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

Deialu uniongyrchol / Direct line /: 01656 643148
Gofynnwch am / Ask for: Mr Mark Anthony Galvin

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

Dyddiad/Date: Thursday 16 September 2017

Dear Councillor,

LICENSING SUB-COMMITTEE 'A'

A meeting of the Licensing Sub-Committee A will be held in the Council Chamber, Civic Offices, Angel Street, Bridgend, CF31 4WB on **Thursday, 21 September 2017 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 - 22
To receive for approval the Minutes of meetings of the Licensing Act 2003 Sub-Committee dated 27 March and 23 May 2017
4. Application to Licence Private Hire Vehicle 23 - 26
5. Application to Licence Private Hire Vehicle 27 - 30
6. Application to Licence Private Hire Vehicle 31 - 34
7. Application to Licence Hackney Carriage Vehicle 35 - 38
8. Application to Licence Hackney Carriage Vehicle 39 - 42
9. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

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10. Exclusion of the Public

The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.

If following the application of the public interest test the Committee resolves pursuant to the Act to consider these items in private, the public will be excluded from the meeting during such consideration.

11.	<u>Application for Grant of Licences</u>	43 - 46
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Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

SE Baldwin

PA Davies

DK Edwards

Councillors

DRW Lewis

DG Owen

AA Pucella

Councillors

JE Williams

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 27 MARCH 2017 AT 10.00 AM

Present

Councillor R Williams – Chairperson

JE Lewis MEJ Nott OBE

Officers:

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

4. DECLARATIONS OF INTEREST

None

5. LICENSING ACT 2003: SECTION 17 APPLICATION FOR PREMISES LICENCE, VILLAGE CAFE AND FUNCTION ROOM, BETTWS LIFE CENTRE, BETTWS

The Senior Licensing Officer (Technical) presented a report, the purpose of which, was to advise Members of an application made by NSA Afan Community Regeneration Ltd for a new Premises Licence for the above premises, which consisted of a Café, Bar and Function Hall at the Life Centre.

She advised that the application had been the subject of statutory consultation with the relevant bodies as well as being advertised in accordance with the Regulations, and a copy of the application was shown at Appendix A to the report together with the proposed Licence Plan.

The report outlined certain background information, and the nature of the application was for a Premises Licence which would authorise the supply of alcohol for consumption on the premises only, as well as to include entertainment in the form of plays, recorded music and live music, as specified in the application during the hours as follows:-

Monday to Sunday - 09:00 to 2400 hours
Hours open to the public – 0900 to 0030 hours

Representations had been received from the Chief Officer of Police and these were shown in Appendix B to the report.

Paragraph 4.2 of the report then gave details of representations to the application from other parties and these were also included in further Appendices attached to the report.

Two further documents over and above those contained in the papers that accompanied the agenda were tabled at the meeting, and these were in the form of e:mails exchanged between the applicant and representatives from the Council's Public Protection Department and the Enforcement Section of the Licensing Department. They included suggested added Conditions to the application for Premises Licence that had been shared with South Wales Police and agreed to by the applicant. Two changes in particular, were for live music at the premises to finish at 23:00 hrs, and that all windows to the main hall should be kept closed during regulated entertainment.

The Senior Licensing Officer (Technical) added that as a result of further discussions between the relevant parties that had taken place on Friday 24 March 2017, the applicant submitted an amended to the original application, which included a change in respect of regulated entertainment and hours previously recommended for the sale of alcohol at the premises. These would be explained by the applicant when they gave their submission to Members.

PC Sarah Rowlett advised that several meetings had taken place with the applicant where the changes proposed to the application had been openly discussed. She asked Members if the meeting could stand adjourned to go through the detail of these changes to the application.

The Legal Officer asked the SW Police representatives why these issues had not been concluded prior to today's meeting.

PC Rowlett advised that the main reason for this, was that the application had been submitted without it first having been presented to South Wales Police for consultation. The Police as a result of this, then put in an Objection Notice to the application prior to formal discussions between the applicant and the Police taking place. Since then however, consultations had taken place between both parties in the form of 3 meetings having since taken place. She proceeded by confirming that the form of entertainment to be provided at the premises as well as the operating hours, including those where alcohol would be served to patrons, had been agreed upon between both parties. However, agreement had not yet been reached with regard to the provision of CCTV at the premises, as well as a site being designated immediately outside of the premises for the provision of a smoking area, and how this would be controlled.

Mr Williams (a representative on behalf of the applicant) advised that aside of meeting with SW Police representatives regarding their representations to the application, consultations had also been ongoing with the Licensing Section regarding suitable Conditions that could be attached to any future Premises Licence. He wished to point out that the premises in question was not a nightclub, or indeed would not be a fully operated licenced premises in relation to its hours of opening. The application was more for a community premises to continue operating in as effective way as possible, as it had done for past generations. He added that the sale of alcohol at the premises would only be in respect of pre-arranged community organised events to which patrons would be invited, as opposed to coming in 'off the street'. He further added that there was a separate café to the function room, that provided meals and snacks, and also offered beer and wine by the glass. Though there was a small bar in the café this was not open in the daytime. Mr Williams conceded that there was an issue with CCTV at the premises, in that though there was CCTV camera's there, these could not be used by NSA Afan Community Regeneration Ltd, as they were leasing the building from BCBC through Arwen Trust a not for profit charitable organisation, and were therefore not prohibited to use such CCTV facilities for their own purposes. There was a library also situate within the Bettws Life Centre building, that Arwen again operated on behalf of the local authority.

