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**Gwasanaethau Gweithredol a Phartneriaethol /  
Operational and Partnership Services**

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**Dyddiad/Date: 12 October 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, 18 October 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 - 34  
To receive for approval the public Minutes of meetings of the Licensing Sub-Committee held on the following dates:-  
  
17 June 2016  
16 August 2016  
23 August 2016
4. Application to Licence Hackney Carriage Vehicle 35 - 36
5. Application to Licence Private Hire Vehicle 37 - 40
6. Application to Licence Private Hire Vehicle 41 - 44
7. 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.

8. Exclusion of the Public

The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 such consideration.

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|-----|--|---------|
| 9.  | <u>Approval of Exempt Minutes</u>  | 45 - 48 |
|     | To receive for approval the exempt minutes of the Licensing Sub-Committee of 23 August 2016. |         |
| 10. | <u>Application for Renewal of Licence</u>  | 49 - 52 |
| 11. | <u>Application for Renewal of Licence</u>  | 53 - 56 |
| 12. | <u>Application for Grant of New Licence</u>  | 57 - 60 |
| 13. | <u>Application for Grant of New Licence</u>  | 61 - 64 |

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 ACT 2003 SUB-COMMITTEE (B) HELD IN CIVIC OFFICES, ANGEL STREET, BRIDGEND ON FRIDAY, 17 JUNE 2016 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

GW Davies MBE      E Dodd

Officers:

Katie Brook	Senior Licensing Technical Officer
Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing

22. APOLOGIES FOR ABSENCE

None

23. DECLARATIONS OF INTEREST

None

24. LICENSING ACT 2003: SECTION 34 - APPLICATION TO VARY PREMISES LICENCE, SAX BAR AND NIGHTCLUB, DERWEN ROAD, BRIDGEND.

The Chairperson commenced proceedings, by asking each person present at the meeting to introduce themselves to the Sub-Committee. Following this, he asked the Team Manager Licensing to present the report.

She confirmed that the report, was in respect of an application made by Richard Hopkins, Premises Licence holder, to vary a premises licence in force at the above mentioned venue.

The application was required to be determined by the Sub-Committee as relevant representations had been received from the South Wales Police and Licensing Enforcement team (the latter who had now withdrawn their representations(s) by way of agreement with the applicant,) and the Council as the licensing authority has adopted a special cumulative impact policy in respect of the area in which the premises is located.

The Team Manager Licensing advised Members, that as far as she was aware, no consultation had taken place between the applicant and the Police, with a view to amicably agreeing upon the way forward, which would seek to resolve the application by way of agreement, and if this was not the case, then a Hearing would require to be held. Both parties indicated that no such agreement had taken place in advance of the meeting.

She proceeded by confirming that the legislation covered by the Licensing Act, provides for the promotion of the four statutory licensing objectives which must be addressed by the authority when licensing functions are undertaken, as were outlined in paragraph 1.4 of the report.

The Team Manager Licensing then referred to the Appendices attached to the report as follows:-

- Appendix A – Details of the application
- Appendix B – Copy of current premises licence
- Appendix C – Plan attached to the premises licence
- Appendix D – Location plan
- Appendix E – Representations from the South Wales Police
- Appendix F – Representations from the Licensing Enforcement Officer (now withdrawn)

She advised by way of summarising the application, that it sought to increase the licensable activity of the sale by retail of alcohol at the premises from 10.00 – 03.00 hours Sunday to Friday and 10.00 – 04.30 hours Saturday to 10.00 – 04.30 on all days of the week. The Team Manager Licensing continued by confirming that the application sought to extend the terminal hour for the provision of late night refreshment from 0.300 hours Sunday to Friday and 04.30 on Saturday to 05.00 hours on all days of the week.

The application also sought to extend the terminal hour for the performances of dance to 04.30 hours throughout the week and add the category of regulated entertainment of a similar description to live music, recorded music and performances of dance from 10.00 to 04.30 hours on all days of the week. The applicant has not indicated what activities are proposed under this category.

The applicant is requesting that conditions be removed relating to the external area, which include the provision of seating and the use of the external seating area.

She added that the applicant is also seeking to remove a condition which states that there shall be no admission or readmission to the premises after 0230 hours, and for the removal of the non-standard timings which apply to the licence on Good Friday and Christmas Day.

For the information of the Sub-Committee, the proposed Operating Schedule was contained within the application marked Box M for reference. These contain the additional steps which the applicant intends to take to promote the four licensing objectives.

The remainder of the report outlined certain statutory issues that the Sub-Committee should have regard to when considering the application, as well as various sections of its Licensing Policy which were relevant to the application.

The Chairperson then asked the applicant to present his application.

Mr Hopkins confirmed that he had originally been one of the Door Control personnel at the premises and had been associated with the premises for the last 10 years, until he formally took over the premises as Premises Licence holder in 2010. He confirmed that operating the premises effectively as a business, had been a learning curve. His Manager Mr R. Keeble had worked there also when the premises was in previous ownership. Both himself and his colleagues were looking above all else to make the premises a safe and enjoyable place for patrons to visit. Mr Hopkins added that the request to extend operating hours were primarily due to the fact that the night time economy in Bridgend had slumped in recent years due to the recession etc, and that weekends were now the only time when the premises was busy, and more particularly, only on a Saturday.

A change in culture had also resulted in patrons coming out later on weekends, and therefore, that was also the reason why he was making an application for the premises to be open longer than was currently the case, as well as requesting certain modifications to the Conditions contained in the premises Operating Schedule.

Mr Hopkins advised that his staff contained an effective number of trained and experienced door control personnel, who efficiently managed the entrance/exit to/from the premises. All staff carefully monitored patrons coming into and leaving the venue, in order to ensure that they were not intoxicated and that they gave proof of their age, and that staff paid particular attention to people entering and leaving the premises in an orderly fashion. Staff at Sax operated a policy whereby they encouraged patrons 'filtering' out from the premises wherever possible, rather than them all leaving at once, which could give rise to an over-congregation of people in the town centre at the same time, which could in turn, give rise to trouble in the form of anti-social behaviour.

He continued by advising that he was requesting that the premises be open extra hours on all days of the week ie to coincide with the licensing hours on a Saturday night into Sunday morning, in order to allow the business to hopefully become more viable. The earliest the premises opened on any given night, was 10.00pm. The premises did not open every day of the week however Mr Hopkins added. The entrance fee into the nightclub part of the premises was between £4 and £10, dependent upon the time patrons wished to come into the venue. He stated that his staff also adopted a protocol whereby, they regularly undertook a street level assessment. This was carried out in order to ensure that people both queuing to come into the premises and upon leaving there where practicable, did so at a time when the street fronting the premises was not over congested with other members of the public enjoying the late night economy that the town centre offered.

He also adopted a strict policy, whereby patrons' ID were checked, in order to ensure they were 25 years of age or over. He would be the first to concede that mistakes had been made since he took over the premises, however, both he and his team were learning from these mistakes in order to ensure as far as possible that they weren't repeated. A further reason he had submitted the application that was before Members today, was due to the fact that he wished to adequately compete with rival late night establishments that opened into the early hours primarily on weekends, in order to generate increased income into the business.

In terms of modifications to certain Conditions of the Premises Licence at the venue, he felt that it was a disadvantage to have the Condition imposed whereby there was no entry or re-entry at the premises after 2.30am. As responsible licensees, they did not wish to breach this Condition of the licence but requested that it be relaxed to allow patrons to perhaps visit the premises after this time, perhaps to catch-up with friends who had entered the venue at an earlier time that particular evening. There were also 4 tables in the beer garden at the premises where patrons could congregate to drink, and possibly smoke. He felt however, that primarily this should be an area for patrons to smoke in, rather than consume alcohol. The reason for this was that if patrons stayed out of the club for too long a period consuming alcohol, this would mean that they would have to be monitored by staff outside of the premises as well as in it which would put a strain on staff resources. It also could lead to a noise disturbance Mr Hopkins added.

He also confirmed that there was a wide age range that came to Sax, from young people to the oldest regular who was 76 years of age. Mr Hopkins felt that some of the representations made by the SW Police were harsh, as staff at Sax always worked closely with the Police in order to avert possible incidents of crime and disorder both in and outside the immediate vicinity of the premises. He added that the venue had an open door policy with the Police and the Licensing Authority, in order to ensure that as far as possible, incidents of crime and disorder and anti-social behaviour were kept to a minimum both in and outside the premises. He had respect for the Police and the difficult job they often had in ensuring that incidents of trouble were kept to a minimum in the town centre, particularly within the saturation area. However, he felt that staff at Sax

worked effectively with the Police when it was required, in order to ensure that patrons were well behaved when visiting the Club.

