

# Public Document Pack

## 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.*



#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 19 September 2018

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 **Tuesday, 25 September 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 - 10  
To receive for approval the Minutes of the Licensing Act 2003 Sub Committee (A) of the 12/07/2018 and the minutes of 31/07/2018 and 14/08/2018
4. Application to Licence Private Hire Vehicle 11 - 14
5. Application to Licence Private Hire Vehicle 15 - 18
6. Application to Licence Hackney Carriage Vehicle 19 - 22
7. Application to Licence Private Hire Vehicle 23 - 26
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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of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>   | 27 - 36 |
|     | To receive approval for the exempt Minutes of the Licensing Act 2003 Sub Committee (A) of the 12/07/2018 and the exempt minutes of 31/07/2018 |         |
| 11. | <u>Application for Grant of Licences</u>  | 37 - 40 |
| 12. | <u>Application for Grant of Licences</u>  | 41 - 44 |
| 13. | <u>Application for Grant of Licences</u>  | 45 - 50 |

Yours faithfully

**K Watson**

Head of Legal and Regulatory Services

Councillors:

SE Baldwin

TH Beedle

RJ Collins

Councillors

DRW Lewis

DG Owen

AA Pucella

Councillors

JE Williams

# Agenda Item 3

LICENSING ACT 2003 SUB-COMMITTEE (A) - THURSDAY, 12 JULY 2018

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 12 JULY 2018 AT 13:00

## Present

Councillor – Chairperson

SE Baldwin

DRW Lewis

AA Pucella

## Apologies for Absence

## Officers:

Mark Galvin

Senior Democratic Services Officer - Committees

Andrea Lee

Senior Lawyer

Michael Pitman

Business & Administrative Apprentice

Andrew Rees

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

## 4. DECLARATIONS OF INTEREST

None.

## 5. 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 item of business as it 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 item in private, with the public excluded from the meeting, as it was considered that in all the circumstances relating to the item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicant.

## 6. LICENSING ACT 2003 APPLICATION FOR PERSONAL LICENCE UNDER SECTION 117 DETERMINATION OF OBJECTION NOTICE RECEIVED UNDER SECTION 120(5)

The meeting closed at 14:50

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 31 JULY 2018 AT 10:00

Present

Councillor DRW Lewis – Chairperson

SE Baldwin  
AA Pucella

TH Beedle  
JE Williams

RJ Collins

DG Owen

Apologies for Absence

None

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Greg Lane	Head of Democratic Services
Andrea Lee	Senior Lawyer
Michael Pitman	Business & Administrative Apprentice
Yvonne Witchell	Team Manager Licensing

117. DECLARATIONS OF INTEREST

None

118. APPROVAL OF MINUTES

RESOLVED: That the public Minutes of a meeting of the Licensing Sub-Committee (A) dated 08 May 2018 and 05 June 2018, be approved as a true and accurate record.

119. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report, which asked the Sub Committee to consider an application to grant a license for a Private Hire Vehicle.

The application was made by Forge Travel Limited, to licence a Volkswagen Transporter, vehicle registration number GF16 GBO as a private hire vehicle to seat 8 persons. The vehicle was preowned and was first registered at the DVLA on 30 March 2016.

The meeting was briefly adjourned for Members to inspect the vehicle.

Upon recommencing the meeting, the Team Manager (Licencing) advised members that the current mileage of the vehicle was at 32,324 miles. She stated that the vehicle fell outside the Private Hire Vehicle Policy approved by the Licencing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Private Hire Vehicles which fell outside the policy guidelines outlined in paragraph 4.4 of the report.

For members' information a service history was provided which was issued on the 16 February 2018, with the mileage at that time being 32,087. The vehicle was recently inspected by an enforcement officer on the 20 July 2018 and confirmed the mileage at

the time as 44276 The vehicle was presented in good condition with no visible faults or issues.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number GF16 GBO as a Private Hire Vehicle.

Members noted that the application falls outside the Licensing Policy at paragraph 2.1 due to the vehicles age.

Members further noted that the Policy at paragraph 2.2 allows it to be relaxed in exceptional circumstances, and examples of these were detailed in paragraph 2.4 of the Policy.

Having examined the vehicle, the Sub-Committee felt that the vehicle was exceptional in terms of its quality both interior, exterior and it's safety qualities. The Sub-committee therefore granted the licence.

120. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report, which asked the Sub Committee to consider an application to grant a license for a Private Hire Vehicle.

The application was made by Forge Travel Limited, to licence a Volkswagen Transporter, vehicle registration number GJ16 XJZ as a private hire vehicle to seat 8 persons. The vehicle was preowned and was first registered at the DVLA on 24 March 2016.

The meeting was briefly adjourned for Members to inspect the vehicle.

Upon recommencing the meeting, the Team Manager (Licencing) advised members that the current mileage of the vehicle was at 32,401 miles. She stated that the vehicle fell outside the Private Hire Vehicle Policy approved by the Licencing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Private Hire Vehicles which fell outside the policy guidelines outlined in paragraph 4.4 of the report.

