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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: Wednesday, 26 June 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, 2 July 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 - 4
To receive the for approval the minutes of the Licensing Act 2003 Sub-Committee (B) of 07/03/2019
4. Application To Licence Private Hire Vehicle 5 - 8
5. Application To Licence Private Hire Vehicle 9 - 12
6. Application To Licence Private Hire Vehicle 13 - 16
7. Application To Licence Hackney Carriage Vehicle 17 - 20
8. Application To Licence Hackney Carriage Vehicle 21 - 24
9. Application To Licence Hackney Carriage Vehicle 25 - 28
10. Application To Licence Hackney Carriage Vehicle 29 - 32
11. Local Government (Miscellaneous Provisions) Act 1982, Application For Renewal Of Sex Establishment Licence, The Private Shop 72 Bridgend Road, Aberkenfig. 33 - 40

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12. 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.

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

PA Davies

A Hussain

RM James

Councillors

B Jones

JE Lewis

JR McCarthy

Councillors

G Thomas

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 7 MARCH 2019 AT 14:00

Present

Councillor PA Davies – Chairperson

B Jones

G Thomas

Officers:

Julie Ellams	Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Michael Pitman	Business & Administrative Apprentice
Yvonne Witchell	Team Manager Licensing

44. DECLARATIONS OF INTEREST

None

45. LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A VARIATION OF PREMISES LICENCE - 'MARMARIS KEBAB AND PIZZA', 33 WYNDHAM STREET, BRIDGEND

For the applicant:

Mr Halit Ertas – Agent

Mr Fatih Yildiztekin – Applicant

The Chairperson welcomed all those present to the meeting and introductions were made.

The Team Manager Licensing reported on an application received for a variation of an existing premises licence at Marmaris Kebab and Pizza, 33 Wyndham Street, Bridgend. The Team Manager Licensing explained that the applicant was seeking to remove conditions 14-19, under Annex 3 of the Premises Licence, which authorised the provision of late night refreshment from the premises. She explained that when the report had been prepared, both parties had indicated that they would be present. A colleague had received a telephone call from PC Morris that morning to say that he had been called to court and was requesting an adjournment.

The Team Manager Licensing asked the agent and applicant if they would agree to an adjournment. The agent explained that he had travelled from London that morning and he would like the hearing to continue.

The Legal officer asked for the exact wording of PC Morris's request and if he was attending court to give evidence or if he had been called to court urgently. The Team Manager licensing explained that a colleague had taken the message so she was unable to say exactly what had been said. The members retired to consider the request for an adjournment.

After a short time the meeting reconvened and the Chairperson explained that the Sub-Committee had taken into consideration the requests from both sides. They appreciated that the agent had travelled for more than four hours however they had questions for the police regarding the history of the premises before they were in a position to make a

decision. They were very disappointed with the late response from the police and if this was repeated, they would continue without a police representative.

The Agent asked the Sub-Committee to reconsider their decision and the Chairperson replied that she appreciated and shared their frustration but had to be sure that they had all relevant information before taking their decision. The meeting was adjourned and the Team Manager Licensing explained that she would shortly be in contact with the same three members, the agent and the applicant to agree a new date.

The Team Manager Licensing reported further to the adjourned meeting of this Sub-Committee on 7 March 2019 wherein a hearing was adjourned as a representative from South Wales Police was unable to attend.

She advised the Sub Committee that since that time, the applicant and South Wales Police had been in discussions in order to reach an agreement. She presented a copy of an email from South Wales Police to the Sub Committee which informed the applicant of the removal of their objections. The reason for removal of the objection was due mainly to a lack of recorded crime and antisocial behaviour relating to the premises within the last 18 months. The applicant had acknowledged the removal of the conditions and had signed accordingly.

The Team Manager Licensing advised Members that the original agreement that was made for the premises to ensure that two SIA registered door supervisors be employed during specific times was related to anti-social behaviour that occurred at the premises at that time.

The Team Manager Licensing advised Members that due to there being no other representations/objections, the Sub Committee was required to grant the request for variation to a licence which would normally be granted under delegated powers.

RESOLVED: That the Sub Committee removed conditions 14 – 19 under annex 3 of the premises licence which relate to the removal of the requirement for SIA registered door staff at the premises.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

2 JULY 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 David Llewellyn, to licence a Mercedes E Class Estate vehicle registration number S100 DKL as a private hire vehicle to seat 4 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 29 April 2015.

- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. For Members' information a service history undertaken by Mercedes Benz has been provided dated 1 April 2016 with the mileage recorded at 8451; 31 March 2017 with mileage recorded at 16330; 20 March 2018 with mileage recorded at 23745 and 7 March 2019 with mileage recorded at 30506.