Mr Hopkins advised Members, that around 45,000 patrons a year visited the premises, with about 881 visiting weekly. He felt that the number of incidents that took place at the premises were relatively low when compared to the number of people who visited there. In terms of CCTV at the premises, a Condition of the Premises Licence was that 13 camera's should be placed strategically within and at the entrance to the premises, however, he had ensured that there were over double this number at the venue. There was also Infra-Red camera's present, and a back-up system to make the job of the Police easier when identifying incidents of crime and/or disorder. Should any incidents take place at the venue, Mr Hopkins confirmed that footage is always made available to the Police, as part of any investigation process.

The Chairperson asked the applicant if the beer garden at the premises backed onto Court Road, to which he replied that it did not, as it was situated at the front of the building on Derwen Road. There were no residential properties in the immediate vicinity of the beer garden neither he added. He said that the premises on weekends comprised of Sax bar and Sax night club, with the bar catering usually for older patrons and the club catering for younger people, though there was a link in order for patrons to move from one to the other. He pointed out to Members, that there had never as far as he was aware, been any complaints regarding noise emanating from the premises.

The Chairperson noted that there were 881 visitors to the premises on average over the course of a week. He asked how many of these visited the premises on a Saturday evening, to which Mr Hopkins replied 500 – 550.

PC Rowlatt noted that Mr Hopkins had confirmed that the premises were busiest on a Saturday evening, where on average 881 people visited the venue. Mr Hopkins replied that this was the case.

She further stated that in the application, the Premises Licence holder wished for the 4 tall tables to be removed from the beer garden, ie to remove this as a Condition of the licence as part of the proposed variation to Conditions. However, the Police felt that these should remain, in order that patrons could place their drinks on these tables when they go into the beer garden. This they felt would help, in that if patrons had no tables or counters upon which to place their drinks, they would have to carry them and as a result of this would probably consume their alcohol at a faster rate.

Mr R Keeble advised that there was a seating area in the beer garden as well as the 4 tall café bar tables. One of the problems being experienced, was that patrons were loitering in the beer garden and leaning on the tall tables, which sometimes resulted in drinks being tipped etc. Due to there being tables situated in this location, staff were finding that patrons were congregating in this area and remaining there for longer periods than were necessary, There was a filtering system in operation both in and outside of the Club, as had been alluded to previously by Mr. Hopkins, and people staying in the beer garden for long periods was not assisting this. Also, the longer the time that patrons remained in this area, the less time they were remaining inside the premises spending money. They were also making a noise in the beer garden he added, which was a nuisance even given that there were no residential properties in the immediate vicinity of this location. Patrons were also encouraged to remain in the premises in order to maintain good business and generate a good atmosphere and for the Door Control staff to monitor patrons more effectively if they were all in the same general area of the premises.

PC Rowlatt asked how many patrons were allowed in the beer garden at any one time, to which Mr. Hopkins replied 75 (maximum). This figure was controlled by a numbers clicker.

PC Rowlatt contested this point, claiming that as a Condition of the licence, this should be a maximum of 40 persons (at any one time).

Mr J. Keeble confirmed that though this was the original number, this had been increased as a result of an inspection by the South Wales Fire and Rescue service as part of a fire risk assessment of the premises, including its adjoining area.

PC Barratt pointed out that, that should the tables be removed from the beer garden, then this would give rise to more patrons congregating in this area as there would be more room for this to be achieved.

Mr Hopkins advised that the tables in this area of the premises were tall/high, and patrons on occasions mistakenly knocked these over, which could give rise to trouble erupting in this location.

Mr J. Keeble added that it was considered that these tables would be better off being removed, as they do attract patrons congregating in the area. It was more designed for a smoking area than a drinking area he further added. As had been stated earlier in debate, this would also assist with the filtering of patrons situate in the actual areas within rather than outside the premises.

PC Rowlatt referred to page 40 of the report headed Annex 3 – Conditions attached after a Hearing by the licensing authority, whereby it confirmed at Condition 6., that four tall café bar type tables to be placed and secured during operational hours directly inside of the front enclosure closest to the public footpath to which tall chairs are required to be placed with. (The Premises Licence Holder will provide a reasonable number of chairs in respect of each said table). She also referred to Condition 5., which stated that the rear wall of the smoking area (the physical external wall of Sax nightclub) to have a ledge type surface permanently fixed to the full length of the smoking area for the placement of plastic drinking vessels. She asked Mr. Hopkins how he felt that the removal of these 2 Conditions would assist in enforcing the licensing objectives.

Mr. Hopkins stated that it would assist the licensing objectives through reducing noise at the premises, as well as helping filter patrons more effectively within the premises in accordance with maximum numbers of patrons required in the bar/nightclub of the premises, at any one time.

In terms of Condition 5, Mr J. Keeble advised that the removal of this condition could be argued in accordance with human rights, in that patrons could be allowed to primarily smoke (rather than drink) outside the premises, and to give them around 15 – 20 minutes in order to carry out this activity.

Mr. Hopkins also argued, that there were barriers in achieving the licensing objectives also, in that there was no admittance or re-admittance to the premises after 2.30am which sometimes led to arguments between staff and patrons. Primarily smoking rather than consuming alcohol in the beer garden would also make it less likely for confrontation to take place between patrons in this area he added. These two adjustments would therefore assist in removing barriers of confrontation which would assist both the Police and staff working at the premises. Having seen how the venue had operated within the last few years first hand, Mr. Hopkins felt that the adjustments that he had applied for within his application, would help rather than hinder the smooth running of the premises, and this was based on past experience. He was happy to

discuss these adjustments first hand with Police representatives if they visited the premises he added.

PC Rowlatt pointed out to the applicant, that under the terms of the Premises Licence no alcohol should be consumed in the external beer garden after 04.00 hours.

Mr J. Keeble stated that he was aware of this, however, if the hours of the licence were extended to 05.00 hours, this would result in patrons not consuming alcohol so quickly both in and within the external area of the premises, as they had a longer period within which to remain within the premises.

PC Rowlatt sought clarification on why the applicant wished to have removed from his Operating Schedule admittance or re-admittance of patrons, after 2.30 hours. Mr. J Keeble advised that this would allow for people to come into and leave the premises in more manageable numbers during the course of an evening and into the early hours. It would also help to de-fuse any aggravation occurring outside the premises, for example, with patrons wanting to join friends who had gone into the premises before this time. Also, it would be better in terms of managing patrons at the Club when considering that Operation Raven, ie where extra police officers were manning the streets within the town centre prior to rather than after 03.00 hours.

Mr. Hopkins added that the premises undertook a trial through the use of Temporary Event Notices (TEN's) whereby they allowed patrons entrance/re-entrance to Sax after 02.30 hours, and they felt that allowing this had seen an improvement in the manner within which clientele behaved at the premises. The Door Control staff dealt more effectively with a steady flow of patrons coming in the premises over a longer period, in terms of controlling large numbers visiting there over a shorter time period. Also, some customers worked shifts, and often after finishing work, enjoyed visiting the premises even if it was for only an hour or two. He added that after speaking with police officers who had patrolled the town on a weekend, they actually agreed that this was a positive move. It allowed staff a little more time and as a result of this more freedom, to also carry out their usual 'Street Assessment' to ascertain if there were groups of people approaching the Club who were in a boisterous mood or worse the wear due to excessive alcohol consumption. If staff were confronted by this type of clientele then they obviously would refuse them access to the premises. In short added Mr. Hopkins, it gave staff, particularly Door Control personnel, more time to be vigilant, hence upholding the four Licensing Objectives.

PC Rowlatt referred to page 25 of the report and Box M, where it described in the application, any additional steps the Premises Licence holder intended to take, to promote the four licensing objectives as a result of the proposed variation. She noted that extra CCTV camera's had been provided at the premises; that only polycarbonate drinking vessels would be provided over the bar, and that for the prevention of public nuisance, extra signage would be put up asking patrons to leave quietly so as to respect the neighbours. She asked if all these Conditions were going to apply to the Operating Schedule.

Mr. Hopkins advised that his management team together with himself, had a total of 4 licensed premises, one in Bridgend, Port Talbot, Maesteg and the Vale of Glamorgan, and all the Conditions that PC Rowlatt referred to were adopted in each of these premises. A particular important issue was the use of polycarbonate glasses in order to assist the support of public safety. Signage had/would also be provided if and where necessary he confirmed. All Door Control staff wore high visibility fluorescent jackets, in order that they stood out more within the premises. He added that he ensured that in all his licensed premises did over and above in terms of meeting the requirements of their respective licences in order to meet the Licensing objectives. Patrons were asked for



their I.D. where necessary, and staff within each of the 4 premises were very proactive, so as to ensure each of the premises operated to as high a standard as possible. Staff also regularly checked patrons to ensure that they weren't carrying anything dangerous and/or drugs, and Sax was the only venue in Bridgend out of all the late night establishments that had a search room. Areas where drugs could be more easily taken were also spot checked during the course of the evening ie toilet areas. If any patrons were found with drugs in their possession, then they were detained and the Police were called. His staff believed in doing things that could be classed as above and beyond of what was considered necessary, as this made it easier for them to manage the premises as well as ensuring that good relations were maintained with the various statutory bodies. He emphasised that Sax did not open on Monday, Tuesday and Wednesday, as there was no market to open on these days. He felt that the proposals he had brought to the table were not only workable, but also would assist in making the town centre a safer place.

