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Bridgend County Borough Council



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

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

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



Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services

Deialu uniongyrchol / Direct line /: 01656 643147 /
643148

Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 6 December 2017

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held in the Committee Rooms 2/3 - Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 12 December 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 - 6
To receive for approval the public Minutes of the meeting of the Licensing Sub-Committee of 19 October 2017
4. Application to Licence Private Hire Vehicle 7 - 10
5. Application to Licence Private Hire Vehicle 11 - 14
6. Application to Licence Private Hire Vehicle 15 - 18
7. Application to Licence Private Hire Vehicle 19 - 22
8. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
9. Exclusion of the Public
The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of

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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.

- | | | |
|-----|--|---------|
| 10. | <u>Approval of Exempt Minutes</u> | 23 - 28 |
| | To receive for approval the exempt Minutes of the Licensing Sub-Committee of 19 October 2017 | |
| 11. | <u>Application for Grant of Licences</u> | 29 - 32 |
| 12. | <u>Application for Grant of Licences</u> | 33 - 36 |

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

RJ Collins
A Hussain
RM James

Councillors

B Jones
MJ Kearn
JE Lewis

Councillors

G Thomas

LICENSING SUB-COMMITTEE B - THURSDAY, 19 OCTOBER 2017

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 19 OCTOBER 2017 AT 10.00 AM

Present

Councillor – Chairperson

RJ Collins
JE Lewis

A Hussain
G Thomas

RM James

MJ Kearns

Apologies for Absence

Officers:

Nick Dennison
Julie Ellams
Yvonne Witchell

Trainee Solicitor
Democratic Services Officer - Committees
Team Manager Licensing

23. DECLARATIONS OF INTEREST

Councillor M James declared a prejudicial interest in agenda item 9 – Application for Renewal of Licence as the applicant was known to him. Councillor James left the meeting prior to the application being considered.

24. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Sub-Committee of 30 June and 17 August 2017 and the Minutes of the Licensing Act 2003 Sub-Committee of 27 June 2017 be approved as a true and accurate record.

25. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager Licensing submitted a report regarding an application by Mr Richard Phillips to Licence a Ford Transit Tourneo Custom vehicle registration number WR64 YDC as a private hire vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 30 November 2014.

Mr Phillips attended in support of his application and the Sub-Committee adjourned the meeting in order to view the vehicle. On inspecting the vehicle, the mileage was confirmed as 53,797 miles. The Team Manager – Licensing confirmed that the application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee but a relaxation could be considered in exceptional circumstances. The vehicle was not wheelchair accessible. A service history had been provided confirming the mileage at 39,114 on 5 November 2016.

The applicant informed the Sub-Committee that in the event of his application being successful, he proposed to use the vehicle for adventure tours.

A Member asked if the vehicle would be used to carry wheelchairs and he was advised that it would not be used for that purpose.

The Sub-Committee retired to consider the application.

RESOLVED: The Committee considered the application of Richard Phillips for the grant of a private hire vehicle licence in respect of vehicle registration number WR64 YDC.

It was noted that the application fell outside of the Licensing Policy for registration under paragraph 2.1.

The Members considered paragraph 2.2 and 2.25 of the policy and the exceptional circumstances in which the policy might be relaxed. The Members considered that the exceptional condition of the interior and exterior and exceptional standards of safety applied in this case.

The Sub-Committee therefore granted the application for the licence.

26. **APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE**

The Team Manager Licensing submitted a report regarding an application by Mr Paul Brain trading as Peyton Travel Limited, to license a Dacia Logan vehicle registration number EX66 FFB as a hackney carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 26 November 2016. The service history was not available.

Mr Phillips attended in support of his application and the Sub-Committee adjourned the meeting in order to view the vehicle. On inspecting the vehicle, the mileage was confirmed as 16,144 miles.

The Trainee Solicitor reported that the vehicle policies applicable to this application were Policy 2.2 and 2.2.1 and not the policies listed in the report. The applicable policies related to the date the vehicle was first licenced.

The applicant explained that the vehicle was 11 months old and was purchased from the dealer. Originally Mr Brain did not intend licensing the vehicle but it was in good condition so he wanted to replace a 7 year old vehicle which he already owned.

The Team Manager reported that form V5 indicated that the vehicle was acquired on 30th March. Mr Brain confirmed that this was correct and the vehicle had originally been purchased for his mother and that he had no problems registering the vehicle.

The Sub-Committee retired to consider the application.

RESOLVED: The Committee considered the application of Paul Brain for the grant of a Hackney Carriage Vehicle licence in respect of vehicle registration number EX66 FFB.

It was noted that the application fell outside of the Licensing Policy for registration under paragraph 2.1 in that applications should be submitted to the Council within 14 days of the first registration with the DVLA. The mileage at the time of the application should be no greater than 500 miles.

The Committee had considered the application and noted that the current mileage was 16,144 and was first registered with the DVLA on 26 November 2016. The Committee noted that the vehicle was

acquired in March 2017 and there were no issues with the registration.

The Members considered the guidelines under paragraph 2.2.1 and that a relaxation of the policy was likely to relate only to evidence of delay in the DVLA registration or minor variations in delivery mileage.

The Committee did not consider that the exemption applied in this instance and so refused the application.

27. URGENT ITEMS

None

28. 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 test it was resolved that pursuant to the Act referred to above, to consider the following items in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicants so mentioned.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

12 DECEMBER 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 Stephen Griffiths, to licence a Mercedes E220 vehicle registration number EF12 OBW as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and is said to have been first registered at the DVLA on 17 July 2012.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information, a service history has been provided confirming the mileage at 70176 on 24 August 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 6 December 2017

Contact Officer: Yvonne Witchell
Team Manager Licensing

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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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 Stephen Griffiths, to licence a Ford Tourneo vehicle registration number YC14 XLY as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and is said to have been first registered at the DVLA on 8 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 59442 on 14 February 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

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- 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.

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4. Current situation / proposal.

- 4.1 Application is made by David Llewellyn, to licence a Mercedes E Class Saloon vehicle registration number BF64 HKP as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 29 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 been provided and an MOT confirming the mileage at 32538 on 30 November 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

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- 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.

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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.

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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 James Preece, to licence a Skoda Superb registration number JT11 VOR as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 23 March 2017. For Members' information, there is no service history for this vehicle.
- 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.

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

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- 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.*

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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 6 December 2017

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