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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.*



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, 21 November 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, 27 November 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 - 8
To receive for approval the Minutes of the Licensing Act 2003 Sub Committee (A) of the 12/07/2018 and the minutes of the 25/09/2018
4. Application To Licence Hackney Carriage Vehicle 9 - 12
5. Application To Licence Private Hire Vehicle 13 - 16
6. 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.
7. 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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.

- | | | |
|-----|---|---------|
| 8. | <u>Approval of Exempt Minutes</u> | 17 - 26 |
| | To receive for approval the exempt Minutes of the Licensing Act Sub-Committee 2003 (A) of 12/07/2018 and the exempt Minutes of the 25/09/2018 | |
| 9. | <u>Application For Grant Of Licences</u> | 27 - 30 |
| 10. | <u>Application For Renewal Of Licences</u> | 31 - 34 |

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

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, 25 SEPTEMBER 2018 AT 10:00

Present

Councillor – Chairperson

SE Baldwin
JE Williams

TH Beedle

DG Owen

AA Pucella

Apologies for Absence

RJ Collins and DRW Lewis

Officers:

Andrea Lee	Senior Lawyer
Michael Pitman	Business & Administrative Apprentice
Yvonne Witchell	Team Manager Licensing

132. ELECTION OF CHAIRPERSON

Members were required to election a Chairperson due to the absence of Councillor David Lewis (Chairperson). Members elected Councillor Stuart Baldwin.

133. APOLOGIES FOR ABSENCE

Councillor David Lewis (Chairperson) and Councillor Richard Collins.

134. DECLARATIONS OF INTEREST

None

135. APPROVAL OF MINUTES

RESOLVED: That 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 be approved as a true and accurate record.

136. 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 GJ17 OCS as a private hire vehicle to seat 8 persons. The vehicle was preowned and was first registered at the DVLA on 28 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 20,366 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, there was no service history provided as the requirement for a service has not yet been reached. An enforcement officer view the vehicle on 14 September 2018 and the vehicle was presented in good condition with no visible issues or faults and the mileage was 19,959.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number GJ17 OCS 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.

137. **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 Neil Davies, to licence a Skoda Superb, vehicle registration number KW18 FWM as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 24 May 2018

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 2,350 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, there was no service history provided as the requirement for a service has not yet been reached.

RESOLVED: The Sub-Committee considered the application to licence Vehicle Registration number KW18 FWM 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.

138. APPLICATION TO LICENCE HACKNEY CARRIAGE 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 Hackney Carriage Vehicle.

The application was 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 was preowned and was first registered at the DVLA on 9 January 2012

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 89,117 miles. She stated that the vehicle was wheelchair accessible and was also fitted with an electronic tail lift and an electronic side door ramp. She stated that the vehicle fell outside the Hackney Carriage Vehicle Policy and is over the age set wheelchair accessible vehicles approved by the Licensing Committee.

For members' information a service history was provided for the following dates:

8 March 2013, Mileage 24,965

19 April 2015, Mileage 49,002

25 March 2017, Mileage 74,355

21 February 2018, Mileage 89,113

The vehicle was recently inspected by an enforcement officer on the 14 September 2018 and confirmed the mileage at the time as 89113. 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 BX61 GFV 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 with good disabled and wheelchair accessible equipment. The Sub-committee therefore granted the licence.

139. 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 Stepway, vehicle registration number LN67 FVD as a private hire vehicle to seat 4

persons. The vehicle was preowned and was first registered at the DVLA on 28 September 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 6,839 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 there was no service history provided as the requirement for a service had 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.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number LN67 FVD 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 license.

140. URGENT ITEMS

None

141. 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.

142. APPROVAL OF EXEMPT MINUTES

143. APPLICATION FOR GRANT OF LICENCES

LICENSING SUB-COMMITTEE A - TUESDAY, 25 SEPTEMBER 2018

144. APPLICATION FOR GRANT OF LICENCES

145. APPLICATION FOR GRANT OF LICENCES

The meeting closed at 11:35

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

27 NOVEMBER 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. The application falls outside the Council's policy guidelines.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

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 Ivor Preece, to licence a Mercedes Benz E Class vehicle registration number CF16 XGG as a hackney carriage vehicle to seat 4 persons. The vehicle is not wheelchair accessible.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 29 April 2016.
- 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 service history has been provided dated 1 August 2016 with the mileage recorded at 16665 and 14 August 2017 with mileage at 64286. An enforcement officer viewed the vehicle on 24 September 2018 and the vehicle was presented in good condition with the mileage at 93303. A licence was in force for this vehicle until 19 March 2018, when it was surrendered.

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.

(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 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

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 21 November 2018

Yvonne Witchell
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

27 NOVEMBER 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 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

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 Joanna Ryan, to licence a Mercedes Vito vehicle registration number VX14 XEB as a private hire vehicle to seat 8 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 26 March 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 service history has been provided dated 17 October 2018 and an MOT has been provided dated 14 March 2018 with the mileage recorded as 61558. An enforcement officer viewed the vehicle on 6 November 2018 and the vehicle was presented in good condition with the mileage at 69120.

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 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

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 21 November 2018

Yvonne Witchell
Team Manager Licensing

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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