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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: Mrs Julie Ellams

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 12 April 2018

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 **Wednesday, 18 April 2018 at 10:00**.

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 Minutes of the 13/02/18
4. Application to Licence Private Hire Vehicle 7 - 10
5. Application to Licence Hackney Carriage Vehicle 11 - 14
6. Application to Licence Hackney Carriage Vehicle 15 - 18
7. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.
8. Exclusion of the Public
The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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

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Act to consider these items in private, the public will be excluded from the meeting during such consideration.

- | | | |
|-----|--|---------|
| 9. | <u>Approval of Exempt Minutes</u>
To receive for approval the Exempt Minutes of the 13/02/2018. | 19 - 22 |
| 10. | <u>Application for Grant of Licences.</u> | 23 - 26 |
| 11. | <u>Application for Grant of Licences</u> | 27 - 30 |
| 12. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 31 - 42 |

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 - TUESDAY, 13 FEBRUARY 2018

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 13 FEBRUARY 2018 AT 10:00

Present

Councillor MJ Kearns – Chairperson

A Hussain

RM James

JE Lewis

G Thomas

Apologies for Absence

RJ Collins

Officers:

Katie Brook

Senior Licensing Technical Officer

Andrea Lee

Senior Lawyer

Michael Pitman

Business & Administrative Apprentice

Andrew Rees

Senior Democratic Services Officer - Committees

46. DECLARATIONS OF INTEREST

Cllr J E Lewis declared a prejudicial interest in agenda item 11 – application for grant of licences as she is well known to the applicant and left the room during consideration of the application.

47. APPROVAL OF MINUTES

RESOLVED:

That the minutes of the Licencing Sub-Committee of 12th December 2017 be approved as a true and accurate record.

48. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licencing Technical Officer submitted a report regarding an application by Mr Richard Singleton to licence a Mercedes S350L, registration number KY63 HLW as a private hire vehicle to seat 4 people. The vehicle was preowned and was first registered on 4th September 2015. Mr Singleton attended today in support of his application and the Sub-Committee adjourned the meeting to inspect the vehicle. On inspecting the vehicle they noted that the mileage was 21,112.

Resuming the meeting shortly after, on inspection of the documents sent by Mr Singleton, it was noticed that there was a difference with the mileage on them compared to the mileage on the clock. The documents showed the mileage as 55958.

Mr Singleton explained that he believed there has been an administrative error and that his wife must have sent the wrong documents to him, however he did not recall any of his vehicles having a mileage of 55,000 and explained that they are either in the 20,000-30,000 range or over 100,000.

RESOLVED:

That as the Sub-Committee had no way of confirming the mileage it deferred consideration of the application to a later date.

49. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licencing Technical Officer submitted a report regarding an application by Mr Richard Singleton to licence a Mercedes E220 AMG, registration number LT65 JKE as a private hire vehicle to seat 4 people.

Mr Singleton attended today in support of his application and the committee adjourned the meeting to inspect the vehicle. On inspecting the vehicle they noted that the mileage was 28,223.

The Sub-Committee adjourned to consider the application further and on their return it was:

RESOLVED: The Sub-Committee considered the application for the licence of vehicle registration LT65 JKE.

The Sub-Committee noted that the application fell outside paragraph 2.1 of the councils licensing policy guidelines.

The Sub-Committee granted the application made by Mr Singleton to licence a Mercedes E220 AMG, registration number LT65 JKE as a private hire vehicle to seat 4 people as it met paragraphs 2.2 and 2.2.5 in view of the exceptional condition of the vehicle.

50. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licencing Technical Officer submitted a report regarding an application by Mr Richard Singleton to licence a Mercedes Viano, registration number V66 RDS as a private hire vehicle to seat 7 people.

Mr Singleton attended today in support of his application and the committee adjourned the meeting to inspect the vehicle. On inspecting the vehicle they noted that the mileage was 102,566.

The Sub-Committee adjourned to consider the application further and on their return it was:

RESOLVED: The committee considered the application made by Mr Singleton to licence a Mercedes Viano, registration number V66 RDS

The Sub-Committee noted that the application fell outside paragraph 2.1 of the councils licensing policy guidelines.

The Sub-Committee granted the application made by Mr Singleton to licence a Mercedes Viano, registration number V66 RDS as a private hire vehicle to seat 7 people as it met paragraphs 2.2 and 2.2.5 in view of the exceptional condition of the vehicle.

51. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Senior Licensing Technical Officer submitted a report regarding an application by Peyton Travel to licence a Renault Traffic, registration number WN15 CVW as a private hire vehicle to seat 8 people

Paul Brain attended today in support of his application and the committee adjourned the meeting to inspect the vehicle. On inspecting the vehicle they noted that the mileage was 58,009

LICENSING SUB-COMMITTEE B - TUESDAY, 13 FEBRUARY 2018

The Sub-Committee adjourned to consider the application further and on their return it was:

RESOLVED: The committee considered the application made by Peyton Travel to licence a Renault Traffic, registration number WN15 CVW

The Sub-Committee noted that the application fell outside paragraph 2.1 of the councils licensing policy guidelines.

The Sub-Committee granted the application made by Peyton Travel to licence a Renault Traffic, registration number WN15 CVW as a private hire vehicle to seat 8 people as it met paragraphs 2.2 and 2.2.5 in view of the exceptional condition of the vehicle.

52. URGENT ITEMS

There were no urgent items

53. 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.

54. APPROVAL OF EXEMPT MINUTES

55. APPLICATION FOR GRANT OF LICENCES

56. APPLICATION FOR GRANT OF LICENCES

The meeting closed at 11:17

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

18 APRIL 2018

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 Samuel Griffiths, to licence a Vauxhall Insignia vehicle registration number BN15 JYP as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 28 April 2015.
- 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 an MOT has been provided which was issued on the 10 November 2017 with the mileage of the vehicle at 60115.

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 12 April 2018

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Team Manager Licensing

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

Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

18 APRIL 2018

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 Mohammed S Miah to licence a Toyota Active vehicle registration number MF18 GZH as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 March 2018.
- 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, no service history has been provided.
- 4.4 The applicant has not provided a reason why the application was submitted outside the published guidelines.

4.5 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 12 April 2018

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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

18 APRIL 2018

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 Jamshad Iqbal to licence a Skoda Octavia vehicle registration number KH07 ANG as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 9 March 2018.
- 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, no service history has been provided.
- 4.4 The applicant has not provided a reason why the application was submitted outside the published guidelines.

4.5 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 12 April 2018

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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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