Mr. R Keeble pointed out to Members, that toughened drinking vessels in the external beer garden/smoking area under the terms of the Licensing Operating Schedule was only required to apply after 23:00 hours. However, staff adopted this during all hours the premises was open both internally and externally. This was a Condition that had been offered up rather than imposed he added. It was also safe from the viewpoint that sometimes glasses could be dropped and smash, and someone could slip onto this and cause themselves an injury. Women also often danced in bare feet and if there was smashed glass on the floor they could cut their feet. Glass could also be used as a weapon, whilst polycarbonate would not break on impact with another surface. Mr R. Keeble added that only the best quality carbonated glasses were used also.

Despite the above, Mr. Hopkins added that work being undertaken by his staff and himself, was very much still work in progress. His team had introduced plastic glasses following an incident where a patron was "glassed", and no further such instances had taken place in Sax since then.

The Chairperson asked the Premises Licence holder if he had applied for an extension of hours at the premises purely for financial gain.

Mr. Hopkins replied that it was partly due to this and to give patrons more choice in terms of Bridgend's night time economy. He confirmed that though they opened Thursday evenings, trade was very quiet on this night. Friday nights were reasonably busy, whilst Saturday evening was the best day of the week in terms of numbers visiting the premises. The premises also opened Sunday night but trade this evening was poor like a Thursday. He added that his business in Sax actually operated on a loss Thursdays and Sundays. Part of the premises had also formerly been used for bowling, though this business did not take off. If his application for the variation of his Licence was successful, Mr. Hopkins confirmed that the business would improve in terms of its viability, but this he felt would only take place over a longer rather than short term period. It also gave customers more scope and flexibility when it came to them having a social evening out. He had stated earlier, that there would be an improvement in terms of patrons filtering in and out of the premises in smaller groups, as well as assisting in more flexibility with patrons looking for transport home via a taxi, due to different late night premises closing at alternative times

As this concluded the applicant's submission, the Chairperson asked the Police to present their case.

PC Rowlatt confirmed that the meeting had been convened today to hear police objections for the extension of hours at Sax bar and nightclub.

This was based on the negative effect it would have on the promotion of the licensing objectives, the prevention of crime and disorder, public nuisance, public safety and the protection of children from harm.

PC Rowlatt added that what also needed to be taken into consideration, was that that Derwen Road was a cumulative impact area of Bridgend town centre, which the applicants hadn't clearly considered. The premises Operating Schedule did also not include how the likely grant of the application would have a positive impact on the area.

She added that the premises already had the extra operating hours being applied for on a Saturday, as well as the occasional tens.

Although, the application has included Saturday hours within it, this was not an increase to existing times within the licence she added. PC Rowlatt further added, that the increase in hours applied for, which would be effective on all days of the week, would impact in a detrimental way upon the licensing objectives.

However, the real argument here today explained PC Rowlatt, was about what you the Panel Members believed was fair.

She asked them was it fair that the largest nightclub in Bridgend had later hours than all other premises in Bridgend? Did they feel it was fair that the Police had to mop up after the increased crime and disorder linked to this nightclub. She also asked if the Sub-Committee felt it was fair that the applicant gets these extra hours applied for as part of his licence, in relation to other rival businesses together with all the rewards that go with it.

In terms of the application itself, PC Rowlatt explained that this was served on the 12<sup>th</sup> April 2016, by hand, but no notification had been received from the Licensing section to the Police until 27<sup>th</sup> April, two weeks later. This had given the Police limited time to prepare their case.

PC Rowlatt added, that a similar application to the one before Members had been served on the local authority in September 2015, ie an application for variation of the Licence at Sax, with the extra opening hours being very similar to those being applied for today, but only for Thursday, Friday and Saturday.

This application made in April, came after Police had summoned the Licence holders premises in for questioning on the 9<sup>th</sup> February 2016 and the 1<sup>st</sup> March 2016, as the Police were concerned with the amount of violent crime that had been attributed to the premises in the previous year.

The only reason the Police had not reviewed the Premises Licence at Sax, was due to the good relationship that the Premises Licence holder and his staff had previously had with the Police, and the fact that negotiations had been ongoing, with a view to looking at ways to reduce crime and disorder at this venue. Some suggestions regarding this had been forthcoming in March, and the Police were monitoring these to ascertain if they were working. However, it was too early to make a judgement on this at the present time.

But with all that aside, PC Rowlatt advised that Members should ask themselves, how could additional hours of alcohol sales and later closing hours be considered when crime levels are already being reported in respect of the premises, on numerous occasions, therefore meaning that incidents taking place at the premises are far too high as things currently stand.

PC Rowlatt then gave some examples of calls made to the Police and/or incidents that occurred at the premises between 1 January and 14 November 2015 (totalling 92), for the benefit of Members. She felt that it was only natural to estimate that this number would increase if the premises was allowed to open and serve alcohol for longer hours.

PC Rowlatt added, that Saturday was the busiest time of the week at these premises, and this was when the bulk of the calls were made to the Police. Should similar hours of operation be extended to other days of the week, then again it was natural to think that crime and disorder at the premises would increase in line with this. Also, if the application for variation of hours was granted, this would set a precedent, in that Sax would be the only licensed premises in town to be open until the early hours of the morning on each day of the week. It would also mean that all patrons would visit the premises at possibly the same time in the hourly hours of the morning, due to the fact that it opened later than any other nearby late night establishments. The 550 patrons that visit the premises on a Saturday evening, could also then be replicated on other days of the week, hence possibly causing more incidents at the premises, and/or calls to the Police which would impact in a negative way upon their already reduced resources.

She added that during the trial that was currently taking place in terms of monitoring the premises to look at ways of reducing incidents/calls that took place there, between 21 January and 8 May 2016, which totalled 20 in number. She wished Members to note that 13 of these had occurred after 2.00am and 4 more after 4.00am, the latter including for disturbance, injury and affray.

PC Rowlatt reiterated that even though the premises were working with the Police to reduce the above, it was too early to say if there had been a marked improvement at the premises under a devised Action Plan.

She also asked Members to note, how any such additional opening hours would not impact in any way other than negatively upon the premises, particularly on the days when the premises was currently not open, ie Mondays – Wednesdays should the premises open on these days, which it was likely to do so due to the fact that the applicant had applied for additional opening hours affecting these days of the week.

Should the application today be granted, PC Rowlatt added that this may result in the Police putting in an application to Review the Premises Licence which was both expensive and time consuming. She added that both the local authority and the Police had a duty to Section 17 of the Crime and Disorder Act and the Authority's Licensing Policy.

She also pointed out that that there had an increase in incidents in the cumulative area of the town centre over the last few years, which would in all probability be exacerbated should the application be granted. In 2015 there had been 1,123 offences in the town centre during hours classed as the night time economy.

The Chairperson asked if there were the same number of late night establishments currently in the town centre as there were say 3 or 4 years ago.

PC Rowlatt confirmed that she did not have all the information to hand, but she was aware that in 2012 two licenced premises in Bridgend had their opening hours reduced, and in 2013, she believed that 3 further late night premises had actually closed due to the shrinking economy. Therefore in 2015, there were less late night opening premises than there had been in the few years that preceded this.

PC Rowlatt did confirm that the management of the premises was proactive in its nature, and this was one of the reasons that the Licence of Sax had not been the subject of

review. The management do try to reduce anti-social behaviour in and around the premises, and work with Police to try and reduce this. However, the informal review ongoing was in its infancy in terms of it being on a trial basis, and due to this, she did not fully understand why the Premises Licence holder in the middle of this trial, was making application for an extension of hours/opening times.

Data reflected that over the weekend, and specifically on Saturday night/Sunday morning was the time when there was the highest levels of crime and disorder in the town centre, particularly within this area of Bridgend.

As this premises was situate within the Cumulative Impact Area, the Police did not want a repetition of other places that have had extra hours of opening including for the sale of alcohol granted, only following that to have their licence reviewed by the Police due to extra incidents of anti-social behaviour having taken place at that premises.

