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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr
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: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 16 May 2018

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in the Committee Rooms 2/3 - Civic Offices
Angel Street Bridgend CF31 4WB on **Tuesday, 22 May 2018 at 09:30.**

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 - 4
To receive for approval the minutes of the 20/02/2018
4. Appointment of Licensing Sub- Committee(s) and Delegations to Officers 5 - 8
5. 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.

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

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printing costs**

Councillors:

PA Davies
DRW Lewis
JE Lewis
DG Owen
RM James

Councillors

SE Baldwin
RJ Collins
B Jones
G Thomas
AA Pucella

Councillors

JE Williams
MJ Kearns
A Hussain
TH Beedle

Present

Councillor DRW Lewis – Chairperson

PA Davies	JE Lewis	RM James	SE Baldwin
RJ Collins	G Thomas	AA Pucella	JE Williams
MJ Kearn	A Hussain		

Apologies for Absence

DK Edwards

Officers:

Julie Ellams	Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Daniel Cook	Licensing Policy Officer

14. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Licensing Committee of 11th December 2017 be approved as a true and accurate record.

15. EQUALITY ACT 2010 DELEGATION OF AUTHORITY

The Licensing Policy Officer presented a report to determine whether to give delegated authority to the Corporate Director Operational and Partnership Services to issue exemption certificates from the requirements of Section 165 of the Equality Act 2010 and to determine whether to give the Head of the Shared Regulatory Services the delegated authority to maintain, update and publish a list of wheelchair accessible vehicles in accordance with Section 167 of the Equality Act 2010.

The Licensing Policy Officer explained that Section 165 of the Equality Act 2010 placed specific duties on the driver of a “designated vehicle” such as to carry the passenger while in the wheelchair and to give the passenger such mobility assistance as was reasonably required. Section 167 of the Act provided the Council with the powers to make lists of wheelchair accessible vehicles and when published it would be an offence for a driver of a designated vehicle on the list to fail to comply with the duties listed.

The Licensing Policy Officer reported that Members approved the proposal to publish and maintain a list of designated vehicles at the meeting on 11 December 2017. He explained that some drivers might have a medical condition, disability or physical condition which made it impossible or unreasonably difficult for them to provide the sort of physical assistance required. Drivers who had been granted an exemption would be issued with a notice to be displayed in the vehicle.

A Member asked for clarification regarding the expectation that assistance would be available from the taxi driver for elderly people with suitcases etc. The Licensing Policy Officer explained that it was a condition that a driver was expected to provide reasonable assistance and this exemption only applied to the drivers of designated

vehicles. The Act allowed the Council to grant exemptions from the duties to individual drivers of designated vehicles.

A Member stated that it was reasonable to expect a driver of a designated vehicle to be able to offer assistance as reasonably required and if a driver had an exemption certificate then he should be driving an ordinary taxi where limited help was expected.

A Member asked how the passenger would know if the driver of a designated vehicle would be able to help. The Licensing Policy Officer explained that the operator should send a driver who could assist if this was requested when the initial call was made.

A Member asked how the list would be updated and if responsibility for updating the list fell on the individual or the authority. The Licensing Policy Officer explained that any driver of a wheelchair accessible vehicle was required to comply with the requirement and the vehicle was listed, not the driver.

The Licensing Policy Officer confirmed that an exempt driver had to display his exemption certificate in the vehicle.

A Member commented that she was pleased to see the increase in the number of wheelchair accessible vehicles available and that she had never had any problems arranging a pick up or getting the help required.

RESOLVED:

Members:

- approved the proposal to give delegated authority to the Corporate Director Operational and Partnership Services to issue exemption certificates from the requirements of Section 165 of the Equality Act 2010.
- approved the proposal to give the Head of Shared Regulatory Services the delegated authority to maintain, update and publish a list of wheelchair accessible vehicles, in accordance with Section 167 of the Equality Act 2010.

16. URGENT ITEMS

None

17. DECLARATIONS OF INTEREST

None

The meeting closed at 09:50

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

22 May 2018

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

APPOINTMENT OF LICENSING SUB- COMMITTEE(S) AND DELEGATIONS TO OFFICERS

1. Purpose of Report.

- 1.1 To propose the membership of the Licensing Committee Sub-Committees following the Annual Meeting of Council 2018.
- 1.2 To amend the delegations to officers in respect of those cases reported to Sub-Committees

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposals are required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which relate to taxi licensing. The range of functions is set out within the Council's Constitution in Part 3 Responsibility for Functions relating to the Licensing Committee and Sub-Committees. These functions include taxi licensing, street trading, and other general licensing regimes as required. A separate report is being submitted in respect of Licensing Act 2003 and Gambling Act 2005 functions.

3. Background.

- 3.1 At their meeting on 16 May 2018 Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

4. Current situation / proposal.

- 4.1 It is proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible.
- 4.2 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

4.3 Committee is also requested to consider amending the guidelines for referring cases to Sub-Committee, in the interests of administrative efficiency. The Committee has adopted a Statement of Policy regarding the relevance of convictions and licensing of ex-offenders and has previously issued guidelines for which cases should be referred to a Sub-Committee on the grant of a licence. This has resulted in applicants being referred to Sub-Committee with convictions falling well outside policy guidelines, for example if committed as a juvenile. The current policy states that the following cases may be dealt with under the Scheme of Delegation:

4.3.1 Current Paragraph 8.2

Grant of Licence: Clear Criminal Records Bureau (CRB) Disclosure and no endorsements on DVLA driving licence:

4.3.2 It is therefore proposed that the guidelines permit officers to determine all applications which do not trigger the policy guidelines. For example, the policy relating to dishonesty states that any conviction for serious fraud or theft within the past five years will normally merit refusal of licence. At present the guidelines require that all cases of fraud are referred to a Sub-Committee irrespective of the age of the conviction. Under this proposal the Sub-Committee would determine those cases where there is a conviction within five years of application. This principle would apply to all categories of conviction within the policy. The proposed amendment to Paragraph 8.2 of the policy is therefore as follows:

Proposed Paragraph 8.2

Grant of Licence: Referred to Sub-Committee if conviction falls within the policy guidelines set out in the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders.

4.3.3 This matter does not require formal consultation with the trade as it relates to the delegations and administrative processes of the Council.

5. Effect upon Policy Framework & Procedure Rules.

5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no equality implications arising from this report.

7. Financial Implications.

7.1 There are no financial implications to the proposals.

8. Recommendations

8.1 The Committee is recommended to:

- 8.2 Approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair are not able to attend their respective subcommittee meeting, a chair will be elected from those in attendance. These Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.
- 8.3 Approve the amendment to paragraph 8.2 of the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders as follows:
- 8.2 **Grant of Licence: Referred to Sub-Committee if conviction falls within the policy guidelines set out in the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders.**

P A Jolley
Corporate Director Operational and Partnership Services

16 May 2018

Contact Officer: Yvonne Witchell

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Background documents

Report to Council

Council Constitution

Statement of Policy regarding the relevance of convictions and licensing of ex-offenders available at www.bridgend.gov.uk

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