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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, 8 January 2020

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, 14 January 2020 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 19/11/2019
4. Application to Licence Hackney Carriage Vehicle 11 - 20
5. Application to Licence Hackney Carriage Vehicle 21 - 30
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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 Act to consider these items in private, the public will be excluded from the meeting during

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such consideration.

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| 8. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt Minutes of the 19/11/2019 | 31 - 34 |
| 9. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 35 - 38 |
| 10. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 39 - 44 |
| 11. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 45 - 48 |

Yours faithfully

K Watson

Chief Officer, Legal, HR & Regulatory Services

Councillors:

TH Beedle

RJ Collins

MJ Kearns

Councillors

DRW Lewis

DG Owen

AA Pucella

Councillors

JE Williams

LICENSING SUB-COMMITTEE A - TUESDAY, 19 NOVEMBER 2019

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, 19 NOVEMBER 2019 AT 10:00

Present

Councillor DRW Lewis – Chairperson

TH Beedle
AA Pucella

RJ Collins

MJ Kearn

DG Owen

Apologies for Absence

JE Williams

Officers:

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

227. DECLARATIONS OF INTEREST

Declarations were received from the following Members:

Cllr D Owen – Prejudicial interest on Agenda item 14 – Family of the applicant were known to him.

Cllr DRW Lewis – Prejudicial interest on agenda item 9 – The applicant was a neighbour of Cllr Lewis.

Cllr R Collings – Personal interest on agenda item 6 and item 10 – Cllr R Collings knows the name of one of the drivers.

Cllr D Owen and Cllr DRW Lewis left the meeting during the deliberation of their respective agenda items.

Members were required to elect a chairperson for the meeting to consider agenda item 9 in Cllr DRW Lewis' absence. The Sub Committee elected Cllr M Kearn as chairperson.

228. APPROVAL OF MINUTES

RESOLVED: That the minutes of the 30/07/19 and 09/08/19 be approved as a true and accurate record.

229. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Private Hire vehicle.

The application was made by Wayne Davies of Penyfai Bridgend to licence a Mercedes Benz C200 Sport Premium + Auto, vehicle registration number HK68 DKX as a Private Hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 7 January 2019.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 12,471 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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 policy guidelines, outlined in paragraph 4.6 of the report.

For Members' information, no service history or MOT had been provided as there had been no requirement for one due to the vehicles age.

RESOLVED: The Sub-Committee considered the application to register HK68 DKX as a Private Hire vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

230. **APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE**

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Andrew Jackson to licence a Dacia Logan, vehicle registration number KP16 ULG as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 11 July 2016.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 15,046 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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 policy guidelines, outlined in paragraph 4.6 of the report.

For Members' information, a service history had been provided dated 14 July 2017 with the mileage recorded at 6,517 and 8 April 2019 with mileage at 14,634. And MOT certificate dated 8 April 2019 with the mileage being recorded at 14,630.

RESOLVED: The Sub-Committee considered the application to register KP16 ULG as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

231. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Liam Morgan and David Stolzenburg T/a Llynfi Coaches of Maesteg to licence a Dacia Logan, vehicle registration number CE69 POU as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 26 September 2019.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 89 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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 policy guidelines, outlined in paragraph 4.4 of the report.

For Members' information, there was no service history or MOT certificate provided as there was not yet a requirement for one.

RESOLVED: The Sub-Committee considered the application to register CE69 POU as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

232. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Paul Brain - Peyton Travel of Bridgend to licence a Renault Master Minibus, vehicle registration number PO61 FHT as a Hackney Carriage vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 11 January 2012.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 85,725 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

She advised Members that the vehicle was wheelchair accessible.

A service history was provided dated 10 August 2014 with the mileage being reported at 25,275, the 24 April 2016 at 42,882, 22 February 2017 at 51,669 and 17 November 2018 at 76,128.

The Team Manager Licensing asked Mr Brain for any further background on the vehicle.

Mr Brain explained that the vehicle was originally constructed for carrying goods. Before he bought it, the vehicle was converted into a passenger vehicle. He explained that the converters did this in 2012 shortly before he purchased.

RESOLVED: The Sub-Committee considered the application to register PO61 FHT as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

233. **APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE**

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Paul Brain - Peyton Travel of Bridgend to licence a Renault Master Minibus, vehicle registration number PO61 FKB as a Hackney Carriage vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 January 2012.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 85,059 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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 policy guidelines, outlined in paragraph 4.4 of the report.

A service history was provided dated 21 June 2013 with the mileage recorded at 21,559, 27 February 2015 at 42,277, 7 October 2017 at 61,739 and 24 January 2019 at 79,419.