She then gave examples of the number of offences that had taken place in the area within which the premises was situate as follows:-

**Morfa Ward** (cumulative impact area)

Year	2012	2013	2014	<b>2015</b>
No of Offences	1107	1061	1093	<b>1123</b>

**Top Streets – offences**

Year	2012	2013	2014	<b>2015</b>
Derwen Road position	1st	1st	1st	1st
Amount of offences in streets	208	152	136	<b>147</b>

This report highlighted that Derwen Road was consistently the top street that records the most amount of offences compared to any other street in the town centre.

This report also highlighted how offences for 2015 have shown an increase, added PC Rowlatt, hence the reason why South Wales Police have called the premises into question, as many of these offences were attributed to drunken customers at the premises.

The above report(s) contained the most up to date figures, being only commissioned on 1<sup>st</sup> March 2016. However, the same type of data was attached to the Statement of Licensing policy at Appendix two to the report. These figures were always high, and Sax was always the largest player PC Rowlatt confirmed.

There was a correlation between shutting premises down and the reduction of crime she claimed.

She added that Derwen Road was one of the top three for the most amount of crimes reported (2011 – 2015) in Bridgend, and in the top seven for non-crime occurrences reported (2011-2015).

The statistic for 2015 showed a rise on the previous years' figures, for Morfa ward including Derwen Road for crime and even for non-crime occurrences.

In terms of Sax premises itself, PC Rowlatt confirmed that this premises had the most amount of reported crime linked to a single premises. She felt that this was because Sax had the latest opening hours of all licensed premises in the Borough.

She also confirmed, that Sax has the greatest demands for Police and other emergency services, which the granting of the application today will only replicate. Under Article 7 of the Crime and Disorder Act 1998 the licensing authority had a legal duty to actively do something to reduce this, and therefore, the Police were urging Members not to grant the application

PC Rowlett advised the Committee that there had been a particularly serious incident that had taken place in February of last year she explained, a member of the Door Control staff had been prosecuted for head butting a client within the premises, as well as being prosecuted for a further subsequent incident. She conceded however, that he was following these incidents dismissed.

PC Rowlett then referred to a further number of incidents of anti-social behaviour, assault and other acts associated with crime and disorder that had taken place at the premises on 24 December 2010, 7 February 2015, 20 March 2016, 10 April 2016, and two further incidents in 2016 involving people who were underage at the premises, ie both 17 year olds.

PC Rowlett confirmed that revised Guidance issued under section 182 of the Licensing Act in March 2015 (section 13.24) quoted that there was Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives which includes:

- Local crime and disorder statistics
- Statistics on local anti-social behaviour offences
- Health related statistic such as alcohol related emergency attendances

Further information derived from an NHS Wales Public Health Wales February 2016 report, Police, ambulance and emergency department (ED) in terms of recorded violence and from the Central Basic Command Unit (BCU) in (November – December 2015) confirmed that crime and calls to the Police and Ambulance service in respect of incidents etc, were increasing and very prevalent in the Morfa ward, including cases of assault with injury.

The above report went onto highlight that the streets within Morfa ward where ambulances were called out and this named Derwen Road as being the specific street location with the most amount of call outs to an area. The report also states the age of these persons being 18-25 and mostly male.

Furthermore, PC Rowlett explained that research carried out by Simon Christmas and Fiona Seymour for drinkaware.co.uk September 2014 Introduced the term “Drunken night out” and their field studies revealed widespread excessive drinking among users of the night time economy. Roughly two fifths of 18 to 24 year olds agreed with the statement ‘I really enjoy going out to get drunk’ and 15% of this age group stated that they drink with the intention of getting drunk every time or most times they drink alcohol. The research also indicated that the above age group did not think of the risks associated with being drunk or a drunken night out.

It was apparent that in society these days, patrons visiting late night establishments were pre-loading themselves within alcohol in their homes before going out late, sometimes very late, with the intention of getting very drunk and over-enjoying themselves. Some of these instances then turned into situations of confrontation, anti-social behaviour, assault and crime PC Rowlett added.

It was activities such as those referred to above, which was putting unbearable pressure on the emergency services she stated.

PC Rowlatt further added that the busiest timeframe in terms of disorder at late night establishments and particularly within Sax, was around their current closing time, and between 04.00 – 05.00 hours on a Sunday.

Between a monitored 6 month period ie April to November 2015, there had been 14 offences reported at Sax nightclub as follows:-

Assault with injury – 6  
Drunk and disorderly – 3  
Assault to the Police – 2  
Common assault – 2  
Affray – 1

There was also a reduction in Police support on the streets after 03.00 hours due to reduced resources, so therefore, this meant that during the early hours of the morning on a weekend, the Police could not fully facilitate safe policing of patrons during these hours. Therefore in their absence, instances of serious crime could escalate she feared.

Historically speaking in terms of the licence held at the premises, PC Rowlatt confirmed that this was originally converted from a Public entertainment licence (PEL), a Sunday entertainment licence (SEL) and an Indoor Sports Entertainment licence (ISEL) when the Licensing Act came into being.

Many pages of special conditions were carried over leaving page after page of restrictions that the management must comply with, one example being the capacity figures. A variation application was the vehicle in which to amend these restrictions, which this application seemingly ignored she added.

She felt that the Panel needed to be aware that both the Police and BCBC licensing staff had been dedicated some considerable time and effort to go through the licence, so as to bring it in order. Therefore, all of this work and effort had been ignored. She felt that the Sub-Committee should be mindful of this, whilst considering the application.

Referring to the Premises Operating Schedule (OS), PC Rowlatt advised that the application requires the premises to be open for 17 hours a day, 7 days a week, with later hours to be considered for Good Friday and Christmas Day. The current licence already allows a later hour till 05.00am on Saturday, an additional hour when British summer time commences, all day sales for New Year's Day and cover for international sporting events. She then made the following comments on the elements of the OS:-

OS 1. - This provision had not taken into consideration the cumulative impact area.

OS 2. - The negative impact it will have on service delivery companies within Bridgend town centre, who will now have to cater for potentially large groups of customers leaving this premises after 05.00 every day of the week. Everywhere else will be shut, and taxi's may not be operating at that time either, nor will there be train services. There would also be a negative impact upon CCTV operators, and effects at this early hour on day time economy and Late night food venues. There would also she added, be a negative impact in terms of street cleaning.

OS 3. - Opportunities to turn to crime were therefore increased

South Wales Police therefore had concerns with several of the application's parameters.

OS 4. - The application contained errors within it, requiring unnecessary objections to be clarified at any hearing. If Members were minded to grant this, with a reduction in hours, the applicant would lose their busy night of trade ie on a Saturday.

OS 5. - The application has requested that the performance of dance, or anything of a similar nature will cease at 04.30 hours daily, however, no live or recorded music has been added in relation to this Section of the OS.

OS 6. - Supply of alcohol till 04.30 daily has also been applied for, with no indication of whether this is on the premises, off the premises or both.

OS 7. - Late night refreshment licence has also been applied for, with no indication in the OS of the impact litter will have on the area and how this will be managed, nor the effect this will have on the image of Bridgend town centre and the impact upon street cleaners.

OS 8. - By asking for the sale of alcohol from 10.00 until 04.30, seven days a week, the premises could effectively only remain closed for 5 and a half hours a day seven days a week, allowing little time for cleaning, bottle recycling, bin clearances, etc.

OS 9. - removal of the Condition of 'non-standard timings for Good Friday and Christmas Day,' however, the non-standard timings boxes have not been completed as part of the application for variation.

OS 10. - No additional Conditions listed on how the management will deal with the existing levels of crime they already have on Saturday nights.

OS 11. - Dangers of drinking. How will customers be safe or can be made safe with potential of 875 persons leaving Sax, mid-week, for example at 05.00 hours.

OS 12. - The application does not stipulate that this variation will only cover the internal area of the premises. In fact, the outside smoking area has also been included. There could be issues of noise nuisance associated with patrons entering/exiting the premises potentially on weekdays when people living in nearby areas are sleeping before they get up for work.

OS 13. – The lifting of current restrictions outside, mean that patrons can drink outside the premises in the beer garden/smoking area all night long, until 05.00.

OS 14. - Outside tables and chairs to be removed. This is a negative impact in terms of the OS, as in essence, it will stop customers being able to put drinks down, so they will continue to drink out of hand. It also means that potentially more customers will be squeezed into this outside area, breaching the capacity limit contained within the existing premises licence of 40 patrons.

PC Rowlatt explained that the infrastructure of both the premises and the town centre ie Cumulative Impact Area, could not maintain the changes proposed within the application. Any town centre she felt would struggle to manage such large crowds, let alone Bridgend town centre with its limited resourcing levels. This would only have a negative impact, as intoxicated individuals descend on the town.

PC Rowlatt advised that evidence in terms of the difficulties the premises has in relation to meeting the four licensing objectives could be seen in the further evidence the Police had tabled at the meeting with the consent of all parties present, as well as that which

could be disclosed at a later date, and relied upon in terms of meaningful data, should this be deemed necessary.