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.*

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 26 June 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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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

2 JULY 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 James Bickerstaff, to licence a Renault Trafic vehicle registration number YC17 OBK as a private hire vehicle to seat 8 persons.

- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 22 March 2017.

- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. For Members' information a vehicle health check sheet has been provided dated 4 June 2019 with the mileage recorded at 24315.

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.*

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 26 June 2019

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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

2 JULY 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 Lee Grabham, to licence a Ford Transit Tourneo Custom vehicle registration number WF15 CUY as a private hire vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 22 March 2017.
- 4.3 The application falls outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible. For Members' information a service record has been provided dated 16 March 2015 with the mileage recorded at 15; 23 July 2016 with mileage at 34840; 3 September 2018 with mileage at 66047 and 26 March 2019 with mileage at 68808.

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.*

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 26 June 2019

Yvonne Witchell
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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

2 JULY 2019

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 wheelchair accessible hackney carriage 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 Karl Svensen, to licence a Volkswagen Caddy vehicle registration number DX65 XJF as a hackney carriage vehicle to seat 5 persons persons. The vehicle is configured to take 4 passengers + 1 wheelchair.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 30 November 2015.
- 4.3 The vehicle is wheelchair accessible but is outside the policy guidelines for the grant of applications under the Scheme of Delegation to Officers.
- 4.4 The Vehicle has been issued with an Individual Approval Certificate (IVA) as a Category M1 vehicle indicating the year of manufacture as 2014 and that the vehicle has been converted.
- 4.5 The application was accompanied by a MOT Pass Certificate (minor defects and advisories) indicating the mileage of the vehicle on 4 June 2019 as 79,543 miles. A further service schedule has been submitted undertaken on 3 June 2019 according to the manufacturer's recommendation and specification (fixed interval service).
- 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.

(Policy 2.2.3) In order to ensure that customers can hire taxis with the minimum delay and inconvenience, the policy may be relaxed to allow the licensing of wheelchair accessible hackney carriage or private hire vehicles up to three years old on application, provided that a full service history and safety certification, including a satisfactory conversion certification is provided with the application and the vehicle can satisfy the general licensing requirements. Applications of this type will normally be dealt with under the Scheme of Delegation to Officers.

(Policy 2.2.4) The licensee of any vehicle licensed under the Council’s special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc that are necessary. The maximum capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair.”

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
HEAD OF LEGAL AND REGULATORY SERVICES

Date 26 June 2019

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Team Manager Licensing

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Background documents

Hackney Carriage Application
Hackney Carriage Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

2 JULY 2019

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.

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 Karl Svensen, to licence a Renault Traffic vehicle registration number SA67 FEM as a hackney carriage vehicle to seat 8 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 27 October 2017.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible.
- 4.4 For Members' information a print out of a Vehicle Maintenance History has been supplied showing a routine 25000 mile service carried out at 25337 miles with a job date of 21/12/2018.
- 4.5 A further vehicle inspection sheet has been submitted completed on 17 May 2019 with a pass issued by the inspector. An MOT Certificate is not required until a vehicle is three years old.
- 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.

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 26 June 2019

Yvonne Witchell
Team Manager Licensing

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

2 JULY 2019

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.

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 Karl Svensen, to licence a Dacia Logan Diesel Estate vehicle registration number VX15 YBU as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 22 April 2015.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible.
- 4.4 The application is accompanied by a MOT Certificate (Pass) at 27812 miles issued on 7 February 2019. A Service sheet has been supplied indicating that services were undertaken at 8209 miles on 25 April 2016, and 17147 miles on 13 July 2018. A further transaction/operation took place on 19 June 2018 but it is not clear if this was a full service. A further service took place on 30 April 2019 at 27828 miles.
- 4.5 At the time this report was drafted, the MOT Check history at gov.uk indicates that there is an Outstanding manufacturer's safety recall on Dacia Logan VX15 YBU and that the vehicle should be returned to a Dacia Dealership for repairs.
- 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.

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 26 June 2019

Yvonne Witchell
Team Manager Licensing

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Background documents

Hackney Carriage Application
Hackney Carriage Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB COMMITTEE

2 JULY 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

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- 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 Karl Svensen, to licence a Dacia Logan Diesel Estate Car vehicle registration number WM65 GXC as a hackney carriage vehicle to seat 4 persons.
- 4.2 The vehicle is pre-owned and was first registered at the DVLA on 31 December 2015.
- 4.3 The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle is not wheelchair accessible.
- 4.4 For Members' information a print out of the gov.uk MOT check history was provided with the vehicle and a further print out obtained on 14 June 2019 showing a Pass Certificate (Advisories given regarding inspection of adult seat belts because child seats fitted at the time of inspection) with a mileage on 20 December 2018 of 23899 miles.
- 4.5 A further Dacia vehicle inspection sheet has been submitted completed for services at 10276 miles on 6 April 2017 and 17654 miles on 16 February 2018.
- 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.

