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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

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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, 6 February 2019

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, 12 February 2019 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 18/12/2018
4. Application to Licence Private Hire Vehicle 9 - 12
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.
6. Exclusion of the Public
The reports/minutes relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 Act to consider these items in private, the public will be excluded from the meeting during such consideration.

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| 7. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt Minutes of the 18/12/2018 | 13 - 14 |
| 8. | <u>Application for Grant of Licences</u> | 15 - 18 |
| 9. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 19 - 22 |

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

PA Davies
A Hussain
RM James

Councillors

B Jones
MJ Kearn
JE Lewis

Councillors

G Thomas

LICENSING SUB-COMMITTEE B - TUESDAY, 18 DECEMBER 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, 18 DECEMBER 2018 AT 10:00

Present

Councillor PA Davies – Chairperson

A Hussain
G Thomas

RM James

MJ Kearn

JE Lewis

Apologies for Absence

B Jones

Officers:

Andrea Lee

Senior Lawyer

Michael Pitman

Business & Administrative Apprentice

Yvonne Witchell

Team Manager Licensing

108. DECLARATIONS OF INTEREST

Cllr M Kearn declared a prejudicial interest on agenda item 6 as he knew applicant personally and therefor withdrew from Committee during this item.

109. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Act 2003 Sub Committee B and the Licensing Sub Committee B of the 30/10/2018 be approved as a true and accurate record.

110. 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 Matthew Ashley to licence a Skoda Superb, vehicle registration number CK68 DYA as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 26 September 2018

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 171 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 Hackney Carriage Vehicles which fell outside the policy guidelines outlined in paragraph 4.5 of the report. For members' information there was no service history provided as the requirement for servicing the vehicle has not been reached.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number CK68 DYA 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.

111. 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 Executive Cars Wales to licence a Mercedes Viano, vehicle registration number GU66 WHW as a private hire vehicle to seat 7 persons. The vehicle was preowned and was first registered at the DVLA on 27 October 2016.

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 24,030 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 4.5 of the report. For members' information there was no service history provided as the requirement for servicing the vehicle has not been reached.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number GU66 WHW 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.

112. 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 Douglas Wilson to licence a Renault Traffic, vehicle registration number CU66 OHZ as a private hire vehicle to seat 8 persons. The vehicle was preowned and was first registered at the DVLA on 27 October 2016.

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 58,118 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 4.5 of the report. For members' information there was no service history provided as the requirement for servicing the vehicle has not been reached.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number CU66 OHZ 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.

113. **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 DCI, vehicle registration number LV62 NPD as a Hackney Carriage vehicle to seat 8 persons. The vehicle was preowned and was first registered at the DVLA on 16 November 2012.

For Members' information, service history was provided detailing the mileage for the following dates:

17 October 2014	24,895
11 April 2016	39,542
21 January 2017	50,089
3 May 2018	73,458

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 78,262 miles. The vehicle was wheelchair accessible and was affirmed during inspection.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number LV62 NPD as a Hackney Carriage 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.

114. 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 Douglas Wilson to licence a Renault Traffic, vehicle registration number VU65 OLH as a private hire vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 16 November 2015.

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 34,207 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 4.5 of the report. For members' information there was no service history provided as the requirement for servicing the vehicle has not been reached.

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number VU65 OLH 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.

115. 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 DCI, vehicle registration number BU12 SVF as a Hackney Carriage vehicle to seat 4 persons. The vehicle was preowned and was first registered at the DVLA on 27 July 2012.

Upon recommencing the meeting, the Legal Officer advised members that the current mileage of the vehicle was at 82,339 miles. She stated that the vehicle fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle was wheelchair accessible and this was affirmed during the inspection.

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

17 June 2014	26,765
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30 May 2016	48,855
7 November 2017	61,763
15 April	74,255

RESOLVED: The Sub-Committee considered the application to license Vehicle Registration number BU12 SVF as a Hackney Carriage 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.

116. **URGENT ITEMS**

None

117. **EXCLUSION OF THE PUBLIC**

RESOLVED: The reports/minutes 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 Act to consider these items in private, the public will be excluded from the meeting during such consideration.

118. **APPROVAL OF EXEMPT MINUTES**

119. **APPLICATION FOR RENEWAL OF LICENCES**

The meeting closed at 10:50

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

12 FEBRUARY 2019

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 Peyton Travel, to licence a Renault Trafic vehicle registration number M24 PEY as a private hire vehicle to seat 8 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 24 June 2015.

- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible, but there are specific policy guidelines in respect of the first licensing of private hire vehicles which fall outside policy guidelines, which are set out below. For Members' information a service history has been provided dated 15 September 2016 with the mileage recorded at 30997 and 19 August 2018 with the mileage recorded at 59445.

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 6 February 2019

Yvonne Witchell
Team Manager Licensing

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Background documents

Private Hire Vehicle Application
Private Hire Vehicle Policy Guidelines

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