In short, she confirmed that a total of two police warning letters had been issued on the Premises Licence holder/Designated Premises Supervisor, and an Action Plan, (not including the current one), as well as two warning letters served by the local authority, and a number of meetings had been carried out to facilitate safer operating procedures at the Club, together with several operations involving the Licensing Section of South Wales Police. All these had revolved around attempts to improve the manner within which the premises operated, in order to more effectively promote the licensing objectives. However, there was some further work that required to be achieved in order for this to be realised she felt, and that was the primary reason why the Police were objecting to the application. Other than the summing-up from the Police, she advised that this concluded their submission.

A Member asked the police representatives if they thought that if the premises opened for an hour longer on, for example, a Thursday and Friday, more patrons would visit the premises on these nights.

PC Rowlatt confirmed that on a Thursday this may not be the case, but on a Friday it probably would. What it would allow though she added, was for the premises to become very busy perhaps on nights there were sporting occasions taking place like there was yesterday, with Wales playing in the European football championship. This would result in patrons drinking through the day and possibly late into the evening, which could encourage incidents of anti-social behaviour and crime. She added that as far as she was aware, if the variation in hours was granted, then Sax would be the only establishment in South Wales that would be able to open until 05.00 hours. It would also attract a glut of patrons to the premises in the early hours of the morning on weekends, as word would get around that this premises is open later than any other late night establishment in Bridgend.

The Member whilst appreciating this point, added that under the current terms of its licence, Sax could open on a Thursday evening/Friday morning until 03.30 hours, so therefore, it could only open for one and a half hours longer if the application before the Sub-Committee today was granted.

The Chairperson sought clarification on how many patrons were allowed in the external beer garden area of the premises at any one time, as this number had been referred to a total of both 40 and 75 during earlier debate.

The Legal Officer replied that the maximum number of patrons in the external area of the premises was 40 persons, deducted from the 875 maximum number of persons allowed in the premises as a whole, at any one time.

Mr. Hopkins advised that as the Designated Premises Supervisor, he was always present at the premises during the times it was open. He confirmed that he was also a qualified Ambulance operator, therefore this was an added bonus, if a patron was assaulted in the Club or in the adjacent Derwen Road. He could treat the individual and was also qualified to assess if they needed hospital treatment. He could also provide this assistance in other late night licensed premises in the town centre, should the need arise. Ambulance staff had on previous occasions been called to Sax on 9 occasions, but it was only on 5 of these occasions that the individuals required first aid or treatment in hospital. Mr Hopkins stated that the Police had claimed in their submission, that they received a considerable number of calls regarding incidents that had taken place within or immediately outside the premises, however these had not resulted in many injuries to these individuals.



He added that the premises also provided late night food in the form of beef burgers or hot dogs, so patrons did not need to leave the premises and go to other late night food establishments if they were hungry before they left the Club.

Mr. Hopkins noted that incidents of assault, crime and anti-social behaviour etc, had increased since 2010. He felt however, that this could be as a result of shrinking police resources as oppose to any other reasons. He acknowledged that previous mistakes had been made at the premises, but through different and more improved ways of working, his staff were taking steps to improving the way the business at Sax operated. The Club had made a particular improvement in terms of linking in with the Police over crime prevention generally speaking, and more particularly with drug misuse. He felt that this was both a positive and proactive move.

At this stage of the proceedings, the Chairperson adjourned the meeting for a 10 minute comfort break.

Upon reconvening, the Legal Officer noted that on 21 February 2016, 4 people had been arrested in Sax for possession of drugs, and a similar situation had also taken place last weekend. She asked the police representatives if they viewed this as positive or negative incidents.

PC Rowlatt confirmed that during 2015/16 there had seen a large reduction of known cases of people carrying drugs when visiting the premises, so this was a positive result she stated.

Mr J. Keeble advised that Sax was the only late night establishment that were very vigilant in terms of people carrying into and using drugs at the premises, and this was confirmed by the regular searching of patrons particularly those suspected of carrying drugs.

PC Rowlatt whilst agreeing with this, added that there were still problems being experienced at the premises with assaults, violent crime and other drink related incidents/disturbances. These were as bad as in any other late night venue in Bridgend she added.

Mr. Hopkins had noted the incidents of calls and crime as were outlined in PC Rowlatt's presentation, however, he felt that this was not considerable in terms of numbers, when taking into account, that over 30,000 patrons visited the premises within the course of a year, including 3 Bank holidays when the premises becomes extremely busy.

PC Rowlatt whilst acknowledging this fact, nevertheless stated that these were facts ie as a result of calls to the Police or in the form of crime reports..

Mr. Hopkins advised that every late night establishment could not necessarily be accountable for controlling all incidents that take place at late night premises where there were a considerable number of patrons congregating there at any one time, no matter how efficiently they operated the premises.

He added that he had complied with all that the Police had asked of him, by implementing the Conditions contained in the Operating Schedule, as well as providing a lost property book, a drug searching log, a book containing the names of qualified Door Control staff at the premises, and an incident book that showed times/dates when Door Control staff had to refuse entrance of patrons to the premises, for whatever reason. In short, staff introduced everything that the Police requested of them.

The Chairperson noted that there had been 14 incidents that had taken place at Sax within recent times. He asked how many of these had been caused by patrons not being admitted or re-admitted to the premises, after 02:30 hours.

PC Rowlatt confirmed that this was difficult accurately judge, given that the trial referred to earlier in debate, had not been in force long enough at the present time.

Mr. Hopkins informed Members that the trial had involved the use of TEN's, however, a premises could only have 15 TEN's within a 12 month period and Sax had already used 13 of these with only 2 being left that he had to use for the August bank holiday and over the forthcoming Xmas period, so effectively therefore, the trail could not continue.

Mr R. Keeble wanted Members to note, that trouble that was sometimes attributed to Sax was mis-directed. On a lot of occasions incidents took place when patrons were jostling to obtain a taxi to take them home; trouble emanating from the nearby Railway public house that had late opening hours, or from food venues just off Derwen Road where individuals congregated, often in an intoxicated state.

Mr Hopkins added that he had implemented a scheme with the Police, whereby when the premises was closing, as many as 10 Door Control staff assist patrons exiting the Club into taxi's, so as to try and prevent any trouble or confrontation taking place in Derwen Road, and adopt an effective filtering system of patrons leaving in a staggered manner rather than all at once. This had been aborted however, as different Licensing Sergeant's that had been employed during the last few years wanted to handle things differently in terms of the way of controlling potential situations of crime and/or anti-social behaviour occurring in the town centre. He reassured the Sub-Committee however, that he worked with the Police to try and ensure that incidents in and immediately outside the premises were kept to a minimum.

Mr J. Keeble advised that sometimes staff were in a no-win position, as if they refused someone entry to the Club, for example, because they were too intoxicated, then he/she often became aggressive, therefore igniting possible trouble. In situations such as this, if a member of staff called the Police, then this was used as a 'black mark' against the premises which in a way was unfair.

PC Rowlatt confirmed that out of 21 incidents that took place in respect of the premises this year, 4 of these were as a result of a patron being refused entry to the premises. These incidents occurred at the entrance or outside the premises. The other 17 incidents therefore took place within the premises.

Mr J. Keeble added that staff always worked with the Police, and they visited the Club on an hourly basis, particularly on a Saturday evening. After 03.00 hours however when Operation Raven ceased, this did result in a strain on late night establishments due to there being less Police visible in the town centre, and on occasions this inevitably resulted in patrons being more rowdy then when there was extra police present. If the staff at Sax, noticed that patrons were drunk in Derwen Street that were coming from another establishment, would often give them water to re-hydrate, as well as administering any first aid should they have fallen and cut themselves, etc. The Search room also doubled-up as a first aid room he added.

A Member asked, of the incidents that had taken place within the Club referred to earlier by PC Rowlatt, were all of these shown on CCTV camera's present within the premises.

PC Rowlatt advised that one of the incidents had been missed on 25 January 2016, as the cameras had been down in the premises that evening. She added however, that the premises were normally efficient with covering incidents that occurred at the premises,

and were readily available in giving CCTV footage to the Police when they requested this.

As this concluded the submissions of both parties, the Chairperson asked them both to sum-up their cases.

