

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

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



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

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: 10 November 2017

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 16 November 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 - 12
To receive for approval the public Minutes of the Licensing Sub-Committee of 28 July and 14 September 2017
4. 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.
5. 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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.

6. Approval of Exempt Minutes 13 - 24

By receiving this Agenda Pack electronically you will save the Authority approx. £0.88 in printing costs

To receive for approval the exempt minutes of the Licensing Sub-Committee of 28 July 2017

- | | | |
|-----|--|---------|
| 7. | <u>Application for Renewal of Licences</u> | 25 - 30 |
| 8. | <u>Application for Renewal of Licences</u> | 31 - 34 |
| 9. | <u>Application for Grant of Licences</u> | 35 - 40 |
| 10. | <u>Application for Grant of Licences</u> | 41 - 44 |

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

LICENSING SUB-COMMITTEE A - FRIDAY, 28 JULY 2017

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 28 JULY 2017 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

PA Davies

DK Edwards

AA Pucella

JE Williams

Apologies for Absence

SE Baldwin

Officers:

Katia Daw

Lawyer

Nick Dennison

Trainee Solicitor

Mark Galvin

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

30. DECLARATIONS OF INTEREST

None.

31. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the following meetings of the Licensing Sub-Committee 'A' be approved:-

28 March 2017

25 April 2017

2 June 2017

32. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report which asked the Sub-Committee to consider an application to grant a licence for a Private Hire Vehicle.

The Team Manager Licensing confirmed that application was made by Paul Brain, to licence a Dacia Logan vehicle registration number WG16 FPY as a private hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 24 May 2016.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of private hire vehicles which were set out in paragraph 4.4 of the report. The report also confirmed that no service history had been provided.

The Chairperson then briefly adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the basement car park.

Upon the meeting reconvening, the Team Manager Licensing confirmed that the current mileage of the vehicle was 2,985 miles.

Mr S. Griffiths attended the meeting on behalf of Mr. Brain, and advised that the vehicle had not as yet had its first service, and this was not due until the vehicle had done another 10,000 miles.

He added that the vehicle had been the subject of a private sale and had one previous owner. The vehicle was primarily intended to be used for school contract work and airport runs.

Officers and the applicant then retired from the meeting, in order for the Sub-Committee to make a decision on the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application to licence W616 FPY as a Private Hire Vehicle.

The Sub-Committee noted that the application for the first of the vehicle falls outside the Policy at paragraph 2.1 which requires the application to be submitted within 14 days of first registration and less than 500 miles.

Under paragraph 2.2 of the Policy any application falling outside the above would normally be refused. However, a relaxation of the Policy can be considered in certain circumstances as set out in paragraph 2.2.5 of the Policy.

The Sub-Committee considered this paragraph but felt that there were exceptional circumstances in the present case, including the exceptional exterior and interior quality of the vehicle and the exceptional standards of safety. The Sub-Committee also noted the low mileage and young age of the vehicle.

As such the Sub-Committee were prepared to grant the application.

33. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report which asked the Sub-Committee to consider an application to grant a licence for a Private Hire Vehicle.

The Team Manager Licensing confirmed that application was made by Paul Brain, to licence a Dacia Logan vehicle registration number WX16 ZPE as a private hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 March 2016.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of private hire vehicles which were set out in paragraph 4.4 of the report. The report also confirmed that no service history had been provided.

The Chairperson then briefly adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the basement car park.

Upon the meeting reconvening, the Team Manager Licensing confirmed that the current mileage of the vehicle was 2,000 miles.

Mr S. Griffiths once more attended the meeting on behalf of Mr. Brain, and similar to the first application, he confirmed that the vehicle would in the main be used for airport runs and school contract work.

Officers and the applicant then retired from the meeting, in order for the Sub-Committee to make a decision on the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application to licence W616 ZPE as a Private Hire Vehicle.

The Sub-Committee noted that the application for the first of the vehicle falls outside the Policy at paragraph 2.1 which requires the application to be submitted within 14 days of first registration and less than 500 miles.

Under paragraph 2.2 of the Policy any application falling outside the above would normally be refused. However, a relaxation of the Policy can be considered in certain circumstances as set out in paragraph 2.2.5 of the Policy.