The Legal Officer noted the fact that NSA Afan Community Regeneration Ltd were leasing part of the Bettws Life Centre off the Council, and she also noted the complications due to this, in respect of the use of CCTV at the premises for their own purposes and functions etc. She asked when they had brought this to the attention of the Licensing Section.

Mr Williams replied that they raised this with the Licensing Section last week.

The Legal Officer advised that either permission would have to be given by the Council for NSA Afan Community Regeneration Ltd to use existing CCTV at the premises which was highly unlikely, or they would have to obtain permission to provide their own CCTV cameras under any Premises Licence, should they're application be granted. She asked if they would be prepared to install these under the Conditions of such a Premises Licence, to which Mr Williams advised that they would.

The Legal Officer then asked the applicant if they would also as a Condition of any future Premises Licence, provide a designated smoking area at the premises, as requested by South Wales Police.

Mr Williams advised that such a designated area would be provided either in or outside the premises. The Legal Officer confirmed that such an area would by law have to be provided outside of the premises.

Mr Williams confirmed that there was designated highway situate immediately to the front of the premises, however, there was an area possibly to the side or the rear of the premises that could be utilised for this purpose through agreement with Arwen and BCBC.

PC Rowlatt emphasised that any designated smoking area provided, also had to be secured and monitored, with ashtrays or receptacles for cigarette ends provided.

The Chairperson was mindful of the issues that had been debated at the meeting, and a Member of the Panel also advised that the plan of the premises that was contained in the report was not that explicit in terms of the layout of the premises, in relation to what it would be used for with regard to the holding of functions ie in the Concert Room.

As certain other aspects of the application had been resolved with statutory bodies by way of the provision of any Conditions being attached to a Premises Licence should this be granted at the premises, Members recommended that the meeting be adjourned, in order that all parties present could have a site inspection there, to look at the layout of the Life Centre and the issue of the provision of CCTV and a smoking area.

The meeting was therefore adjourned for this purpose at 10.20am.

All those present commenced the site visit in the Main Hall of the premises in question, which Mr Williams confirmed was primarily a function room that NSA Hafod Community Regeneration Ltd were able to lease from BCBC and Arwen Trust. He added that there was a café situate next door to this room, with the ability to open the partition between them which would then effectively make it one large room (as opposed to two).

A Member asked if there was CCTV present within the building, to which Mr Williams replied that there was 2 cameras in the foyer and 1 in the café area and a further camera in the Main Hall/Function room. He added that there was a small bar in the café that was only open when certain functions were being held in the next door function room primarily of an evening. There was CCTV behind the small bar also.

A Member asked what type of functions were normally held in the Main Hall/Function room.

Mr Williams advised that these were community based, and often dependent upon what local residents wanted. In the absence of a Premises Licence, he had previously obtained TEN's, but also classes used the Function room for the purpose of holding things there such as Zumba and lessons in karate amongst others, when there was no requirement for patrons to purchase and consume alcohol.

A Member asked if the bar in the café was open when classes such as the above were using the Function room.

Mr Williams advised that the bar was only open for private functions, for example birthday celebrations including a disco, and primarily for evening party functions rather than daytime class type functions.

He added that the café bar did provide for the provision of alcohol in daytime hours, but this was normally only through the provision of a small glass of wine with a meal should a customer request this as opposed to a soft drink. The bar was not open in the day for the purpose of serving other alcoholic drinks that it accommodated, ie lager and wines, as this was only opened for private functions such as birthday's and weddings arranged in the evening, rather than for keep-fit type classes etc.

Mr Williams when asked, confirmed that there was a fire escape also that served the Main Hall/Function room, and that any profits that the organisation made from functions were put back into the local community.

A Member asked if the bar in the café stocked spirits, to which Mr Williams replied that it only stocked lager (Fosters) and fortified wine of around 12% alcohol content.

When asked a further question regarding the opening times of the library that Arwen Trust operated on behalf of the Council in a separate room within the building near the foyer, Mr Williams confirmed that this was open two and a half days a week, but for longer hours during half term and Bank/school holiday periods.

A Member noted that there were only one set of toilets within the building, and he asked if these were shared between visitors to the library, café and main Function room, to which he replied that they were.

PC Rowlatt noted that small bottles of wine could be purchased over the counter in the café even when the small main bar was closed, as well as from the main bar when an organised function was taking place. She asked who monitored any patrons who may attempt to take their drink outside of the building, particularly during organised functions.

Mr Williams advised that staff present within the building would ensure that alcohol is not taken and consumed outside the premises, and that it was just consumed within the confines of the building.

A Member asked what action would be taken if a visitor who purchased alcohol at the premises attempted to take this into the library.

Mr Williams advised that staff would prevent this from happening and that appropriate signage would also be displayed at the premises during organised functions advising patrons what they could and could not do at the premises, particularly in respect of alcohol consumption.

A Member asked how far the nearest residential properties were situate from the premises.

He advised that there were a couple of properties situate quite near to the rear of the premises that were separated from the premises small sitting out area by a wall. At the front of the premises there were no residential dwellings, while either side they were approximately 100 metres away ie both left and right.

A Member asked if NSA Afan Community Regeneration Ltd could use the CCTV at the premises for functions arranged by them.

Mr Williams advised that the CCTV could only be used and obtained access to by Arwen Trust on behalf of BCBC.

All those involved in the site inspection then proceeded to visit the external area of the premises and any potential location that could accommodate a smoking area.