Mr. Hopkins advised Members, that although in the main he and his management team at Sax had overall a good working relationship with the Police, in terms of how the premises operated, as well as ways this could be improved, but unfortunately today they had agreed to disagree in respect of the application. From a business point of view late night establishments such as his, needed to survive, and one of the ways this could be achieved was for premises to open longer hours, particularly on weekends when it was busier in Bridgend town centre than in the week. With that said however, he felt that the extra hour the premises would be open, would not make a significant difference in terms of income for the business, though it would make a small difference, and give staff an opportunity to provide different things at the premises in terms of functions and entertainment. This was important, as the premises were limited in terms of obtaining extra hours of opening, in that this could only be achieved a limited number of times during the course of a year through TEN's. If there were problems resulting from today's application being granted, then the Police would come down hard on the premises, and as a result of this, have the scope to make an application to the local authority to review the Premises Licence. He was fairly confident though, that opening an extra hour primarily on weekends, would not give rise to any further trouble occurring at the premises. He assured the Sub-Committee that his business was a family run affair that worked well in the main with a common goal in mind. This was to ensure that the Club gave options for young people in terms of opportunities to enjoy the late night economy on offer in Bridgend, and that every effort was made for the safety of patrons at the premises. Mistakes had previously been made at the premises he conceded, but staff had learnt from these and put extra effort and work in, to ensure that any such mistakes were not repeated.

PC Rowlatt stated that she felt that the Sub-Committee should refuse the application, as if it was granted, then this would lead to an increase in cases of violent crime and disorder in and around the premises. She added, that most cases of this in the town centre took place in Sax, and therefore, was disproportionate when compared to other late night premises in Bridgend. She felt that opening hours of up until 05:00 hours for every day of the week, 365 days of the year, would contribute to the licensing objectives being compromised. As alluded to in her main submission, she also pointed out to Members that the application form contained at Appendix A to the report, had not been fully completed, specifically in relation to Boxes G, H and I. There was also no reference to opening hours on Boxing day she added. PC Rowlatt added that the majority of changes made at the premises in an attempt to improve the way it operated, had been suggested by the Police rather than originating from management, as had been insinuated by Mr. Hopkins. The Action Plan in respect of Sax, as recommended by the Police was then tabled at the meeting for the benefit of Members. This reflected issues that needed to be addressed and considered in respect of concerns raised by the Police with regard to the prevention of crime and disorder at the premises; public safety, prevention of public nuisance and the protection of children from harm, ie the 4 Licensing Objectives.

Mr. Hopkins added however, that most of the points referred to in the Action Plan had either been addressed or were in the process of being addressed.

PC Rowlatt concluded by summing-up, that the premises had also received 3 warning letters from the Police due to incidents of violent crime and anti-social behaviour that

had taken place there, and they had significant concern that incidents such as these would increase if the premises opened for later hours as per the application.

The Chairperson then announced to all those present, that the Sub-Committee would retire to determine the application.

Upon their return, it was

**RESOLVED:** The Sub-Committee considered the application for a variation of the premises licence in respect of Sax Bar, Derwen Road, Bridgend. It also heard representations from the Police.

The Sub-Committee had also heard from the Licensing Officer that there has been an agreement between the applicant and the Licensing Enforcement Officer that the suggested conditions be added to the Premises Licence and the Sub-Committee agreed that items 1 to 4 in the Officer's recommendations be added to the licence.

The premises are situated within the area covered by a special policy the cumulative impact policy the effect of which creates a rebuttable presumption that applications of this kind will be refused. The applicants have to demonstrate in their operating schedule that there will be no negative cumulative impact in their operating schedule. The Sub-Committee have noted that this was covered in their application but further adequately covered in the oral representations made by the applicant.

The Police have made detailed representations that any increase in the hours to these premises would impact on the licensing objectives and have referred to incidents which have occurred at the premises during the periods 2011 to 2015. However, they are linked to Sax through an occurrence link so some of the incidents have nothing to do with these premises. However, the police have made reference to specific incidents in their written representations which do relate to the premises. The applicant has covered most incidents in response to the police.

The Licensing Sub-Committee have heard evidence from the applicant that he continually works with the police to ensure that he upholds and promotes the licensing objectives. The police have also confirmed in their representations and on giving evidence that the applicant will work with the police and address their concerns.

The applicant, on giving evidence, comes across as a responsible licensee who has continually worked with the police to promote the licensing objectives. The Sub-Committee have decided that the applicant has sufficient steps in place to promote the licensing objectives and the additional two hours they have requested will not breach the objectives. The Sub-Committee therefore granted the additional two hours allowing the premises to open until 5am all days of the week.

The applicant also asked that the condition on the licence numbered 6 in relation to the seating area should be removed. The Sub-Committee agreed to remove this condition.

The applicant also made application for the condition in relation to no admission or re-admission after 2.30pm to be removed. The Sub-Committee refused this part of the application and have decided that the removal of this condition does not promote the licensing objectives. The Sub-Committee decided that this could lead to large numbers of customers attending the premises after the closure of other licensed premises in the Borough, which could lead to a high volume of customers leaving the premises at closing time, thereby increasing the risk of the crime and disorder.

The Sub-Committee also decided that the premises can open until 5am on Good Friday and Christmas Day.

In addition to the conditions offered on the operating schedule the Committee will add the following conditions to promote the licensing objectives.

- 1) A sign is displayed outside the premises which clearly state no admittance or re-admittance after 2.30am.

The meeting closed at 3.45 pm

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 16 AUGUST 2016 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

PA Davies

CJ James

Officers:

Katie Brook	Senior Licensing Technical Officer
Fiona Colwill	Licensing Enforcement Officer
Julie Ellams	Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing

25. APOLOGIES FOR ABSENCE

None

26. DECLARATIONS OF INTEREST

None

27. LICENSING ACT 2003 : SECTION 17 APPLICATION FOR PREMISES LICENCE 74 PISGAH STREET KENFIG HILL TO BE KNOWN AS PISGAH CONVENIENCE STORE

The Chairperson invited all those in attendance to the meeting and the necessary introductions were made.

The Licensing and Registration Manager explained that the purpose of the report was to consider an application for a new Premises Licence at 74 Pigsaw Street, Kenfig Hill made by Mr Nagarajah Nagendirajah.

The Licensing and Registration Manager reported that two additional documents had been served on all parties, a witness statement and photographs. The application form, operating schedule, representations from the Licensing Authority and the Chief Officer of Police and further supporting information were contained within the report. The Licensing and Registration Manager confirmed that there were no specific local licensing policies applicable to the Kenfig Hill area.

The Chairperson invited Mr Ian Jones, Barrister, to present the case for the applicant. He explained that the premises and location were relatively uncontroversial and that it was the identity of the applicant and his involvement in previous applications that created an issue.

The Licence was previously held by the applicant's wife and the couple lived together in a flat above the premises. The applicant had been involved with off licences/petrol stations in London until 2009 when he became the proprietor of a franchise at Tondu Service Station. At that time he was responsible for five staff split between Tondu and Ton Pentre stations and during that time there were no licensing issues. He surrendered

the licence for these in January 2016. His intention was to focus on the store with less involvement from his wife who was now pregnant.

The objections related to immigration issues, the test purchase in February 2015 and the sale of alcohol outside authorised hours in July 2015. The person minding the till at the time of the test purchase was the brother-in-law of the applicant who had no right to be in the UK. This should not have happened but the applicant was not involved, he was not present or in charge at that time.

Another employee was found to be an illegal immigrant at one of the service stations however his employment predated the applicant's involvement with the service station and the applicant was required to take on existing staff. Lessons had been learnt from his experience.

Mr Jones suggested that the police representations were at a level where there was no need to revoke a licence and they were not strong enough to refuse a licence. There were no issues with the store location or layout and if permission had been granted for the increase in floor space, it would not have been a problem. Other issues concerning failure to display the correct notices had since been resolved. He suggested an additional condition for consideration, in addition to the standard conditions:

"The name and address of anyone involved with the sale of alcohol to be submitted to the police in advance. Details of staff already involved in the sale of alcohol at the premises also to be submitted to the police".

PC Kevin Ellis queried the impact of this condition on the issues currently being considered and asked what they expected the police to do with this information?

Mr Jones explained that the applicant would be responsible for his employees and he wanted to be open and upfront. This would also give assurances that the only people serving would be employees. If the police checked and they had not received this information for an employee then it would be a breach of condition. There would be no change to the burden of proof and the applicant would still be responsible.

PC Kevin Ellis requested further information concerning the test purchase in July 2015 when the applicant was in charge. Mr Jones explained that it was normal for the store opening hours and the hours for the sale of alcohol to be the same. This was not the case, the person on duty was confused and their employment was later terminated as a result of the incident. In future the intention was that the licensing and opening hours would be the same.

PC Kevin Ellis confirmed with the applicant that the person arrested at Tondu had worked there between 2009 and 2015 when he was arrested. The applicant would have had access to payroll records for this period. Mr Jones confirmed that he had not been involved in the service stations since January 2016 and no longer had access to any papers. If there was evidence that he had been involved in any way then the police would have taken action against him.

The Legal Officer asked if the applicant was aware that there was a simple border agency check available on the website to check to see if staff were eligible to work in the UK? He was not aware of it. No pay records were available for the member of staff arrested because the applicant was no longer involved with Tondu service station. Head Office may be able to provide the information.