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 26 June 2019

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Team Manager Licensing

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Background documents

Hackney Carriage Application
Hackney Carriage Vehicle Policy Guidelines

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING SUB-COMMITTEE

2 JULY 2019

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

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 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.

4.7 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.

K Watson
Head of Legal and Regulatory Services

Dated 26 June 2019

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Background documents: Application Form

BRIDGEND COUNTY BOROUGH COUNCIL
STANDARD TERMS, CONDITIONS AND RESTRICTIONS

SEX ESTABLISHMENT LICENCE

1. Premises licensed as a sex shop under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act, 1982 shall be used only for the purpose of a sex shop as defined in paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a sex shop.
2. Premises licensed as a sex shop shall only be permitted to be open for business to members of the public between the hours 9.00am to 8.00pm Monday to Saturday inclusive and Sunday 10.00am to 4.00pm and shall not be permitted to be open for business to members of the public on Easter Sunday, Good Friday or Christmas Day.
3. Over each entrance to the premises, in a position approved by the Bridgend County Borough Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed as a sex shop under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Such a notice shall also carry the full name of the Licensee and the number of the licence and, if the Licensee is a private or public company, the notice shall also carry the address of the registered or principal office and the full name of the secretary of the company. The lettering on such a notice shall be 76mm tall and at least 7mm thick and shall be in white on a dark background.
4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 51mm high and 7mm thick and shall be in dark letters on a light background.
5. No sign or words must be displayed on the outside of the premises or anywhere in the vicinity of the premises other than the words or signs mentioned in Conditions 3 and 4.
6. No person under the age of 18 years shall be allowed to work in the premises.
7. The licensee of the premises licensed as a sex shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.

8. The licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footplates or forecourts except any notice displaying the name or trading title of the licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions.
9. No part of the interior of the premises or any of the contents of the premises shall be visible to any person outside the premises.
10. The premises must be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
11. There shall be no communication from the interior of the premises to any other premises other than means of communications to the staff quarters and any store room.
12. Except as allowed by a licence issued permitting public music under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982, no music or any kind shall be played on the licensed premises and no public entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
13. The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
14. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the licensee to sell or hire such article. The licensee shall not make any charge or permit any charge to be made for such a display as mentioned in this condition.
15. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.

16. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
17. The licensee shall make such provision for the reception of goods and articles for sale, hire or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard.
18. The licensee or some responsible person nominated by him/her in writing shall keep up-to-date records of all personnel employed at the premises and such records shall be continuously available for inspection by authorised officers of the Council or the Police.
19. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the County Borough Council within 14 days of such written details as the County Borough Council may require in respect of any new director, secretary or manager.
20. A copy of the licence and the conditions must be exhibited in a suitable and conspicuous place inside the licensed premises near the entrance door so as to be clearly visible to customers and patrons on entering the premises.
21. The County Borough Council reserves the power from time to time generally or in any special case to alter, modify or dispense with these Conditions or any of them so far as they lawfully may or can on such terms as they may think fit.
22. Alterations or additions either internal or external shall not be made to the licensed premises without written consent from the Council.
23. The licensee shall take all reasonable precautions for the safety of the public and employees.
24. The licensee shall comply with any fire prevention and safety measures which may be required by the Council.
25. In the event of any inconsistency between these conditions and any special conditions of the licence the special conditions shall prevail.

SPECIAL CONDITIONS relating to:-

**THE PRIVATE SHOP
72 BRIDGEND ROAD
ABERKENFIG
BRIDGEND**

SEX ESTABLISHMENT LICENCE

1. That the access door to the premises be affixed with an appropriate notice to indicate that this is the sole means of access to the premises in order to avoid disturbance or nuisance to the neighbouring premises; the size, text and format of these notices shall be agreed by the Council prior to the premises trading as a sex establishment.
2. That the person appointed manager be subject to a satisfactory Police National Computer check.
3. That standard condition 4 be varied as follows:-

At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in the following format:

To be in red lettering on light background at least 5cm tall x 5cm wide:

WARNING

NO ADMITTANCE TO PERSONS UNDER THE AGE OF 18 YEARS

To be in white lettering (2.5cm tall x 2.5cm wide)

Persons passing beyond this notice will find material on display which they may consider indecent.)

Hours of business

Mon-Sat 9.30 am to 8.00 pm

Sun 10.00am to 4.00pm

In addition, a similar notice, in the above corporate style must be affixed to the entrance to indicate that the entrance is the sole means of access to the premises in order to avoid disturbance or nuisance to the adjoining property.