Mr Williams advised that it would be difficult to locate a smoking area to the one side of the premises, as that accommodated a car parking area which was owned by the Council and usually facilitated by Arwen Trust Ltd. At the other side of the premises there was public highway as there was to the front of the premises. To the rear of the premises there was located a sitting out area come patio complete with tables and benches, and a wall almost head height separated this area from a couple of residential properties. He added that no alcohol would be permitted to be consumed in any possible designated smoking area that would be finalised and agreed upon. Mr Williams further added that no smoking signs would also be erected in the proposed smoking area as long as BCBC agreed to this (as it was their land), and nearby residents would be consulted upon should the preferred location be the sitting out area to the rear of the premises.

This concluded the site visit and all those in attendance returned to the Civic Offices in Bridgend, where the Chairperson re-opened the meeting at 12:00pm.

Upon reconvening, the Sub-Committee then agreed that

RESOLVED: That the meeting stood adjourned, in order that the further information requested at the meeting and the site visit in respect of changes to the application, can be presented to all parties and Members in due course when the Sub-Committee once more reconvenes.

The meeting closed at 12:22pm

The meeting then re-opened at 9:30am on Friday 21 April 2017 at 10.09am, where it was noted that the attendees were the same as in the original meeting.

The Team Manager – Licensing advised all those in attendance, that some developments had taken place between the applicant and the South Wales Police in respect of the application since the meeting had last been adjourned, including exchanges of communications primarily in the form of letters and e:mails. She added that proposals as part of these exchanges included the applicant seeking to withdraw some of the licensing activities from the application, changes which questioned now whether there was a need for the applicant to secure a Premises Licence under the provisions of the Licensing Act 2003.

A principle change as to what NSA Afan Community Regeneration Ltd were proposing, was that they were now going to withdraw entirely from their application, the recommendation to sell alcohol at the premises.

The Team Manager – Licensing added that the applicant still intended to have regulated entertainment at the premises (ie the Main Hall) in the form of plays and certain classes etc, however, the revised application also included reduced hours for these activities, and this again did not necessitate the acquisition of a Premises Licence. Boxing,

wrestling and other more adult entertainment options had also been deleted from the revised application.

She proceeded further, by advising that the regular opening times of the Centre would now be Monday 9.00am to 10.30pm, Tuesday to Thursday 9.00am to 10.00pm, Friday and Saturday 9.00am to 11.00pm, and Sunday 9.00am to 8.00pm. Also, any organised live music at the premises would finish at 11.00pm (on days this was permitted through the premises opening hours), and windows to the Main Hall would be kept closed during all regulated entertainment.

The Team Manager asked the representatives from the Police if they had received the further notifications from the applicant, including the main amendments referred to immediately above, and PC Rowlatt advised that the Police had received the amended application, and were happy with this and therefore no longer had any objections to the applicant's proposals.

The objectors present at the meeting, also confirmed that they were now happy with the terms of the revised application as recently submitted by the applicant.

The Team Manager – Licensing confirmed that the only issue outstanding now was confirmation in writing to the Licensing Section, which confirmed the capacity of the Main Hall at the premises, as well as details regarding the beneficiary of the premises.

The applicant confirmed that he had an e:mail on his mobile phone that confirmed the information required as expressed immediately above, but that he would need to go outside the confines of the Civic Offices to send this to the Licensing Section.

The Chairperson therefore once more adjourned the meeting for this purpose at 10.34am.

The meeting then reconvened at 10.47am, and the Team Manager – Licensing confirmed that the Licensing Section had received the e:mail so requested, and that this included details of the capacity of the Main hall for ticketed events, ie 150 persons.

With regard to Social and Community principles, she added that the organisation who submitted the application, were a 'Not for Profit' organisation, the Chief Executive of which was Mr Isaac.

In terms of the proposed various 'uses' of the premises (which was classed as a community premises) as specified in the amended application, she confirmed that under the provisions of the 2003 Act, a Premises Licence was now not required for the purpose of what was intended to be provided at the premises during the proposed hours of opening.

The Team Manager – Licensing also added that there would be no sale of alcohol in the Main Hall of the premises during any events so held there, other than on New Year's Eve, where alcohol could be consumed in this part of the premises up until 12.30am, in conjunction with an organised New Year's Event.

Finally, the Team Manager – Licensing advised that other requirements had also been met as part of the amended application, which included the adequate monitoring of noise pollution and Health and Safety requirements being met at the premises. She added that should the applicant wish to hold organised events that exceeded the normal times of opening and required the sale of alcohol at the premises, then it was open for him to apply for a Temporary Event Notice at the premises under the terms of the Act.

LICENSING ACT 2003 SUB-COMMITTEE (A) - MONDAY, 27 MARCH 2017

As all objections had now been withdrawn, and all the statutory requirements that needed to be met had been, the Chairperson advised that there now no longer the need for an application to be made for a Premises Licence by the applicant.

The Sub-Committee therefore,

RESOLVED: That it be noted that the application made by NSA Afan Community Regeneration Ltd for a Premises Licence in respect of Bettws Life Centre, had effectively been withdrawn.