The Sub-Committee considered this paragraph but felt that there were exceptional circumstances in the present case, including the exceptional exterior and interior quality of the vehicle and the exceptional standards of safety. The Sub-Committee also noted the low mileage and young age of the vehicle.

As such the Sub-Committee were prepared to grant the application.

34. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Corporate Director Operational and Partnership Services presented a report, which asked the Sub-Committee to consider an application for the grant of a licence for a hackney carriage vehicle. The application fell outside the Council's policy guidelines for the first licensing of hackney carriages.

The application was made by Golik Hoxha to licence a BMW 5 Series registration number RE62 VAH as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle was 19 December 2012. Mr Hoxha had completed an intended use declaration that this vehicle would ply for hire predominantly in the Bridgend County Borough area.

A service history had also been supplied and on the 29 December 2014, the mileage was recorded at 57,152 miles. The last MOT for the vehicle was on 1 December 2016, and the mileage recorded was 82,494 miles. The documentation in respect of this was shown at Appendix A to the report.

The Team Manager Licensing advised that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the first licensing of vehicles, and this included the existing discretion to relax the hackney carriage age policy in respect of wheelchair accessible hackney carriages.

The policy guidelines were detailed in paragraph 4.4 of the report.

The Chairperson then requested that the meeting stands adjourned in order that Members/Officers could inspect the vehicle.

Upon the meeting reconvening, the Team Manager Licensing advised that the current mileage of the vehicle was 96,345 miles.

Mr. Newcombe owner of Ace Taxi's accompanied Mr. Hoxha at the meeting.

The Team Manager Licensing noted that the vehicle was first registered on 19 December 2012, and she asked Mr. Hoxha if he was the vehicles second owner to which he replied yes, having purchased the vehicle some 3 or 4 months ago.

The Team Manager Licensing also noted that Mr. Hoxha's intention was to ply for hire in the area of Bridgend County Borough, and enquired if the last MOT Certificate was given to him when he purchased the vehicle.

Mr. Hoxha advised this to be the case, and that he had bought the vehicle from BMW who had serviced the vehicle regularly. He added however, that he had arranged for the last service independently of the dealer.

The Team Manager Licensing advised Mr. Hoxha that vehicles received in respect of applications to licence as Hackney Carriage vehicles should be new vehicles, and therefore his application did not accord with the Licensing Policy as it was 5 years old.

Mr. Newcombe advised that Mr. Hoxha had mentioned to the Council's Licensing Enforcement Officer that he was submitting this application, and no mention of the above had been made by her at this time.

The Team Manager Licensing asked Mr. Hoxha if he had read the Licensing Policy guidelines in respect of applications of this nature, prior to him submitting his application, to which he replied no.

Mr. Newcombe in view of the above, enquired if Mr. Hoxha could change his application so that it was an application to licence a Private Hire Vehicle rather than a Hackney Carriage Vehicle.

The Legal Officer advised that this may only be possible if he withdrew his current application and submitted a fresh one for the vehicle to be considered as a Private Hire Vehicle. To this end, she recommended a short adjournment of the meeting to consider the way forward, which the Chairperson agreed to.

Upon the meeting reconvening, the Team Manager Licensing advised Members that the application needed to be considered as was, ie an application to licence a Hackney Carriage Vehicle, and she asked Mr. Hoxha if he was happy to proceed on that basis, to which he replied that he was.

A Member asked if the defective near side front plate of the vehicle identified in its last MOT had been replaced, to which Mr. Hoxha replied that it had.

The Chairperson noted that the vehicle had done a considerable amount of mileage between August 2013 to December 2014.

Mr. Hoxha acknowledged this and added that the vehicle had previously been used for a considerable amount of motorway driving.

A Member asked what the mileage of the vehicle was when Mr. Hoxha first purchased it, to which he replied 83,000 miles.

Officers and the applicant then retired from the meeting in order that the Sub-Committee could make a decision upon the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application made by Mr. Hoxha to licence RE62 VAH as a Hackney Carriage Vehicle.

Given this was an application for the first licensing of the vehicle, the Sub-Committee noted that the application fell outside of the Licensing Policy at paragraph 2.1, which states that the application for first licensing must be made within 14 days of registration and with less than 500 vehicle mileage. The vehicle subject of the application was far in excess of this age and mileage restriction.