The Legal Officer asked for confirmation that the illegal immigrant had a NI number and that he had paid tax and national insurance on his income. The applicant confirmed that



tax and national insurance contributions had been paid although he could not comment on how the illegal immigrant had an NI number.

PC Sarah Rowlatt asked for clarification regarding the status of the “gentleman minding the till” in February 2015. He was not employed and received no money for his services however it took some time before the applicant’s wife returned following the incident. The applicant was asked if all staff were trained. He explained that training had taken place and that this person had not been trained and should not have been involved.

The Licensing Enforcement Officer asked for more information relating to the July 2016 incident. Was the applicant aware of the licensing hours at that time? The applicant confirmed that he was and that he was in the kitchen at the time making tea and watching television. As soon as he noticed that alcohol was being sold he explained to the staff member to ensure no further sales were allowed. The applicant said that he was unable to close the actual chiller where alcohol was stored.

When questioned, Mr Jones explained that the conditions offered were consistent with the mandatory conditions with the addition of CCTV which was already in place. There was only one additional condition as reported earlier.

The applicant confirmed that he opened and closed the store and worked there all day every day. A part time member of staff worked a few hours each day during the week.

The applicant confirmed that the member of staff responsible for selling alcohol after hours on 6<sup>th</sup> July 2015 was 22 years old and also worked for Tesco and that training was provided “in house”.

Members queried some of the entries in the refusal register including the test purchase incident (recorded as an incident rather than a refusal) and the absence of some signatures in the refusal register. The Licensing Enforcement Officer queried the dates that the refusal register was with the police because it had not been available on 6<sup>th</sup> July 2015.

PC Kevin Ellis outlined his representations regarding the application. The previous Premises licence was surrendered by the applicant’s wife on 21 July 2015. The applicant had an interest in the business prior to and after its surrender and continued to do so as the current applicant. The couple lived directly above the premises and Mrs Nagendrarajah would continue to play an active role if the application was approved. The applicant had committed serious licensing and immigration offences at the premises as well as committing immigration offences at Tondu Service Station and Costcutter between 15 October 2012 and 27 January 2016. It would be inappropriate for Mrs Nagendrarajah to be the applicant due to her licensing convictions hence her husband had stepped into the role.

On 19 February 2015 an underage volunteer was sold 4 cans of cider and not asked for proof of age identification. The seller asked the volunteer his age and was told he was 16 to which he laughed and continued with the sale. When officers attended the premises, the person who had made the sale was working alone but Mrs Nagendrarajah soon appeared. When officers conducted a search of the premises a number of other offences were also detected. She was subsequently convicted on 23 November 2015 and received a total fine and costs of £1899.84. The staff member who had sold alcohol to the volunteer maintained that he did not work at the premises and it was later established that he was an illegal immigrant. Both the applicant and his wife were familiar with immigration procedures and there was a vast amount of documentation available to avoid employers committing offences.

The applicant had committed offences similar to those relating to his wife i.e. serious offences under the Licensing Act and serious immigration offences. On 16 May 2015 a migrant was found working at Tondu Service Station.

On 6 July 2015, a test purchase took place and alcohol was sold after the permitted hours. Three sales of alcohol took place outside the authorised hours and two further contraventions of the licence shortly before the review hearing when the licence was already in jeopardy. The day before the hearing the licence was surrendered.

PC Kevin Ellis explained that in relation to the Operating Schedule, the applicant had disclosed very little as to how he would promote the licensing objectives and the application did not meet the criteria. He reported that additional information was available, an original document not signed or dated and a further document in relation to the test purchase not included in the original bundle. He concluded his representations.

PC Kevin Ellis was asked to confirm that some of the incidents reported, related to the wife of the applicant and not the applicant. PC Kevin Ellis confirmed that some charges related to the wife and this was the husband's application but both lived at the premises and this gave a background to the application. When challenged, he agreed that there had not been any proceedings taken against the wife relating to immigration. He explained the reasons why further action had not been taken following the incidents including the fact that it was "not in the public interest" to prosecute following the surrender of the licence.

The Senior Lawyer asked for clarification regarding the dates he was in charge at Tondu station. The dates supplied by the applicant were different to those reported by the police and it was difficult to establish who was in charge when the migrant was employed. The Sub-Committee was advised that it was more likely that the police dates were correct.

The applicant confirmed that he had destroyed all documents relating to staff when he left in January 2016.

CCTV was working when the 19<sup>th</sup> February incident took place but the applicant had been unable to record/burn the evidence and it was not chased at a later date.

The Licensing Enforcement Officer outlined the background information relating to the application. The applicant had failed to comply with a number of mandatory conditions relating to the Risk Register being unavailable for inspection and the requirement that all staff complete accredited training. The operating schedule failed to evidence how these issues would be addressed.

It was not clear exactly who was serving on 6<sup>th</sup> July when alcohol was sold outside the authorised hours and the names suggested did not appear in the training register.

Mr Jones requested confirmation that there were no representations relating to nuisance at the property. The Licensing Enforcement Officer confirmed that the applicant had referred to the issue in the operating schedule but there were no representations relating to nuisance.

Closing Statements were invited from the applicant and objectors.

Mr Jones on behalf of the applicant reminded the Sub-Committee that this would usually be a straight forward application with no issues relating to the premises. No action had been taken against the applicant for breach of licensing conditions or immigration. The Tondu station incident related to an overstayer already employed and inherited at the

premises and he was not aware of the measure available to verify immigration status. He was present at the premises when the second incident took place but intervened as soon as he was aware sales were being made outside the agreed hours. Again no action was taken against the applicant. The applicant was responsible both legally and morally and this was his livelihood although he acknowledged that he needed to be more vigilant. The Licence should be allowed to the applicant with mandatory conditions plus the additional condition.

PC Kevin Ellis reminded the Sub-Committee that the applicant had a controlling interest in the business when his wife was the licensee and as both would continue to live at the premises their history of offending did not promote the objectives. He referred to the incident where a staff member who was in the UK illegally, sold alcohol to a person who had confirmed they were underage. False details were later provided to the police. Another migrant illegally in the UK, was discovered at other premises under the control of the applicant in May 2015. A further incident took place on 6<sup>th</sup> July 2015 when a test purchase took place outside licensed hours, this was shortly before the review hearing was due to take place. The most serious licensing and immigration offences had been committed and the facts indicated that the application for a licence should be refused.

The Licensing Enforcement Officer referred to inconsistencies in the applicant's statement. He lived above and had an active role in the running of the premises and was in charge during the test purchase in July 2015. The applicant had extensive experience yet there was no confidence in his licensing skills and concerns re protection of children from harm.

Mr Jones confirmed the dates when the applicant was in charge at Tondur station and that he did "inherit" the overstayer.

The Sub-Committee adjourned at 1.20 pm re-convened at 4.10pm.

**RESOLVED:**

The Committee considered the application for a Premises Licence in respect of Pisgah Convenience Store and heard representations from the Applicant, the Police and the Licensing Enforcement Officer.

The Applicant's wife previously held the Premises Licence and had a number of convictions which related to a Licensing Enforcement visit which took place on the 19 February 2015. The Committee had not taken these into consideration when determining the application. However, the Committee had taken into consideration that the Applicant was aware of these convictions and was called to the premises on the night in question and was therefore aware of the events leading to those convictions. The Applicant was also involved with these premises at that time.

The Committee heard from the Police that after the enforcement visit, which took place on the 19 February 2015, the Police attended the premises again on the 6 July 2015. On this visit the Police witnessed three alcohol purchases, in less than an hour, outside the permitted hours allowed by the licence. The Applicant was on duty at the store when these breaches of the licence occurred and it was only 5 months after the last enforcement visit. The Applicant in his representations accepted that he was on duty on that date and informed the Committee that he was in the kitchen and did not see the sales taking place. The Licensing Enforcement Officer advised the Committee that the chillers were still switched on and illuminated and there was nothing to indicate to the

customers that they could not purchase alcohol. This took place 16 days before a Review on the Licence was scheduled to take place.

The Committee found the Applicant's explanation unacceptable, the Applicant had received an accreditation in Licensing and knew that the licence did not allow the sale of alcohol at the time in question, and he did nothing to ensure the staff had received sufficient training so that a member of staff would have known the hours permitted for the sale of alcohol.

The Applicant had provided a witness statement and at paragraph 3 he stated that he became the proprietor of Tondu and Ton Pentre Service Station for the period 2009 to 2016 when he stated that he adhered to all the legal requirements in maintaining that business. However, the Police in their representations gave evidence that those premises were subject to a Border Agency visit during the Applicant's tenure and an over stayer was found working at those premises. The Police stated that the employee entered the UK on a Student Visa in September 2010 which expired in October 2012 and at that point was not legally entitled to work in this country. This took place after his brother in law, who was also an illegal immigrant, was caught at the Pishgah Street premises selling alcohol to a person under age in February 2015.