The meeting closed at 12.20 pm

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 23 MAY 2017 AT 1.00 PM

Present

Councillor DRW Lewis – Chairperson

PA Davies DG Owen

Officers:

Katia Daw Lawyer
Mark Galvin Senior Democratic Services Officer - Committees
Yvonne Witchell Team Manager Licensing

7. APOLOGIES FOR ABSENCE

None

8. DECLARATIONS OF INTEREST

None

9. LICENSING ACT 2003: SECTION 105 TEMPORARY EVENT NOTICE 35 MARKET STREET, BRIDGEND

The Corporate Director – Operational and Partnership Services submitted a report, which asked the Sub-Committee to consider an Objection Notice submitted by the South Wales Police in respect of a Temporary Event Notice served on the Licensing Authority in respect of the above premises known as Tom’s bar.

The Team Manager – Licensing summarised the report for the benefit of those present, and advised the Sub-Committee that one further document had been submitted since the agenda and report had been dispatched, which was a Door Supervisor Incident Book. She asked if any developments had taken place between the applicant and the South Wales Police since the papers for the meeting had been circulated, to which both parties replied that no agreement had been reached in respect of the TEN.

In terms of the process to be followed at today’s Hearing, the Team Manager – Licensing advised Members that the Police would firstly give their submission, as it was an Objection Notice in response to an application for a TEN. She also referred to the current hours of operation at the premises which was referred to in paragraph 4.2 of the report, and Appendix A to the report, ie a copy of the Objection Notice that had been served on the Premises User of the premises.

Following this introduction, the Chairperson asked the Police representatives to present their case.

PC Rees advised that on Thursday 11 May 2017, South Wales Police responded with an objection notice to a Temporary Event Notice which was applied for by Mr Zahid Rasul for an event at 35 Market Street Bridgend.
This Premises was formally Toms bar and was now displaying the signage as Eden, however, the local authority to date had received no notification of the change of premises name, which is required under Section 33 of the Licensing Act 2003.

South Wales Police strongly believed that allowing the above Premises the TEN so applied for, would undermine the Licensing Objectives and have a detrimental effect on Bridgend Town Centre and Market Street in particular, which was within the saturation area of the town centre, on a Public Holiday weekend where alcohol related crime will be increased and further demands made upon the Emergency Services.

South Wales Police wanted to support late economy of Bridgend, however, it had a responsibility in keeping the public safe, and this TEN he believed if granted, would increase the possibility of disorder within the town and have an impact on Public Safety.

Market Street as stated is within the saturation area which was a description created, in view of the unacceptable high levels of crime, anti-social behaviour and alcohol related disorder in this general location of Bridgend, and South Wales Police had an obligation in protecting the quality of life to residents and making the Town Centre safe for visitors.

The TEN has asked for an increase in its trading hours which at present allow the premises to open until 3.00am on a Sunday morning leading from Saturday night, and 02.00am on a Monday leading from Sunday night on a Bank holiday which South Wales Police felt was adequate.

The TEN requests the sale of alcohol until 5.00am on Sunday 28 May, with a cooling down period of 30 minutes, meaning the premises would operate until 5.30am. The applicant had also requested an extension of hours on Monday 29 May from 2.00am until 4.00am with a cooling down period of 30 minutes, meaning that the premises would operate until 4.30am, and this request was not supported by the conditions set out in the Operating Schedule which stated that there would be no admissions/ re-admissions to the premises after 12.20pm on Sundays.

PC Rees proceeded by confirming that no persons should be allowed entry to the premises after this time which caused the Police concern, as the Conditions were put in place to help the premises operate safely. If the applicant abided by this Condition, then there was a further concern that at 02.00am, a large crowd could gather outside the premises waiting for entry and this had a realistic prospect of having an increase in alcohol related crime. He added, that it would be difficult for the Prevention of Crime and Disorder to be fully controlled due to such potential of an increase in drunken persons congregating in one area at such a late hour. He further added, that the Prevention of Public Nuisance would be further experienced in this residential area at an unacceptable hour due to persons leaving the premises so late ie in the early hours of the morning.

PC Rees advised that there were 8 Licensed Premises close to the premises subject of the application, and the granting of the TEN would see the premises operating later than any of the other late night establishments nearby, which was a potential cause for concern. He added that the operating hours at the premises as it stands, would see the premises close at the same time as two other premises on the Sunday morning, and at the same time as one other premises on the Monday morning, which allowed for the flow of customers from the town centre more easily, and therefore was safer for persons operating Taxi and Food vendors, as access to these facilities would be more in the way of a steady flow.

PC Rees proceeded by confirming that though the hours of the TEN may not amount to much of an increase in the operating hours of the premises, to ensure the safety of the public at this late time in the early hours of the morning, was both demanding and costly on the Emergency Services, as coinciding with these increased hours, the Police expected a rise in alcohol related crime and disorder due to an anticipated increase in the number of persons still consuming alcohol at both this and other late night premises from one evening into the early hours of next day. PC Rees added, that even persons

supplying a service to the public such as taxi drivers and food outlets may be affected, as patrons would have consumed alcohol for a longer period than would normally be the case. In this condition with possible diminished faculties, those who would not normally offend may do so, as they could make different choices and behave differently due to an excessive consumption of alcohol.

PC Rees then referred to Occurrence 1700150438 which took place at 05.25am on 24 April 2017 at Market Street where a female customer had been abusive to a taxi, hence quantifying what he had mentioned earlier in the meeting regarding premises being allowed to open later than their Premises Licence permitted, constituting to an increase in crime and disorder toward services such as taxi proprietors and owners of premises that served food into the early hours, for example at Kebab and other takeaway premises. He added that though the above incident was not necessarily linked to the premises subject of the application, the Police wished it brought to the Sub-Committee's attention, as this was a typical type of incident that took place in the town centre on weekend evenings and into the early hours of the morning in and around those premises that had later opening hours, and particularly in the saturation area.