Under paragraph 2.2 of the Policy, applications falling outside the above criteria will normally be refused and a relaxation of the policy will only be considered in exceptional circumstances. Guidelines as to what these exceptions are, are detailed in paragraph 2.2.1 of the policy in respect of hackney carriages, and this was likely to relate only to evidenced delay in the DVLA registration process or minor variations in delivery mileage.

The Sub-Committee heard Mr. Hoxha's explanation regarding the vehicle and it was concerned that he did not know the history of the vehicle, including how it was used and by whom it was used.

It also noted that the most recent service was carried out by the applicant, and that he had not provided documentation today to support this, though he also had stated that he could provide this upon request.

Importantly, the Sub-Committee clarified with Mr. Hoxha that the application was for a Hackney Carriage licence, and not for a Private Hire Vehicle. As such, paragraph 2.2.5 of the policy did not apply, as these relaxations only apply to the first licensing of private hire vehicles.

The Sub-Committee were pleased Mr. Hoxha had carried out the advisory work reported under the MOT, it was concerned about the age and mileage of the vehicle. The situation does not fall within the exception allowed in paragraph 2.2.1 of the Licensing Policy, which sets out the guidelines for relaxation (of the Policy).

As such, the Sub-Committee were unable to relax its Policy in the current case, and therefore decided to refuse the application.

35. URGENT ITEMS

None.

36. 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 contained 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 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 so mentioned.

37. APPLICATION FOR RENEWAL OF LICENCES

38. APPLICATION FOR RENEWAL OF LICENCES

39. APPLICATION FOR GRANT OF LICENCES

40. APPLICATION FOR GRANT OF LICENCES

41. APPLICATION FOR GRANT OF LICENCES

42. DISCIPLINARY HEARING FOR EXISTING TAXI DRIVER

The meeting closed at 2.36 pm

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 14 SEPTEMBER 2017 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

SE Baldwin

AA Pucella

JE Williams

Apologies for Absence

PA Davies and DK Edwards

Officers:

Gary Jones

Head of Democratic Services

Will Lane

Andrea Lee

Senior Lawyer

Kevin Mulcahy

Group Manager - Highways Services

Andrew Rees

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

44. DECLARATIONS OF INTEREST

None.

45. APPLICATION FOR GRANT OF STREET TRADING CONSENT

Applicant – Mr Phillips on behalf of Porthcawl Elvis Festival Limited.

All those present introduced themselves and the Chairperson outlined the procedure to be adopted at the meeting.

The Team Manager Licensing reported on an application for the grant of a street trading consent for the Family Zone, The Esplanade, Porthcawl for “Elvis” merchandise and for food outlets in John Street and The Esplanade during the Elvis Festival weekend of the 23 / 24 September 2017. The application had been made by Porthcawl Elvis Festival Limited.

The Team Manager Licensing informed the Sub-Committee that the application had been the subject of consultation and advertised which resulted in concerns being raised by the Manager of the Highways Network, Bridgend County Borough Council about the granting of permission to trade on the highway. She stated that discussions had taken place and correspondence exchanged on the logistics and organisation of the Festival, including the Council’s Events Safety Advisory Group, however the objection from the Highways Department had not been withdrawn.

The Team Manager Licensing informed the Sub-Committee that Mr Phillips, on behalf of the event organisers and Mr Kevin Mulcahy, Group Manager Highways Services would present an update on progress made as a result of discussions which had taken place.

The Chairperson invited Mr Phillips on behalf of Porthcawl Elvis Festival Limited to present his application.

Mr Phillips on behalf of the applicant informed the Sub-Committee that the festival organisers wished to create more of a family event and to make it a better visitor experience for families. He stated that discussions had taken place with the Highways Department on the proposed road closures over the last 2 years and the police had encouraged the festival organisers to provide more catering outlets. It was intended to provide catering units at last year's festival, however there had been insufficient time to do so due to delays in the approval of the road closures at that time.

Mr Phillips informed the Sub-Committee that there is sufficient space in the area of the road closure to site a mobile catering unit. He also informed the Sub-Committee that this was not a late application as it had been the subject of discussion with the Highways Department as early as October 2016. He stated that it might not prove possible to secure more than one mobile catering unit due to the closeness of the event and would therefore not make the proposed family zone viable. The grant of consent for 2 mobile catering units would make the family zone more viable.

