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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

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

Dyddiad/Date: 22 June 2016

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 28 June 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 meeting of the Licensing Sub-Committee of 31 May 2016.
4. Application To Licence Private Hire Vehicle 7 - 10
5. Exclusion of the Public
The report and minutes relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 - 12
To receive for approval the Exempt Minutes of a meeting of the Licensing Sub-Committee of 31 May 2016.

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Cyfnwyd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

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We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

7. Application For Renewal Of Licence

13 - 16

8. 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

Corporate Director Operational and Partnership 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 COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 31 MAY 2016 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

GW Davies MBE
PN John

PA Davies

E Dodd

CJ James

Officers:

Katie Brook
Mark Galvin
Andrea Lee
Yvonne Witchell

Senior Licensing Technical Officer
Senior Democratic Services Officer - Committees
Senior Lawyer
Team Manager Licensing

110. APOLOGIES FOR ABSENCE

None

111. DECLARATIONS OF INTEREST

None

112. APPROVAL OF MINUTES

RESOLVED:

That the Minutes of a meeting of the Licensing Sub-Committee dated 29 March 2016, be approved as a true and accurate record.

113. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report that asked the Sub-Committee to consider an application for the grant of a licence for a hackney carriage vehicle, due to the application falling outside the Council's policy guidelines.

Prior to the consideration of the report, Officers and Members proceeded to the basement car park to view the vehicle, with the exception of Councillors James and John who remained in the meeting and therefore took no part in the subsequent decision upon the application.

Upon returning to the meeting it was noted by the Sub-Committee that the mileage of the vehicle was 47,006.

The Team Manager Licensing advised that the application was made by Rhiannon Rainbow who was present at the meeting, and accompanied by Andrew Rainbow.

She went on to explain, that the application was to licence a Citroen Berlingo registration number CK13 PVL as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle was 15 July 2013, and the vehicle was not wheelchair accessible.

The Team Manager Licensing confirmed that the reason the application fell outside the Policy was due to the fact that it had not been re-registered as a hackney carriage vehicle after 18 July 2015, as well as the fact that the vehicle was not wheelchair accessible.

She then asked if the vehicle was due for its MOT renewal in July 2016, and the applicant replied that this was the case.

Mr. Rainbow confirmed that he considered that the vehicle met all the required criteria to become a hackney carriage vehicle, and that it also had a sound service history, as he was responsible for regularly servicing the vehicle.

Ms. Rainbow advised that the vehicle had not been in use the last 10 months, as she had been operating from a new vehicle and did not have sufficient resources at this time to have both of these on the road.

Members then retired to consider the application further, and upon their return, it was

RESOLVED: The Sub-Committee considered the application made by Ms. Rhiannon Rainbow, and in particular, against its Licensing Policy. Though the vehicle fell outside the policy, Members having viewed the vehicle agreed that it was in exceptional condition, and on this basis approved the granting of a licence for a hackney carriage vehicle.

114. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE: THE PRIVATE SHOP, 72 BRIDGEND ROAD, ABERKENFIG**

The Corporate Director Operational and Partnership Services submitted a report, in respect of an application received from Darker Enterprises Ltd, for the renewal of the Sex Establishment Licence in respect of the above premises, and was being placed before the Sub-Committee for consideration, as powers have not been delegated under the Scheme of Delegation to Officers.

The Team Manager Licensing advised that the current licence was subject to the Council's standard conditions and to the special conditions attached at Appendix A to the report. She added that there had been no recommendations from the statutory consultees to vary the current standard or special conditions in force, and no representations or objections to the renewal of licence from the public had been received. She further added that the applicant had complied with the statutory requirements to advertise the application.

The Team Manager Licensing advised Members that the renewal fee for the application had been paid by the applicant, whilst the remainder of the report referred to guidance for Members in respect of applications of this nature, together with information regarding an applicants' Right of Appeal, should an application be refused.

RESOLVED: That the Sub-Committee renewed the Sex Establishment Licence for the above premises subject to the existing terms and conditions.

115. **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.

116. APPLICATION FOR GRANT OF NEW LICENCE

117. APPROVAL OF EXEMPT MINUTES

118. URGENT ITEMS

None.

The meeting closed at 11.05 am

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

28 JUNE 2016

REPORT OF THE CORPORATE DIRECTOR, OPERATIONAL AND PARTNERSHIP 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 David Llewellyn, to licence a Mercedes E Class 4 door saloon vehicle registration number BP62 THF as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 31 January 2013.
- 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 setting out a vehicle service history between 22/01/2014 and 07/12/2015 including a MOT test which was undertaken at 28943 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
CORPORATE DIRECTOR, OPERATIONAL AND PARTNERSHIP SERVICES

Date 22 June 2016

Contact Officer: Yvonne Witchell
Team Manager Licensing

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

Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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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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