The late night economy was also an ideal place for persons to supply controlled drugs also, and like any town, Bridgend was not immune from this problem. With the possibility of later opening hours at the premises, this could appear attractive to persons involved in the supply of drugs and also for persons to take drugs in a social environment, an activity that often led to incidents of serious crime and disorder.

South Wales Police had noticed that there has been a steady increase in violent crime and alcohol related incidents at Market Street, and this was prior to the opening of 35, Market Street, (ie previously Tom's Bar) Bridgend, and the Police had also noticed that a high level of these type of incidents take place after 3.00am. An example of such occurrences were outlined as follows:-

Occurrences on Market Street

	<u>2016</u>	<u>2017</u>
Jan	18	21
Feb	20	22
Mar	17	18

At this point in proceedings Mr. Parry Solicitor acting on behalf of the applicants, advised the Sub-Committee that the Police in their submission were referring to information and incidents in particular that had not been previously circulated to parties as part of the Objection Notice from them that accompanied the meeting agenda/report. He enquired if this was new evidence, and if so, clarification that this had been served on all interested parties in advance of the meeting.

The Legal Officer advised that representations originally made by the Police could be expanded upon, however, if they relied on any fresh information being shared with the Sub-Committee, then this should have been circulated prior to the meeting commencing on all parties involved in the Hearing.

The Team Manager – Licensing advised that the Police had advised that they wished to refer to 4 separate incidents (known as Occurrence Details) that had recently taken place in or around the vicinity of the premises and show a photograph of the exterior of 35 Market Street, which was showing the premises to be named Eden Club and Live Lounge. She advised that these documents had been served on the local authority last week and on Mr. and Mrs. Rasul this morning.

The Chairperson following the receipt of legal advice, suggested that the meeting stand adjourned, in order to see if all further evidence that had/was going to be referred to by the Police, had in fact been served on all parties prior to the meeting, and if so, whether or not the applicants had any objections or representations to the Panel considering the extra evidence referred to, prior to a decision being taken by the Sub-Committee on this matter.

The meeting was therefore adjourned at 1.22pm, and reconvened at 1.30pm.

Mr. Parry advised that his client had now received all the extra information that the Police wished to submit before the meeting, and he confirmed that his clients were happy to proceed on this basis.

The Chairperson therefore invited the Police to continue with the submission of their evidence.

PC Rees asked that before the Sub-Committee makes a decision upon the application, the South Wales Police wished Members to be aware of the following incidents which took place on the previous Public Holiday, in the early hours of Monday morning, information upon which had now been agreed to be tabled at the meeting as late supplementary documentation.

Occurrence 1700164300 referred to a female victim of assault as she is thrown to the floor in Market Street.

Occurrence 1700164480 referred to a female being grabbed to the throat again at the same street at 1.15am. This resulted in the arrest and detention of a male person. PC Rees added that the patrons involved in these crimes were associated with the premises and the matters went unreported, but the aggressor had been intoxicated.

Occurrence 1700155002 referred to a male having been ejected from 35 Market Street and then he caused an instance of public nuisance in the street where he was warned of possible arrest by a Police Officer. This patron claimed that he had been assaulted at the premises in question, though there was no subsequent firm evidence of this.

South Wales Police did not feel that the imposing of any Conditions on the TEN would assist in the event running safely and due to this, objected to the TEN being granted.

PC Rees confirmed that 400 additional patrons in this area of town as a result of the TEN being granted, would have quite an impact due the late hours applied for by the applicants, and therefore, should the TEN be granted, it would be difficult to police the area and control the extra number of patrons anticipated in the town, many of which would be vulnerable due to excessive alcohol consumption.

South Wales Police in light of the above, therefore objected to the application on the grounds of if the TEN was granted, crime and disorder would in all probability increase, and if so, this would have a detrimental effect on the locality.

PC Rees concluded by stating that the objection of the South Wales Police was based on the incidents which had occurred and were referred to above, and the Police considered these recent incidents to be relevant in respect of the application in terms of meeting the licensing objectives.

Mr. Parry referred to an incident raised by the Police, namely the case reported on 1 May 2017 of domestic violence where it was stated that a patron assaulted his former girlfriend after which her friend remonstrated with the man in question and she too was

assaulted, at a time of 1.15am. He noted though that this did not happen in the premises subject of the application?

PC Rees advised that it was linked to the premises as the man who committed the assault had recently been drinking at these premises.

Mr. Parry contested this, adding that the incident did not happen inside the premises nor immediately outside it.

PC Rees replied that the incident had taken place close to the premises.

Mr. Parry reminded the Sub-Committee that one of the driving factors of Premises Licence in place at any premises, was to manage, control and operate the premises effectively. This meant either in or immediately within the curtilage of the establishment, and that any incidents that took place outside this vicinity was not the responsibility of the Premises Licence holder.

PC Rees replied by stating that the management of any late night establishment not only needed to manage activities that took place inside the premises, but also at the frontage of the premises ensuring that patrons that were in this vicinity were also safe.

Mr. Parry asked PC Rees where the above incident had taken place.

PC Rees advised that it had occurred at Market Street/York Street, approximately some 20 feet from the premises.

Mr. Parry asked if the incident in question happened outside the view of Door Control staff at 35, Market Street.

PC Rees confirmed that he was not aware if staff at the premises had viewed the incident or not.