The Team Manager Licensing asked Mr Brain for any further background on the vehicle.

Mr Brain explained that the vehicle came directly from the NHS. The vehicle was converted when it was new. Mr Brain explained that he tried to obtain further information from the company who performed the conversion but as they had a new system since 2012, many of the records had been lost.

RESOLVED: The Sub-Committee considered the application to register PO61 FKB as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

234. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

Cllr DRW vacated the chair during this item. Cllr M Kearn took to the chair.

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Andrew Thomas, Brynmenyn, Bridgend to licence a Dacia Logan MCV Ambiance, vehicle registration number CK64 WTP as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 January 2015.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 48,745 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

She advised Members that the vehicle was not wheelchair accessible.

Mr Thomas advised that the vehicle was acquired by himself in February 2019 however the vehicle had been suspended as a licenced taxi vehicle since August 2018 as it failed to appear for inspection.

Mr Thomas added that he acquired the vehicle damaged, with many issues with the bodywork. He said that the vehicle had signs of major water damage, as the vehicle must have been stationary for a number of months with water entering the vehicle.

The Team Manager Licensing asked Mr Thomas to explain why the mileage is different now compared to when it was previously licenced.

Mr Thomas explained that the ECU in the current car was damaged, presumably from the water damage. He decided to try to replace it with a used ECU from another vehicle to see if it worked, to which it did.

The Team Manager Licensing asked Mr Thomas if he knew that the particular car had a manufacturer recall and if he knew what it was for

Mr Thomas was aware of the recall but was not sure what it was for.

RESOLVED: The decision read as follows:

“The Committee have considered your application to licence a Dacia Logan registration number CK64 WTP. The Committee have inspected the vehicle and are not satisfied that the vehicle is in exceptional condition both in its interior and exterior. There are a number of dents on the exterior and rust in the interior from water damage. The

Committee are not satisfied that the vehicle offers an exceptional standard of safety as the vehicle is subject to an outstanding recall from Dacia and the general condition of the vehicle is poor. After considering the Statement of Licensing Policy the Committee have determined that the vehicle does not meet the requirements of first registration and does not meet the exceptions in terms of condition of the vehicle and on that basis have determined not to grant the licence.”

235. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Liam Morgan and David Stolzenburg T/a Llynfi Coaches of Maesteg to licence a Dacia Logan, vehicle registration number CE69 KOU as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 26 September 2019.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 68 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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 policy guidelines, outlined in paragraph 4.4 of the report.

For Members’ information, there was no service history or MOT certificate provided as there was not yet a requirement for one.

RESOLVED: The Sub-Committee considered the application to register CE69 KOU as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

236. URGENT ITEMS

None

237. 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 contain 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

LICENSING SUB-COMMITTEE A - TUESDAY, 19 NOVEMBER 2019

private, with the public excluded from the meeting, as it was considered that in all 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.

238. APPROVAL OF EXEMPT MINUTES

239. DISCIPLINARY HEARING FOR EXISTING TAXI DRIVER

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

14 JANUARY 2020

REPORT OF THE CHIEF OFFICER - LEGAL, HR & 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 There is no direct link to the Corporate Plan / Other Corporate Priorities.

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 Paul Brain, Peyton Travel Limited of Bridgend to licence a Dacia Logan vehicle registration number LF17 WZM as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle was first registered at the DVLA on 31 March 2017.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. For Members' information a service report for the vehicle has been submitted dated 12 December 2018 with the mileage recorded at 11882.
- 4.4 On 17 December 2019 this same application was put before the Licensing Sub-Committee who resolved to refuse the application due to safety concerns in relation to the rear seats.
- 4.5 On 18 December 2019 Licensing Enforcement Officers; Andrew Brown and David Barrett inspected a similar vehicle situated at a local car dealership; a 2017 Dacia Logan.

The Licensing Enforcement Officers checked the rear seats of this vehicle and found that when they were locked into place they were very secure with no quality or safety concerns. They did however comment that if you fold down the rear seats, the rear seat belts hang in front of the red metal seat fixing loops. If you try to put the seats back into place without firstly lifting the rear seat belts out of the way the seat catch

cannot engage the loop (because the belt is in the way) and the seat will not click back into place properly. This could therefore give the impression that the seat is loose.

Pictures of the inspected vehicle can be found in **Appendix A**.

4.6 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:

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 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
CHIEF OFFICER - LEGAL, HR & REGULATORY SERVICES

Date 8 January 2020

Yvonne Witchell
Team Manager Licensing

Telephone: (01656) 643643

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

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

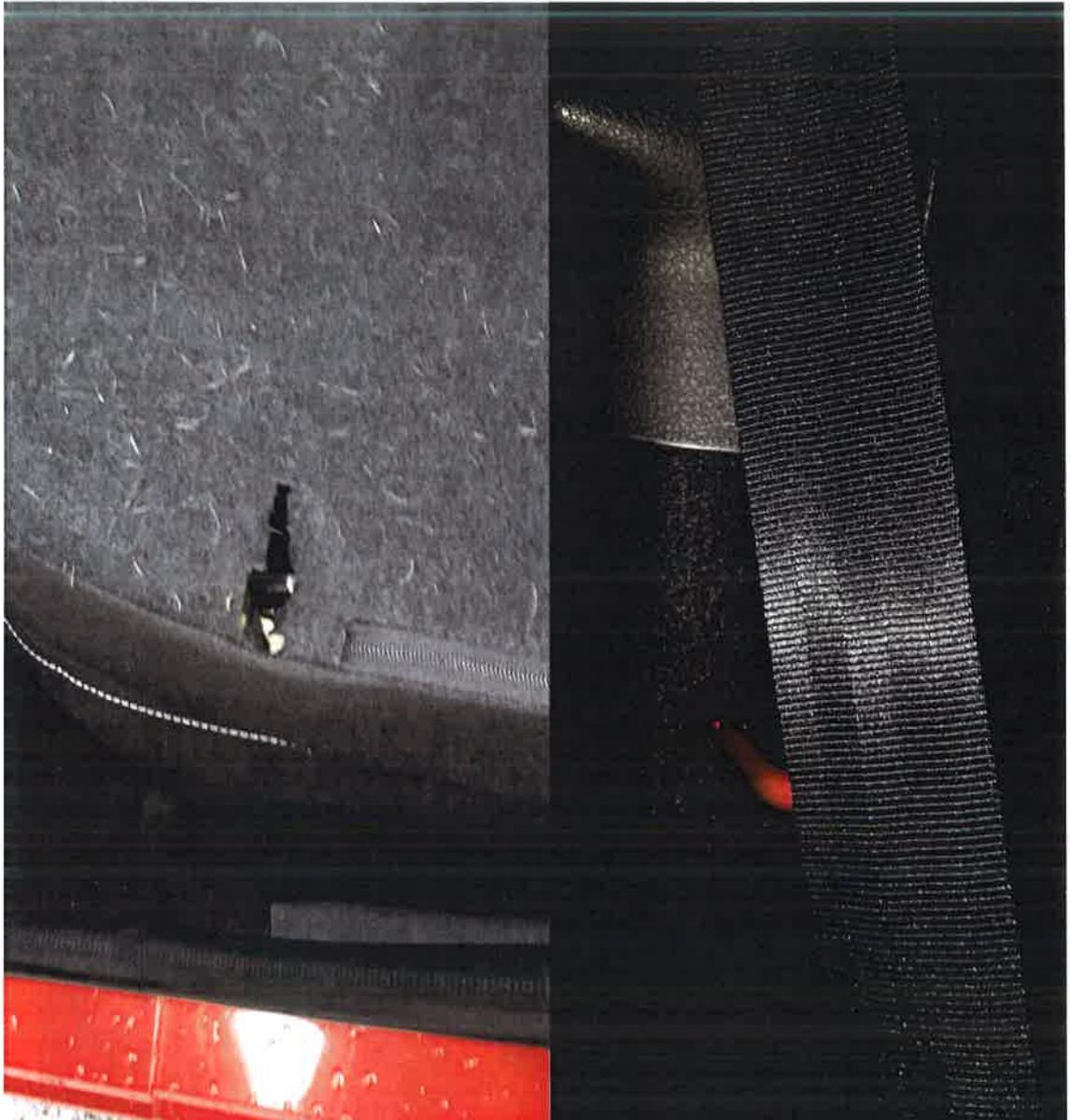
Background documents

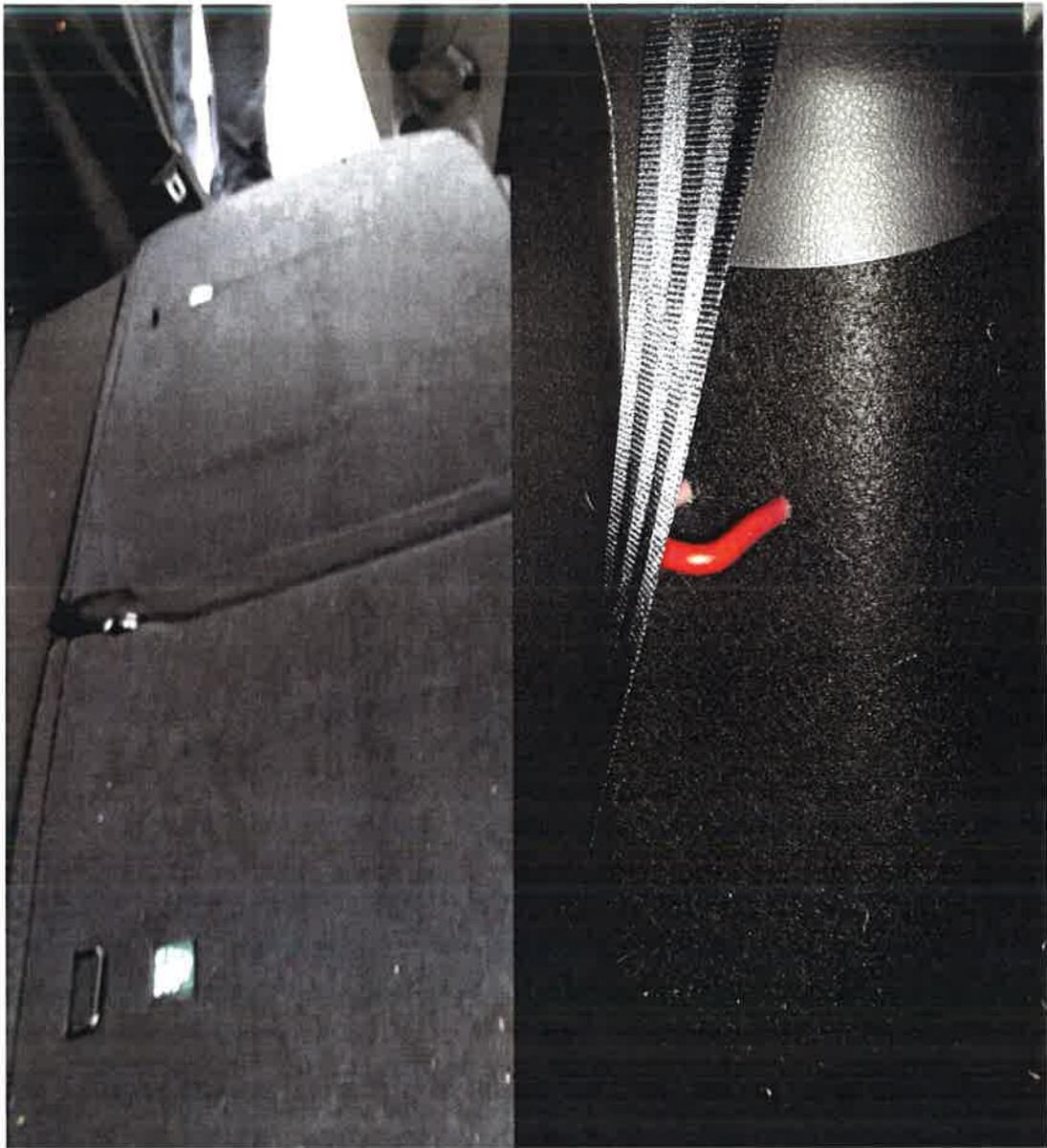
Hackney Carriage Vehicle Application
Hackney Carriage Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

14 JANUARY 2020

REPORT OF THE CHIEF OFFICER - LEGAL, HR & 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 There is no direct link to the Corporate Plan / Other Corporate Priorities.

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 Emma Parrott of Porthcawl to licence a Toyota Avensis vehicle registration number MD66 WXJ as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle was first registered at the DVLA on 31 January 2017.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. For Members' information a service report for the vehicle has been submitted dated 8 July 2018 with the mileage recorded at 17357 and 10 September 2019 with the mileage at 31925.
- 4.4 On 17 December 2019 this same application was put before the Licensing Sub-Committee who resolved to refuse the application due to safety concerns in relation to the rear seats.
- 4.5 On 8 January 2020 Licensing Enforcement Officer; Andrew Brown inspected a similar vehicle situated at a local car dealership; a 2018 Toyota Avensis.

The Licensing Enforcement Officer checked the rear seats of this vehicle and found that when the seats are pushed down the side seat belts hang to the side of the seat locking hook, when the seats are firmly pushed back (making sure the seat belts are not dragged in front of the securing hook) the seats are very secure with no quality or safety concerns. It was noted by the Licensing Enforcement Officer that the rear

side belts could be inadvertently dragged in front of the securing hook when pushing the seat back into an upright position, causing a locking problem.

Pictures of the inspected vehicle can be found in **Appendix A**.

4.6 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:

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 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
CHIEF OFFICER - LEGAL, HR & REGULATORY SERVICES
Date 8 January 2020

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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