For members' information a service history was provided which was issued on the 16 February 2018, with the mileage at that time being 32,087. The vehicle was recently inspected by an enforcement officer on the 20 July 2018 and confirmed the mileage at the time as 44276 The vehicle was presented in good condition with no visible faults or issues.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number GF16 GBO as a Private Hire Vehicle.

Members noted that the application falls outside the Licensing Policy at paragraph 2.1 due to the vehicles age.

Members further noted that the Policy at paragraph 2.2 allows it to be relaxed in exceptional circumstances, and examples of these were detailed in paragraph 2.4 of the Policy.

Having examined the vehicle, the Sub-Committee felt that the vehicle was exceptional in terms of its quality both interior, exterior and its safety qualities. The Sub-committee therefore granted the licence.

121. URGENT ITEMS

None

122. 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.

123. APPROVAL OF EXEMPT MINUTES

124. APPLICATION FOR GRANT OF LICENCES

125. DISCIPLINARY HEARING FOR EXISTING TAXI DRIVER

Meeting closed at 11:40am

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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3 - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 14 AUGUST 2018 AT 10:00

Present

Councillor DRW Lewis – Chairperson

SE Baldwin

TH Beedle

RJ Collins

Apologies for Absence

AA Pucella and JE Williams

Officers:

Katia Daw

Lawyer

Michael Pitman

Business & Administrative Apprentice

Yvonne Witchell

Team Manager Licensing

128. DECLARATIONS OF INTEREST

None

129. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report, which asked the Sub Committee to consider an application to grant a license for a Private Hire Vehicle.

The application was made by Peyton Travel Limited, to licence a Dacia Logan MCV Laureate DCI, vehicle registration number AO64 KVV as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 29 October 2014

The meeting was briefly adjourned for Members to inspect the vehicle.

Upon recommencing the meeting, the Team Manager (Licencing) advised members that the current mileage of the vehicle was at 41089 miles. She stated that the vehicle fell outside the Private Hire Vehicle Policy approved by the Licencing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Private Hire Vehicles which fell outside the policy guidelines outlined in paragraph 4.4 of the report.

For members' information a service history was provided which was issued on the 16 February 2016, with the mileage at that time being 15826 and 19 August 2017 with the mileage being 31872. The vehicle was recently inspected by an enforcement officer on the 2 August 2018 and confirmed the mileage at the time as 41083. The vehicle was presented in good condition with no visible issues or faults.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number AO64 KVV as a Private Hire Vehicle.

Members noted that the application falls outside the Licensing Policy at paragraph 2.1 due to the vehicles age.

Members further noted that the Policy at paragraph 2.2 allows it to be relaxed in exceptional circumstances, and examples of these were detailed in paragraph 2.4 of the Policy.

Having examined the vehicle, the Sub-Committee felt that the vehicle was exceptional in terms of its quality both interior, exterior and its safety qualities. The Sub-committee therefore granted the licence.

130. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report, which asked the Sub Committee to consider an application to grant a license for a Private Hire Vehicle.

The application was made by Peyton Travel Limited, to licence a Dacia Logan MCV Laureate DCI, vehicle registration number DE17 DPX as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 18 March 2017

The meeting was briefly adjourned for Members to inspect the vehicle.

Upon recommencing the meeting, the Team Manager (Licencing) advised members that the current mileage of the vehicle was at 12465 miles. She stated that the vehicle 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 fell outside the policy guidelines outlined in paragraph 4.4 of the report.

For members' information there was no service history provided as the requirement for a service was not yet reached. An enforcement officer viewed the vehicle on 2 August 2018 and the vehicle was presented in good condition with the mileage at that time being 12462. The vehicle was presented in good condition with no visible faults or issues.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number DE17 DPX as a Private Hire Vehicle.

Members noted that the application falls outside the Licensing Policy at paragraph 2.1 due to the vehicles age.

Members further noted that the Policy at paragraph 2.2 allows it to be relaxed in exceptional circumstances, and examples of these were detailed in paragraph 2.4 of the Policy.

Having examined the vehicle, the Sub-Committee felt that the vehicle was exceptional in terms of its quality both interior, exterior and its safety qualities. The Sub-committee therefore granted the licence.

131. URGENT ITEMS

None

The meeting closed at 10:31

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

25 SEPTEMBER 2018

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

#### 1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

#### 2. Connection to corporate improvement objectives/other corporate priorities

- 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 Forge Travel Limited, to licence a Volkswagen Transporter vehicle registration number GJ17 OCS as a private hire vehicle to seat 8 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 28 March 2017.

- 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 there is no service history on this vehicle as the requirement for a service has not yet been reached. An enforcement officer viewed the vehicle on 14 September 2018 and the vehicle was presented in good condition with the mileage at 19959.

#### 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 and 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. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 Prevention: The Council is a regulatory body with responsibility for the safety of vehicles, drivers and operators through pre-licensing guidelines and checks, vehicle and driver testing and ongoing compliance and enforcement. Each case will be determined on its merits.

Collaboration: pre-licensing checks and testing are subject to internal and external agency input for example, Home Office, Disclosure and Barring Services, Joint Fleet Services.

## **8. Financial implications**

- 8.1 None for the authority

## **9. Recommendation**

- 9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**Date 19 September 2018**

Yvonne Witchell  
Team Manager Licensing

**Telephone:** (01656) 643643

**E-mail:** Yvonne.Witchell@bridgend.gov.uk

**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

25 SEPTEMBER 2018

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

#### 1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

#### 2. Connection to corporate improvement objectives/other corporate priorities

- 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 Neil Davies, to licence a Skoda Superb vehicle registration number KW18 FWM as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 24 May 2018.
- 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 there is no service history on this vehicle as the requirement for a service has not yet been reached.

#### 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 and 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. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 Prevention: The Council is a regulatory body with responsibility for the safety of vehicles, drivers and operators through pre-licensing guidelines and checks, vehicle



and driver testing and ongoing compliance and enforcement. Each case will be determined on its merits.

Collaboration: pre-licensing checks and testing are subject to internal and external agency input for example, Home Office, Disclosure and Barring Services, Joint Fleet Services.

## **8. Financial implications**

8.1 None for the authority

## **9. Recommendation**

9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**Date 19 September 2018**

Yvonne Witchell  
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

25 SEPTEMBER 2018

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

#### 1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a hackney carriage vehicle.

#### 2. Connection to corporate improvement objectives/other corporate priorities

- 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 Peyton Travel Limited, to licence a Renault Master LM35 DCI 100 vehicle registration number BX61 GFV as a hackney carriage vehicle to seat 8 persons. The vehicle is presented as a Wheelchair accessible vehicle fitted with an electric tail lift.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 9 January 2012.

- 4.3 The application falls outside the Hackney Carriage Vehicle Policy and is over the age set for Wheelchair accessible vehicles approved by the Licensing Committee. For Members' information a service history has been provided as follows 8 March 2013 with mileage recorded 24965, 19 April 2015 with the mileage recorded 49002, 25 March 2017 with mileage recorded 74355 and 21 February 2018 with mileage recorded 81211. An enforcement officer viewed the vehicle on 14 September 2018 and the vehicle was presented in good condition with the mileage at 89,113. The configuration of the vehicle for wheelchair use is as a seven seater plus 1 wheelchair.

#### 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 2.2.3) In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of wheelchair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.*

*(Policy 2.2.4) The licensee of any vehicle licensed under the Council’s special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc that are necessary. The maximum seating capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair.”*

*(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 and procedure rules**

5.1 None

## **6. Equality Impact Assessment**

6.1 This vehicle is 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. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 Prevention: The Council is a regulatory body with responsibility for the safety of vehicles, drivers and operators through pre-licensing guidelines and checks, vehicle and driver testing and ongoing compliance and enforcement. Each case will be determined on its merits.

Collaboration: pre-licensing checks and testing are subject to internal and external agency input for example, Home Office, Disclosure and Barring Services, Joint Fleet Services.

## **8. Financial implications**

8.1 None for the authority

## **9. Recommendation**

9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report. If Members are minded to grant the application, it must be subject to the production prior to the grant of the licence of a valid LOLER certificate in relation to the tail lift operation, as well as at the required intervals thereafter. In addition, the configuration of the vehicle is recommended to be subject to a condition requiring 7 seats plus one wheelchair.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**Date 19 September 2018**

Yvonne Witchell  
Team Manager Licensing

**Telephone:** (01656) 643643

**E-mail:** Yvonne.Witchell@bridgend.gov.uk

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

### **Background documents**

Hackney Carriage Vehicle Application  
Hackney Carriage Vehicle Policy Guidelines

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

25 SEPTEMBER 2018

#### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

##### APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

#### 1. Purpose of report

- 1.1 The purpose of this report is to ask the sub-committee to consider an application to grant a licence for a private hire vehicle.

#### 2. Connection to corporate improvement objectives/other corporate priorities

- 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 Peyton Travel Limited, to licence a Dacia Logan MCV Stepway vehicle registration number LN67 FVD 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 September 2017.
- 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 there is no service history on this vehicle as the requirement for a service has not yet been reached. An enforcement officer viewed the vehicle on 14 September 2018 and the vehicle was presented in good condition with the mileage at 6836.
- 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 and 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. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 Prevention: The Council is a regulatory body with responsibility for the safety of vehicles, drivers and operators through pre-licensing guidelines and checks, vehicle and driver testing and ongoing compliance and enforcement. Each case will be determined on its merits.

Collaboration: pre-licensing checks and testing are subject to internal and external agency input for example, Home Office, Disclosure and Barring Services, Joint Fleet Services.

## **8. Financial implications**

- 8.1 None for the authority

## **9. Recommendation**

- 9.1 The Sub-Committee is asked to determine the application having regard to the information contained within this report.

**Kelly Watson**  
**HEAD OF LEGAL AND REGULATORY SERVICES**

**Date 19 September 2018**

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### **Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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