The Chairperson asked if York Place was situate between Market Street and Wyndham Street, to which PC Rees replied that it was.

The Chairperson noted that there were 8 other late night establishments in the town centre, and he asked which one of these was furthest away from 35, Market Street.

PC Rees confirmed that this would either be Sax or the Wyndham Hotel, both of which were located in the designated saturation area of the town.

A Member noted that in the Police Objection Notice, it made reference to Occurrence 1700155002, an incident that had taken place at or near the premises at 3.00am on 1 May 2017, when a TEN was successfully applied for in respect of the premises. Obviously the hours of opening at the premises that evening into the early hours of next morning had been extended by virtue of the TEN. She asked if certain premises in the saturation area all closed at approximately the same time that evening/morning, and if this had any impact on crime and disorder that particular evening/morning or generally speaking over Bank Holiday periods.

PC Rees confirmed that the above incident had taken place on the May Day Bank Holiday, and the only TEN that had been successfully applied for by any of the premises included in the saturation area on this occasion was 35, Market Street. However, other premises had opened later than this that weekend under the provisions of their Premises Licence, though some also had closed earlier. The incident referred to above had taken place and had been logged by the Police, however, he was not aware offhand if any

other serious incidents of anti-social behaviour or crime and disorder had taken place in the saturation area over this Bank Holiday weekend. He added that when a number of premises closed at approximately the same time in the town centre especially over a weekend, then this inevitably led to a large congregation of people in the same place at the same time, some of which would be highly intoxicated, and such a situation could incite problems.

As this concluded questions on the submission of the South Wales Police, the Chairperson asked the applicants and their legal representative to present their case.

Mr. Parry commenced by reminding Members that what his clients were requesting today was a TEN over the forthcoming Bank Holiday weekend which meant in real terms, that the hours of operation at 35 Market Street would be extended by a maximum of two hours of opening on both Sunday 28 May and Monday 29 May 2017.

He continued by advising that other premises located in the 'saturation area' of Bridgend town centre were open into the early hours of the morning, particularly over the weekend period, under the provisions of their Premises Licences. These included Roof (open until 4.30am) Sax (open until 4.30/5.00am), and both The Star and The Phoenix both (open until 2.30am.) His clients therefore were just looking for parity with these other premises, in order to achieve a little extra business and the income this would generate over the Bank Holiday period.

Mr. Parry noted from the evidence submitted by the South Wales Police, that they claimed that the increase of hours applied for as part of the TEN, would generate an extra 400 patrons visiting the saturation area of the town centre. This however he strongly considered would not be the case. He was more of the opinion that the same number of patrons would visit the town centre over the forthcoming weekend as normally would, regardless of whether or not a TEN was granted at 35 Market Place. It would be more the case he felt, that the existing number of customers visiting the town centre on the above evenings would just have more flexibility in terms of where they could enjoy an evening out with friends, spending their money socialising and having a good time, and this after all was what the younger generation wanted Mr Parry added.

He noted that in the Police Objection Notice, it made reference to the fact that the South Wales Police believed that the sale of alcohol was not ancillary to substantial refreshments and music and dancing at the premises. However, he felt that this was not the case and made reference to the old licensing regulations (ie the 1964 Act) which superseded the new Licensing Act 2003 to substantiate this point, where premises if they had a Music and Dancing Licence could apply for an extension of opening hours to the Magistrates Court for the sale of alcohol (under a Special Hours Certificate). Ordinarily this would also be granted, other than in rare accentuating circumstances.

Mr. Parry then advised that he would respond to some of the concerns raised by the Police, including incidents that had allegedly taken place at or in the immediate vicinity of the premises, either been referred to in the Police Objection Notice attached at Appendix A to the report, or tabled at the meeting following its previous adjournment.

He firstly referred to Occurrence 1700155002 where reference was made to a male patron having been ejected from 35 Market Street, subsequently causing a public nuisance on the street for which he was warned that he could be arrested if he continued. He alleged that he had been assaulted whilst in the premises, though this was unproven. The premises had logged this incident as having taken place at 2.00am, a time whereby the premises could ordinarily remain open to trade under its existing Premises Licence in any event, as opposed to having its hours extended under a TEN. At this time, there had been a group of approximately 6 or so young males who all were

acquainted with one another, and the one that had started the argument was a large individual around 6 feet 4 inches tall who resembled in terms of his size, a rugby player. He had become aggressive whilst with the other individuals and initiated a fight following which, a Door Control Person escorted him and one of his friends from the premises. The victim had been allowed to remain there by staff for his own protection. Mr. Rasul had observed what had happened, and had seen the aggressor interacting with Police outside the premises complaining he had been assaulted when in fact he had actually assaulted someone else there. Mr. Parry advised Members, that issues such as this could happen in any nightclub environment at virtually any time. The important thing was, that staff at the premises had handled the situation in an effective and responsible manner and he asked the Sub-Committee if they could note this.

Mr. Parry continued by advising the Sub-Committee that Mr. Rasul always ensured that he had sufficient door staff on duty at the premises during busy occasions such as Bank Holidays, and all of these were trained to SIA standard.

In respect of the second Occurrence 1700164300, Mr. Parry explained that that this led to a further offence namely Occurrence 1700164480. Both of these he advised were cases of domestic violence, the first being an assault by a male to an ex-girlfriend and the second a further assault to his ex-girlfriend's friend. It was a sad fact of life Mr. Parry confirmed, that domestic violence did take place within society. He added however that in both these instances, the offences took place out in the street and not within or in the immediate vicinity of 35 Market Street. It was therefore not the responsibility of his clients to manage the situation that led to these offences, nor was it his clients fault that they occurred in the first place. If these events had taken place at or in the immediate location of the premises, Door Control staff would have intervened and protected the 2 females in question. None of the staff had actually seen these incidents take place, so Mr. Parry felt it was unfair for the Police to object to the application for a TEN being made on these grounds.

In their Objection Notice at Appendix A to the report, the Police had raised certain concerns with a Condition of the Premises Licence of Eden. This was Condition 8, ie 'No admission/re-admission to be permitted into the premises after 12.20am on a Sunday (into Monday morning)'. Mr. Parry assured the Sub-Committee that the management at the premises complied with this Condition in any event. He also reiterated something he had shared with those present earlier in the debate, which was that there was also never any queuing at the premises, a) because in terms of numbers of patrons visiting there, including at any one time, this had never reached capacity in the past and was unlikely to do so in the foreseeable future, and b) because most late night establishments these days did not charge patrons an entry fee including Eden. He asked the Members to note therefore, that Condition 8. of the Premises Licence would be complied with, and that there would be nothing like an 400 patrons visiting the premises should the TEN be granted.

With regard to Occurrence 1700150438 and a female flagging down a taxi 5.00am on 21 April 2017, Mr. Parry advised that once more this had nothing to do with his clients premises, and therefore should not be included as Police evidence in the context of the TEN so applied for.

He advised the Sub-Committee that he had nothing more to add at this stage of the meeting, and therefore the Chairperson asked if anyone had any questions.

PC Egan asked Mr. Parry how long 35 Market Street had been in operation as a kind of extension to Eden.

Mr. Parry confirmed that the premises had been open approximately 4 weeks.

PC Egan advised that there had been issues at the premises previously relating to incidents of anti-social behaviour etc, including when a TEN had been granted there, ie the May Day Bank Holiday. She asked Mr. Parry how he could be certain that no extra patrons would visit late night establishments at Bridgend this coming Bank Holiday if they became aware from 'hear say' that some of these establishments would be open later, again by virtue of a TEN.

Mr. Parry replied that he had made such a judgement based on his previous experiencing of practising licensing law which was considerable, coupled with the number of patrons who had visited Eden including the adjoining premises at times previous TENS had taken place there.

PC Egan contested that Bank Holiday periods were a "hot spot" for activity, particularly in the saturation area of Bridgend, that gave the Police cause for concern as it impacted upon their resources. It was a proven fact that at these times crime and disorder did increase in Bridgend, due to extra patrons visiting Bridgend, particularly on Sunday evenings into Monday which were busier than Saturday evening into Sunday (on these weekends.)

Mr. Parry advised that it was difficult to say what night of the two above was the busier on Bank Holiday weekends, as this fluctuated from time to time. Even if a Sunday night was busier than a Saturday on these occasions, this would never amount to an extra 400 people visiting the Bridgend town centre in his opinion, let alone visiting his clients premises.

In terms of the Condition (8) that Police had raised concerns about, ie no admission/re-admission to be permitted to the premises after 12.20am on Sundays and how this would be managed, Mr. Parry confirmed that staff would ensure that this Condition was implicitly complied with, as they had in the past.

A Member asked Mr. Rasul how many persons were allowed in his premises at any one time, to which he replied 400 persons. Mr Parry added that there were two Door Control staff that covered the entrance to the premises, one with a clicker saying how many had come into the premises, and the other with a clicker counting those that had left. Taking one total from the other allowed staff to know how many patrons were in the premises at any one time.

The Chairperson noted from an incident referred to earlier in proceedings, that a man approximately 6 feet 4 inches tall and largely built, had been escorted from the premises the night he had caused trouble there by starting a fight. He asked if this person had been drinking at the premises all evening prior to this occurrence.

Mr. Rasul stated that he had entered his premises fairly late, and he had headed there from the general direction of the premises of either The Roof or The Railway, both of which were late night establishments. After he argued with the group he was with, he was then asked to leave the premises.

The Chairperson asked if this person was heavily intoxicated, to which Mr. Parry replied that he had been consuming alcohol though staff were unsure whether or not he was actually drunk.

As this concluded debate on the application, the Chairperson asked both parties to sum-up.

PC Rees confirmed that South Wales Police have raised concerns over the application for the TEN, and were aware that the Sub-Committee had the following options in relation to what action they could take:-

1. To allow the event to take place;
2. To issue a Counter Notice and prevent the event from taking place
3. To allow the event, but to place additional Conditions on the Premises Licence whilst the event takes place

He added that the South Wales Police felt that there were no additional Conditions to impose in order to ensure that the event would operate safely, and they also felt that any such additional Conditions imposed as part of the TEN, would not in any event support the licensing objectives.

He concluded by stating that Conditions must be consistent with activity authorised as part of the TEN application, however, the Police had not been informed what the activity was that was to take place over the coming Bank Holiday other than to sell alcohol, which therefore made it difficult to put appropriate Conditions in place.

Mr. Parry advised that he had nothing to add as part of any summing-up, however, if the Sub-Committee required clarification on anything he had referred to as part of his clients submission, then he would gladly expand upon this.

The Team Manager – Licensing confirmed that Members could if they so wished, refer to the existing Premises Licence (in place at Eden) should.

Members then adjourned to consider the matter further, and upon their return, it was

RESOLVED: The Sub-Committee considered the application for a TEN for licensed premises at 35 Market Street, Bridgend being Tom's Bar (which appears to be locally known as Eden Bar although no formal application to change the name has been made). The application relates to the late May Bank holiday, specifically for an event taking place from 03.00 hours to 05:00 on Sunday 28th May with opening hours of 03:00 to 05:30 hours, and for an event taking place from 02.00 hours to 04:00 on Monday 29th May with opening hours of 02:00 to 04:30 hours.

It noted that this is currently a running business that operates with a license allowing it open:-

Until 03.00am on the Sunday and 02.00am on the Monday, therefore this is in effect a 2 hour extension each day.

It have also noted the police objections to this application, being that allowing the TEN would undermine the licensing objectives of:

1. Crime and disorder
2. Public nuisance
3. Public Safety

It also noted that the premises was granted a similar TEN for the early May Bank holiday a matter of weeks previously and the Police have used evidence of the occurrences on this weekend to support their objections.

The Sub-Committee considered this evidence in supporting the concerns of the Police and will deal with each licensing objective in turn

Crime and Disorder

The Sub-Committee noted that there were two incidents of violence reported on the weekend the previous TEN was granted. The first related to an incident of a disturbance within the premises. It is accepted that this incident happened. The Premises Licence Holder suggests that the persons involved had not long been in his premises and were correctly dealt with. This is supported by the evidence showing the recording of the incident and subsequent removal of the persons concerns. Although it is concerning that any incidence of violence has occurred, the Sub-Committee noted the time of this incident as being during the normal opening hours and not in the extended hours covered by the TENs.

The second incident did not occur in the premises and occurred, on the Premises Licence Holder's submission, out of view of the premises. This incident has two occurrences recorded against it, but in effect it makes up one event. Again, the Sub-Committee are concerned to see any violence in the town centre however they balance this against the links which can be made with the Premises and again note the occurrence time as 01.15am.

The Sub-Committee have noted the Conditions in the premises license which apply to Crime and Disorder to minimise the risk of incident.

Public Nuisance

The main concern for public nuisance related to the potential for queues of persons to form in the street given the no entry policy that would be in operation for the entirety of the TENs. The Sub-Committee have considered this and noted that other premises would be open and therefore queues are unlikely to form as upon being advised entry is not possible the persons would disperse to other locations.

There was an ancillary concern regarding inebriated persons queuing for taxis, and the police supported this by referencing an incident of the former bank holiday weekend. The committee have noted the late time of this incident being 05.25am therefore would be at the conclusion of the TEN.

Public Safety

This was not covered in detail by the Police but their concerns related in the main to the effects of the violence, as above, and the problems caused by queueing persons or those congregating upon egress. Therefore the Sub-Committee would repeat their above comments when considering these points.

Having taken into account all of the above, the Sub- Committee were happy to allow the Licensable Activity to go ahead imposing the following of the existing Conditions found in the existing License , those being those the Sub-Committee feel are consistence with the event and which it feels will promote the licensing objectives:-

General Conditions:

7, 8, 23

Prevention Crime and Disorder Conditions; (in their entirety)

which for the avoidance of doubt is:-

Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9

The meeting closed at 4.00 pm

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

21 SEPTEMBER 2017

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 T/a Executive Cars Wales, to licence a Mercedes Sprinter vehicle registration number WR64 KUF as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 30 September 2014.
- 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 not been provided by Mr Llewellyn but the vehicle currently shows a recorded mileage of 27,180 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) 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. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(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 15 September 2017

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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

21 SEPTEMBER 2017

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 Richard Phillips, to licence a Ford Transit Tourneo Custom vehicle registration number WR64 YDC as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 30 November 2014.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided confirming the mileage at 39114 on 5 November 2016.

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) 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. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(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 15 September 2017

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Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

21 SEPTEMBER 2017

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 Andrew Bowler, to licence a Ford Mondeo Titanium B-S Edn TDCI vehicle registration number CK14 PYB as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 9 May 2014.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided confirming the mileage at 34,285 on 2 May 2017.

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) 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. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(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 15 September 2017

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Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

21 SEPTEMBER 2017

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 to grant a licence for a hackney carriage 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 Paul Brain t/a Peyton Travel Limited, to licence a Dacia Logan vehicle registration number FG15 XBP as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 17 April 2015.
- 4.3 The application falls outside the Hackney Carriage 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 hackney carriage vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided dated 25 May 2016 with the mileage at 15164.

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) 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. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(Policy 2.2.1) A relaxation of the policy in respect of the hackney carriages is likely to relate to only to evidenced delay in the DVLA registration process or minor variations in delivery mileage. Applications will normally be dealt with under the Scheme of Delegations of Officers.

(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 15 September 2017

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Team Manager Licensing

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Background documents

Hackney Carriage Vehicle Application
Hackney Carriage Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

21 SEPTEMBER 2017

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 to grant a licence for a hackney carriage 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 Paul Brain t/a Peyton Travel Limited, to licence a Dacia Logan vehicle registration number GC15 OLA as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 21 July 2015.
- 4.3 The application falls outside the Hackney Carriage 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 hackney carriage vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided dated 19 October 2016 with the mileage at 41907.

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) 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. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:

(Policy 2.2.1) A relaxation of the policy in respect of the hackney carriages is likely to relate to only to evidenced delay in the DVLA registration process or minor variations in delivery mileage. Applications will normally be dealt with under the Scheme of Delegations of Officers.

(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 15 September 2017

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