The Applicant in his representations advised the Committee that he inherited this employee from the previous owners of the Service Station and he did not make any checks on whether he was legally entitled to work in the UK. There was conflicting evidence as to when the Applicant became the owner of the business as he stated in his statement that it was 2009 and the over stayer only came to this country in 2010. However, Counsel for the Applicant had requested the Committee to take the Police dates of the period the licence was in the Applicant's wife's name, being the 10 February 2011. However, the Applicant had signed a statement of truth on his witness statement that the facts stated in that statement were true and the Committee was therefore entitled to take the date of 2009 as the date the Applicant became responsible for the premises.

The Home Office Guidance at 11.27 set out certain criminal activity that might arise in connection with licensed premises which should be treated particularly seriously. Contained in that list was "Knowingly employing a person who was unlawfully in the UK or who could not lawfully be employed as a result of a condition on that person's leave to enter".

The Applicant also produced a refusals register in support of his application. The Applicant had stated that there was a refusals register at the premises during the period that his wife was the Licence Holder. The Police and the Licensing Enforcement Officer gave representations that the member of staff and the Applicant's wife could not locate the register on the 19 February 2015, when the licensing enforcement took place at the premises. The Committee noted that the log, which was copied and produced by the Applicant in support of this application, did not contain certain entries from the enforcement visit that took place on the 19 February but the actual log produced today does contain entries which appear to have only been recently added.

The Committee considered the licensing objectives and the representations made by the Applicant, the Police and the Licensing Enforcement Officer and decided that to grant a licence to the Applicant would undermine the licensing objectives for the following reasons:-

1. The Applicant was the person in charge of the Pisgah Street premises on the 6 July 2015 when enforcement officers witnessed three breaches of the premises licence, the Committee found this particularly surprising when taking into consideration the Applicant was called to the premises when an enforcement visit took place at the premises on the 19 February 2015. The Committee found that the Applicant should have been particularly vigilant and should have ensured that staff under his control on that evening were aware of the conditions on the licence. The Applicant did not accept any responsibility for his actions on the night in question and had tried to pass the blame onto one of the employees at the premises.

2. The Applicant was the person responsible by his own admission for the garage premises at Tondu when an illegal over stayer was found to be working at those premises. Again the Applicant does not try to take responsibility for this and has maintained that it was the fault of the previous manager who ran the premises. The evidence given by the Applicant in his witness statement contradicts this. In any event it was a simple process to check whether a person had the right to work in the UK and it was the Applicant's responsibility to ensure that every member of staff working for him had the right to do so. Again he should have been particularly vigilant when taking into consideration his own brother in law had been caught selling alcohol to a person underage at the Pisgah Street premises when he was illegally in this country.

On this basis the application was refused.

The meeting closed at 4.40 pm

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**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, 23 AUGUST 2016 AT 10.00 AM**

Present

Councillor DRW Lewis – Chairperson

GW Davies MBE

PA Davies

E Dodd

CJ James

Officers:

Katie Brook

Senior Licensing Technical Officer

Andrea Lee

Senior Lawyer

Andrew Rees

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

127. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor PN John.

128. DECLARATIONS OF INTEREST

The following Declaration of Interest was made:

Councillor PA Davies declared a prejudicial interest in agenda item 4 – Application to Licence Private Hire Vehicle as the applicant is known to her and withdrew from the meeting during consideration of this item.

129. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Sub-Committee of 28 June 2016 be approved as a true and accurate record.

130. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager Licensing submitted a report regarding an application by Easyway Minibus Hire Limited to licence a Mercedes Sprinter vehicle registration number EB09 WAY as a private hire vehicle to seat 8 persons.

Mr Richard Morris of Easyway Minibus Hire Limited attended 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 83,339 miles. The Team Manager Licensing informed the Sub-Committee that the vehicle is pre-owned and first registered at the DVLA on 24 April 2009, is wheelchair accessible and fitted with a tail lift. The vehicle is currently registered to Easyway Minibus Hire Limited and has been tested as a Private Service Vehicle to seat 16 passengers. She stated that the application falls outside the Private Hire Vehicle age policy for wheelchair accessible vehicles which are under three years in age at the time of application. She also stated that there were additional policy guidelines which fall outside policy guidelines.

The Team Manager Licensing informed the Sub-Committee that the applicant had provided a Certificate of Initial Fitness; a Public Service Test Certificate; Brake test result; LOLAR examination certificate in respect of tail lift fitted to vehicle; delivery

inspection handover document together with oil service and maintenance work for the vehicle. The Team Manager Licensing also informed the Sub-Committee that the applicant had been advised that it would be necessary to obtain an updated V5 Registration Certificate which showed that the vehicle is constructed and adapted to seat 8 passengers. She stated that the applicant will also be required to demonstrate that if seats have been removed or re-configured, this has been undertaken to a safe standard and all seats are anchored correctly. She also stated that the applicant had indicated that he wished to wait for a decision in principle before undertaking these requirements and in the event of the application being granted conditions be imposed relating to the V5 certification and testing of the seating, anchorage and tracking.

The applicant informed the Sub-Committee that the vehicle had been in the company's ownership for 2-3 years and had been used as a public service vehicle. In the event of the application being successful, the company proposed to use the vehicle on a contract for a special school in Penarth where there were 3 regular wheelchair users. It was proposed to use the vehicle for private hire vehicle at other times and to convey students attending Weston House at Bridgend College. The company had experienced difficulty in recruiting drivers with public service vehicle licences, but had a number of drivers holding licences to drive taxis and it would be beneficial to use the vehicle for private hire work.

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

RESOLVED: That the Sub-Committee has considered the application to licence a Mercedes Sprinter registration number EB09 WAY. The Sub-Committee has considered the application and the Council's Statement of Licensing Policy. The Sub-Committee has decided that the vehicle is in an exceptional condition and falls within the policy for wheelchair accessible vehicles and on that basis is prepared to grant the licence subject to the applicant providing an updated V5 Registration Certificate and providing evidence that the reconfiguration of the seating has been carried out to a safe standard and all seats have been anchored correctly and evidence that the vehicle has the correct tracking.

131. URGENT ITEMS

There were no urgent items.

132. 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 Paragraph 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.



**LICENSING SUB-COMMITTEE B - TUESDAY, 23 AUGUST 2016**

133. APPROVAL OF EXEMPT MINUTES
134. APPLICATION FOR RENEWAL OF LICENCE
135. APPLICATION FOR GRANT OF NEW LICENCE

The meeting closed at 12.46 pm

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## BRIDGEND COUNTY BOROUGH COUNCIL

18 OCTOBER 2016

### REPORT TO LICENSING SUB COMMITTEE

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

##### APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

**1. Purpose of Report.**

- 1.1 To ask the Sub-Committee to consider an application for the grant of a licence for a hackney carriage vehicle. The application falls outside the Council's policy guidelines.

**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.

**4. Current situation / proposal.**

- 4.1 Application is made by Peter Dennis, to licence a Ford Tourneo Custom registration number CA14 WFU as a hackney carriage vehicle to seat 8 persons. The date of first registration of the vehicle was 29 August 2014. The vehicle is not wheelchair accessible.
- 4.2 Records show that this vehicle was previously licensed as a hackney carriage until 7 September 2016. On 7 March 2016 the vehicle mileage was recorded by Fleet Services as 59129 miles. No additional documentation was submitted with the application.
- 4.3 The application falls 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 wheelchair accessible vehicles.

**4.4 Policy Guidelines**

The 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.”

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

#### **5. Effect upon Policy Framework & Procedure Rules.**

5.1 None.

#### **6. Equality Impact Assessment.**

6.1 If licensed, this vehicle would not fall within the category of wheelchair accessible vehicle. 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 requested to determine the application having regard to the Council's policy guidelines, the information contained within this report and provided by the applicant.

**Andrew Jolley**  
**Corporate Director Operational and Partnership Services**

**12 October 2016**

**Contact Officer:** Yvonne Witchell  
Team Manager Licensing

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#### **Background documents**

Hackney Carriage Vehicle Application Form  
Hackney Carriage Policy Guidelines

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

18 OCTOBER 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 ML13 GWZ as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 29 April 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 04/06/2014, 11/06/2015 and 15/08/2016 including a MOT test dated 04/05/2016 which was undertaken at 34774 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 12 October 2016**

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**Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

18 OCTOBER 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 SG13 SNV as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 6 August 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 31/07/2014 and 01/08/2015 including a MOT test dated 20/09/2016 which was undertaken at 19596 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 12 October 2016**

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**Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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