The Chairperson invited the Group Manager Highways Services to present his Department's objections to the application for street trading consent and to clarify the area of road which would be the subject of a temporary traffic order.

The Group Manager Highways Services informed the Sub-Committee that it was considered by the Highways Department that trading within the boundaries of the area covered by the temporary traffic order would be manageable. However, one area had been identified outside of this zone, which would present road safety issues, namely that marked T5 on the plan.

He stated that the proposed site is at the junction of John Street with Lifeboat Road which is already occupied with the presence of a telephone box, cycle stands, benches and bollards and as such a stand in the view of the highway authority is unlikely to be sited safely in this area.

He also stated that the presence of a stand in the view of the highway authority would cause an obstruction to the movement of pedestrians and could cause them to step out into the carriageway to avoid any congestion. As part of the traffic management to permit the road closure along the sea front, The Esplanade, the one way system that is in normal operation along this section of highway, John Street and Lifeboat Road is to be suspended and as such pedestrians will be entering two way traffic and an attractor such as a stall is not deemed appropriate from a road safety perspective outside of the road closure for the event.

The Group Manager Highways Services informed the Sub-Committee that he had check the position with the highway inspector for the area, who had this responsibility for the previous 16 years and he was not aware of this area being previously used for such purposes. With regard to the road closure, discussions had taken place at the Events Safety Advisory Group, to ensure that the closure of traffic at the Esplanade makes it a safer environment for visitors to the event. The siting of a unit at the location of T5 on the plan would need to be the subject of discussions with the emergency services.

The Sub-Committee requested clarification as to where the road closure would take place. The Group Manager Highways Services clarified that the road closure would take place along the length of The Esplanade. The Sub-Committee questioned how introducing a two away system to an area where there is currently a one way system would impact pedestrians and a stall proposed at T5. The Group Manager Highways informed the Sub-Committee that the introduction of a stall at the location of T5 on the plan would give rise to a road safety concern.

The Sub-Committee referred to the volume of traffic expected for the event and questioned the car provision in Porthcawl and the number of vehicles expected during the event. The Group Manager Highways Services informed the Sub-Committee that there is car parking provision in the car parks in Porthcawl town centre. He stated that there would be signage as part of the traffic management plan directing visitors to car parks, however the likely level of vehicles expected was not known. He also informed the Sub-Committee that there would be a need for emergency vehicles to gain access to the areas which are part of the road closures as part of the traffic management plan.

The Sub-Committee questioned what was different to this year's event to the events held in previous years. The Team Manager Licensing informed the Sub-Committee that this had been the first year that an application for street trading consent had been received.

The Sub-Committee questioned the applicant as to whether it would be too late for the event organisers to source catering units, given the closeness of the event. Mr Phillips informed the Sub-Committee that he would have to discuss lead in times with potential caterers for the siting of mobile catering units. He stated that he had hoped to have resolved the siting of mobile catering units before now as discussions had taken place at ESAG meetings.

The Chairperson invited both parties to sum up.

Mr Phillips informed the Sub-Committee that if the application is granted, there would be a need to establish whether there was sufficient lead in time to site the mobile catering units. He believed that these discussions should have ideally taken place some time ago.

The Group Manager Highways Services informed the Sub-Committee that the siting of a mobile catering unit at the location of T5 would present an obstruction to highway safety.

The Sub-Committee adjourned at 10.30am and reconvened at 11.08am and on their return it was:

RESOLVED: That the Sub-Committee has considered the application for street trading consent for the family zone and The Esplanade, Porthcawl and has heard representations from both Mr Phillips and the Highways Department of the authority. The only area now in dispute is are number T5 and highways objects to consent for this area because it is not subject to the road closure and open to traffic during the festival.

The Sub-Committee has studied photographs of the area described at T5 and the possible positioning of a food outlet in that area and has decided to grant the application with the condition that any stall of van situated in T5 must be sited against the wall between the telephone box and the pots box and away from the dimple dropped kerb.

46. URGENT ITEMS

There were no urgent items.

The meeting closed at 11.10 am

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank