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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: Andrew Rees

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: 24 October 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 **Tuesday, 30 October 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 - 4
To receive for approval the Minutes of the 28/08/2018
4. Application to Licence Hackney Carriage Vehicle 5 - 8
5. Application to Licence Private Hire Vehicle 9 - 12
6. Application to Licence Private Hire Vehicle 13 - 20
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The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007.

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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.

- | | | |
|-----|---|---------|
| 9. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt Minutes of the 28/08/2018 | 21 - 22 |
| 10. | <u>Application for Grant of Licences</u> | 23 - 26 |
| 11. | <u>Application for Grant of Licences</u> | 27 - 30 |
| 12. | <u>Application for Grant of Licences</u> | 31 - 34 |
| 13. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 35 - 38 |
| 14. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 39 - 44 |

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

PA Davies

A Hussain

RM James

Councillors

B Jones

MJ Kearns

JE Lewis

Councillors

G Thomas

LICENSING SUB-COMMITTEE B - TUESDAY, 28 AUGUST 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, 28 AUGUST 2018 AT 10:00

Present

Councillor – Chairperson

B Jones

MJ Kearn

JE Lewis

G Thomas

Apologies for Absence

PA Davies and A Hussain

Officers:

Katia Daw

Lawyer

Andrea Lee

Senior Lawyer

Michael Pitman

Business & Administrative Apprentice

Yvonne Witchell

Team Manager Licensing

85. DECLARATIONS OF INTEREST

None

86. APPROVAL OF MINUTES

RESOLVED: That the Minutes for the meeting of the Licencing Sub (B) for the 03/07/2018 be approved as a true and accurate record

87. 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 Paul A May to licence a Toyota Avensis, vehicle registration number FA17 JJX as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 7 August 2017

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

Upon recommencing the meeting, the Legal Officer advised members that the current mileage of the vehicle was at 17,086 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 servicing the vehicle has not been reached. An enforcement officer viewed the vehicle on 8 August 2018 and confirmed the mileage at the time as 17,084. 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.

88. URGENT ITEMS

None

89. 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.

90. APPROVAL OF EXEMPT MINUTES

91. APPLICATION FOR GRANT OF LICENCES

The meeting closed at 10:25

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

30 OCTOBER 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 Douglas R Wilson, to licence a Citroen Belingo Multispace vehicle registration number CA67 MZZ 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 in 16 February 2018.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee.
- 4.4 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 10 October 2018 and the vehicle was presented in good condition with the mileage at 3867 miles.

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.

(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 24 October 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

30 OCTOBER 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 Zahide Ahmed, to licence a Skoda Octavia vehicle registration number BL16 YSM as a private hire vehicle to seat 4 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 1 July 2016.

- 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 27 September 2018 and the vehicle was presented in good condition with the mileage at 13864.

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 24 October 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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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

30 OCTOBER 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 Prince K Ugboodu, to licence a Toyota Avensis vehicle registration number FJ13 RBF 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 March 2013.

- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information a service history has been provided on this vehicle (Appendix A) and an MOT dated 23 May 2018 with the mileage recorded at 127206. An enforcement officer viewed the vehicle on 26 September 2018 and the vehicle was presented with the following defects: Scuff marks to paintwork; rear nearside bumper and sill, front nearside bumper, rear fog light and front offside door (lower); with the mileage at 139391.

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.

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- 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 24 October 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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Vehicle Service Report

Vehicle Details	
Vehicle:	TOYOTA AVENSIS 4DR 12 Diesel
VRN:	FJ13RBF
Job Date	Fri 10th Apr 2015
Invoice Date	Fri 10th Apr 2015
Mileage	50120
Job	212430
Reference	

Work carried out to your vehicle:
50000 Mile Service Brake Fluid Change
Parts fitted to your vehicle
Oil Filter Brake Fluid 6.30 Litres Low ash Oil
Vehicle tyre tread readings were noted as follows:
NSF Tyre Tread 3.00mm
OSF Tyre Tread 3.00mm
NSR Tyre Tread 6.00mm
OSR Tyre Tread 6.00mm
Comments or reported damage:
CAR PARK DENT IN PASSENGER FRONT DOOR, VARIOUS LIGHT SCRATCHES AROUND VEHICLE
Thank you for using our service. It is important to us that our Service Centre has delivered the highest level of service to you, should you have any concerns regarding the service you have been provided with, please contact our Customer Services team. Regards, Louise Worby Customer Services Manager
Customer Services Team: Tel: 01664 503 460 E-mail: customer.service@prestigeservicing.com

20 SEP 2018

1/1

Additional Inspections

Ancillary drive belt (alternator, A/C, PS)	First at 62,500 miles / 5 years After, every 12,500 miles/ 1 year
Manual gearbox and front differential oil	Every 37,500 miles / 3 years
Automatic transmission and front differential fluid	Every 37,500 miles / 3 years
Diesel smoke	Every 37,500 miles / 3 years

Service completed

Mileage: 13,421

Date: 11/0/13



FITCH AUTOS
01543 452630

Service completed

Mileage: 25,341

Date: 21/3/2014



FITCH AUTOS
01543 452630

Service completed

Mileage: 38,122

Date: 29/9/14

THE
LION GARAGE
TAMMORTH
TEL: 01827 55550
VW/AUDI SERVICE

Service completed

Mileage: 50,120

Date: 10/04/15

THE
LION GARAGE
TAMMORTH
TEL: 01827 55550
VW/AUDI SERVICE

Service completed

Mileage: 62,020

Date: 13/1/15

THE
LION GARAGE
TAMMORTH
TEL: 01827 55550
VW/AUDI SERVICE

Service completed

Mileage: 75,102

Date: 12/8/15

VANTAGE
TOYOTA
TAMMORTH
B78 3LT
069975

*Whichever comes first

Service completed
Mileage: 118520
Date: 15-2-18

Service completed
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