vehicle mileage was 11,698.

She explained that the application was made by Forge Travel Ltd to licence a Hyundai 130 Tourer Este Car registration number EJ64 XJG as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle was 28 November 2014.

The applicant submitted the application on 23 December 2015. There were no supporting documents relating to maintenance, and the vehicle is not required to have undertaken an MOT test. The Licensing and Registration Officer further added, that the vehicle had not reached the mileage where a service was recommended, however, the current mileage was detailed above. She explained that the vehicle had had not received an MOT as it was not yet 3 years old, neither had it had a service, so there was no history of the vehicle available.

Finally, the Licensing and Registration Officer confirmed that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee, including the existing discretion to relax the hackney carriage age policy in respect of the vehicle.

The Licensing and Registration Officer referred to the Licensing Policy Guidelines as outlined in paragraph 4.4 of the report, and that provision 2.1 of the Policy was applicable in respect of this application.

Paragraph 2.2 of the Policy stated that applications for the first licensing of vehicles falling outside the above policy guidelines, would normally be refused, but a relaxation of the policy may be considered in exceptional circumstances.

She further added that the vehicle age policy, in conjunction with specifications and standards, has been developed to ensure public safety through the quality of the taxi fleet.

Mr Gareth Aimes who was present on behalf of Forge Travel Ltd, then responded to a number of routine questions from the Licensing and Registration Officer in respect of the type of vehicles subject of the application, and the scheme under which he leased these

from Hyundai. He confirmed that the application had been submitted late, and outside the guidelines of the Policy, as there was a delay in delivery of the vehicles when they were being leased (as the whole fleet were from Hyundai) as opposed to when vehicles were purchased outright.

The Chairperson then asked Officers and the applicant to retire from the meeting, whilst the Sub-Committee considered the application. Upon their return, it was

- RESOLVED:
- (1) The Sub-Committee considered the application and the Council's policy ie paragraphs 2.1 and 2.2. The policy states that the first licensing of a Hackney Carriage or Private Hire vehicle should be submitted within 14 days of first registration of the vehicle at the DVLA. The date of first registration of this vehicle was 28 November 2014. The policy also states that the mileage should be no greater than 500 miles, however, the mileage on this vehicle was 11,698. The vehicle does not comply with the Licensing Policy and the Sub-Committee could find no exceptional circumstances to depart from the Policy, and therefore, the application was refused.
 - (2) That the applicant be advised of their right of Appeal to the above decision through the Bridgend Magistrates' Court, within 14 days of them receiving notification of the decision

68. 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/or 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>
69	Approval of Exempt Minutes
70	Application for Renewal of Licence
71	Application for Grant of New Licence
72	Urgent Items

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

15 MARCH 2016

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

1. Purpose of Report.

- 1.1 To ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 None

3. Background.

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. Applications which fall outside the policy guidelines are referred to a Licensing Sub-Committee for determination.

4. Current situation / proposal.

- 4.1 Application is made by Dean Thomas, to licence a BMW 520 4 door saloon vehicle registration number YK62 XYG as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 September 2012.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided confirming servicing of the vehicle in June 2014 at 18892 miles, and in August 2015 at 48875 miles. A MOT Certificate has been provided with an expiry date of 31 August 2016 also showing mileage of 48875 miles.

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.

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

Date 9 March 2016

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Team Manager Licensing

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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