

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



#### **Gwasanaethau Gweithredol a Phartneriaethol / Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147

Gofynnwch am / Ask for: Mr Mark Anthony Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 30 May 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, 5 June 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. Application to Licence Private Hire Vehicle 3 - 6
4. Application to Licence Private Hire Vehicle 7 - 10
5. Application to Licence Private Hire Vehicle 11 - 14
6. Local Government (Miscellaneous Provisions) Act 1982 Application for  
Renewal of Sex Establishment Licence The Private Shop, 72 Bridgend Road,  
Aberkenfig 15 - 18
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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.

**By receiving this Agenda Pack electronically you will save the Authority approx. 52p in printing costs**

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>Application for Renewal of Licences</u>           | 19 - 22 |
| 10. | <u>Disciplinary Hearing for Existing Taxi Driver</u> | 23 - 26 |

Yours faithfully

**P A Jolley**

Corporate Director Operational and Partnership Services

Councillors:

SE Baldwin

TH Beedle

RJ Collins

Councillors

DRW Lewis

DG Owen

AA Pucella

Councillors

JE Williams

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

5 JUNE 2018

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

##### APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

#### 1. Purpose of report

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

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

- 2.1 None

#### 3. Background

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. Applications which fall outside the policy guidelines are referred to a Licensing Sub-Committee for determination.

#### 4. Current situation/proposal

- 4.1 Application is made by Peyton Travel Limited, to licence a Renault Traffic 1.6 9st BUSI ENR vehicle registration number HK65 EOP 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 November 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 which was issued on the 23 May 2017 with the mileage recorded as 21107. An enforcement officer inspected the vehicle on 25 May 2018 and confirms that the mileage at the time of inspection was 32302 miles and the vehicle was presented in good condition, consistent with its age and mileage with no visible faults or issues.

#### 4.4 Policy Guidelines

The vehicle policy applicable to this application was approved by the Licensing Committee on 10 March 2008. The relevant extract from the policy is as follows:

*“(Policy 2.1) Applications for the first licensing of a hackney carriage or private hire vehicle should be submitted to the Council within 14 days of the first registration of the vehicle at the DVLA. The mileage at the time of application should be no greater than 500 miles. The applicant may be the second or a subsequent registered keeper but the applicant must demonstrate that there is no more than 14 days between the first registration and transfer to the applicant’s name. Applications will normally be dealt with under the Scheme of Delegation to Officers.*

*(Policy 2.2) Applications for the first licensing of vehicles falling outside the above policy guidelines will normally be refused but a relaxation of the policy may be considered in exceptional circumstances. The general guidelines for relaxation of the policy are as follows but each case will be dealt with on its merits:*

*(Policy 2.2.5) A relaxation of the policy will also be considered in exceptional circumstances for applications relating to the first licensing of private hire vehicles. The Council does not seek to limit or define a particular vehicle which is suitable but will adhere to the minimum standards for the size of seats and legroom etc which are available on request. Irrespective of the age of the vehicle it must be capable of satisfying the general licensing conditions and be fit for purpose as a private hire vehicle in terms of passenger safety and comfort. Each application will be reported to the Licensing Sub-Committee for determination on its merits having regard to the following criteria:*

- That the vehicle presented is in an exceptional condition in relation to its exterior and interior appearance with no evidence of defects, chips, marks or other evidence of unreasonable wear and tear or damage.*
- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

*(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”*

## **5. Effect upon policy framework and procedure rules**

5.1 None

## **6. Equality Impact Assessment**

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

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

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

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

## **8. Financial implications**

- 8.1 None for the authority

## **9. Recommendation**

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

**Andrew Jolley**  
**Corporate Director Operational and Partnership Services**

**Date 30 May 2018**

Yvonne Witchell Team Manager Licensing

**Telephone:** (01656) 643643

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

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

## **Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

5 JUNE 2018

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

##### APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

#### 1. Purpose of report

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

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

- 2.1 None

#### 3. Background

- 3.1 It is the duty of the Local Authority to determine applications made under the Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847. Applications which fall outside the policy guidelines are referred to a Licensing Sub-Committee for determination.

#### 4. Current situation/proposal

- 4.1 Application is made by Peyton Travel Limited, to licence a Dacia Logan Laureate vehicle registration number PK65 FFE as a private hire vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 23 November 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 which was issued on the 18 August 2016 with the mileage recorded as 15336, 14 December 2017 with mileage recorded as 31249 and 23 March 2018 with the mileage as 44255. An enforcement officer viewed the vehicle on 25 May 2018 and reports that the mileage was 47083 miles and the vehicle was presented in good condition consistent with its age and mileage subject to repair of the rear wiper and boot lock, with no other visible faults or issues.

#### 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:*

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- That the vehicle presented offers an exceptional standard of safety and comfort for passengers in terms of features offered for example ABS, passenger airbags and ability to meet current requirements on emissions testing.*
- That the application includes evidence that the vehicle has been serviced at the intervals recommended by the manufacturer and at an approved garage. Other relevant documentations such as an MOT certificate should also be provided.*

*(Policy 2.4) All applicants should be satisfied that they can meet all current policy requirements before submitting an application and are advised that they submit an application which falls outside the above policy guidelines at their own risk. Acceptance of an application does not infer that it will be granted. Applicants are strongly advised not to purchase a vehicle or make any other financial commitment until the application is determined.”*

## **5. Effect upon policy framework and procedure rules**

5.1 None

## **6. Equality Impact Assessment**



6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

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

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

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

## **8. Financial implications**

8.1 None for the authority

## **9. Recommendation**

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

**Andrew Jolley**  
**Corporate Director Operational and Partnership Services**

**Date 30 May 2018**

Yvonne Witchell Team Manager Licensing

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

## **Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB COMMITTEE

5 JUNE 2018

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP 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 David Llewellyn t/a Executive Cars Wales, to licence a Mercedes E Class Saloon vehicle registration number YY64 TAV as a private hire vehicle to seat 4 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 27 November 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 a service history has been provided which was issued on the 27 November 2015 with the mileage of the vehicle at 11488, on 8 November 2016 with the mileage at 20220 and on 6 November 2017 with the mileage at 27765. An MOT has also been provided, dated the 6 November 2017 with the mileage recorded as 27665. An enforcement officer viewed the vehicle on 23 May 2018 and has confirmed that the vehicle now has a personal registration plate S40 DKL. The mileage at the time of viewing was 30,836 miles and the vehicle was presented in good condition.

- 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 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.*

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## **5. Effect upon policy framework and procedure rules**

5.1 None

## **6. Equality Impact Assessment**

6.1 This vehicle is not for wheelchair use. There are no other implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation.

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

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

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

## **8. Financial implications**

8.1 None for the authority

## **9. Recommendation**

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

**Andrew Jolley**  
**Corporate Director Operational and Partnership Services**

**Date 30 May 2018**

Yvonne Witchell Team Manager Licensing

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

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

## **Background documents**

Private Hire Vehicle Application  
Private Hire Vehicle Policy Guidelines

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING SUB-COMMITTEE

5 JUNE 2018

#### REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

##### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 APPLICATION FOR RENEWAL OF SEX ESTABLISHMENT LICENCE THE PRIVATE SHOP 72 BRIDGEND ROAD ABERKENFIG

#### 1. Purpose of report

- 1.1 An application has been received from Darker Enterprises Limited for the renewal of the Sex Establishment Licence in respect of the above premises and is placed before the Sub-Committee for consideration as powers have not been delegated under the Scheme of Delegation to Officers.

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

- 2.1 This report relates to a regulatory function.

#### 3. Background

- 3.1 The current licence is subject to the Council's standard conditions and to the special conditions attached at Appendix A. The hours of trading are from 0930 to 2000 hours Monday to Saturday and from 1000 to 1600 hours on Sunday.
- 3.2 There have been no recommendations from the statutory consultees to vary the current standard or special conditions in force and no representations or objections from the public have been received.

#### 4. Current situation/proposal

- 4.1 The applicant has complied with the statutory requirements to advertise the application.

#### 4.2 Response to Public Notice:

The Council has not received any objections within the prescribed timescale.

#### 4.3 Representations from Statutory Consultees:

No representations have been received from the statutory consultees, Ward Member or Town and Community Council.

The South Wales Police have confirmed that the applicant and the manager have no relevant convictions.

4.4 An inspection has been carried out by the Council's Enforcement Officer and no breaches of the current licence were identified.

4.5 There is no Council policy relating to the grant of licences for this category of establishment.

4.6 Renewal Fee:

The renewal fee of £546.00 has been paid.

4.7 Guidance to Members: The Hearing

The Council is required to give an opportunity to the applicant to appear before them and be heard before it can refuse an application.

The Sub-Committee may wish to consider the application on the basis of the application itself, the information supplied by the applicant and objections and any representations received. It must, however, bear in mind that if, after consideration of this information, it is minded to refuse the application, it must give the applicant an opportunity to be heard before it concludes its deliberations.

Guidance for Members: Grounds for refusal of application

Under Schedule 3 of Paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may refuse an application on one or more of the following grounds:-

- A. that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason,
- B. that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant, renewal and transfer of such a licence if he made the application himself.
- C. that the number of sex establishments in the relevant locality at the time of the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.
- D. that the grant or renewal of the licence would be inappropriate, having regard
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put;or,
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made

The Sub-Committee is advised that if it is minded to grant an application, It can impose conditions, terms and restrictions in addition to the standard and special conditions currently in force.



#### 4.8 Rights of Appeal

An applicant may at any time, before the expiration of 21 days from the date of notification, appeal to the Magistrates' Court if the application is refused.

Similarly, the holder of the licence has 21 days to appeal to the Magistrates' Court if aggrieved by any term, condition or restriction placed upon the licence.

These rights of appeal do not apply if refusal is due to the status of the applicant under section 12(1) of the Act and also do not apply if refusal is due to either Ground C or D referred to in the above-mentioned Grounds for Refusal.

#### 5. Effect upon policy framework and procedure rules

5.1 None

#### 6. Equality Impact Assessment

6.1 There are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief or sexual orientation.

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

7.1 Prevention/Integration/Collaboration: The Council is a regulatory body with responsibility for pre-licensing guidelines and checks, together with compliance and enforcement. This includes internal and external collaboration and inspection reports prior to determination. Each case is determined on its merits.

#### 8. Financial implications

8.1 None

#### 9. Recommendation

9.1 The powers available to the Sub-Committee are as follows:

9.1.1 To renew the licence subject to the existing terms and conditions; or

9.1.2 To renew the licence subject to additional as amended terms and conditions;

or

9.1.3 To refuse to renew the licence, Under Schedule 3 Paragraph 10(19) of the Act a Sub-Committee must give the holder of the licence the opportunity of appearing and being heard before refusing to renew a licence.

**P. A. Jolley – Corporate Director – Operational & Partnership Services**

**Dated 30 May 2018**

**Contact Officer:** Sharon Jones – Licensing Assistant  
**Telephone:** 01656 643294  
**E mail:** [Sharon.Jones2@bridgend.gov.uk](mailto:Sharon.Jones2@bridgend.gov.uk)  
**Postal Address:** Civic Offices, Angel Street, Bridgend, CF31 4WB  
**Background documents:** Application Form

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972.

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