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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.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 17 November 2021

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held remotely - via Microsoft Teams on
Tuesday, 23 November 2021 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 - 6
To receive for approval the Minutes of the 02 02 2021 and 13 04 2021
4. 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.
5. 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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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 such consideration.

6. Approval of Exempt Minutes 7 - 12
To receive for approval the exempt Minutes of the 02 02 2021

7. Application for Grant of Licences 13 - 18
8. Disciplinary Hearing - Hackney Carriage and Private Hire Vehicle Driver 19 - 24

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

TH Beedle
RJ Collins
MJ Kearns

Councillors

DRW Lewis
AA Pucella
G Thomas

Councillors

JE Williams

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN REMOTELY VIA MICROSOFT TEAMS ON TUESDAY, 2 FEBRUARY 2021 AT 10:00

Present

Councillor DRW Lewis – Chairperson

MJ Kearn

AA Pucella

G Thomas

JE Williams

Apologies for Absence

TH Beedle and RJ Collins

Officers:

Ilaria Agostini-Green	Senior Licensing Enforcement Officer
Mark Galvin	Interim Democratic Services Manager
Andrea Lee	Senior Lawyer
Michael Pitman	Democratic Services Officer - Committees
Yvonne Witchell	Team Manager Licensing

276. DECLARATIONS OF INTEREST

None.

277. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of the Licensing Sub-Committee A dated 8 December 2020, be approved as a true and accurate record.

278. URGENT ITEMS

None.

279. 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 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.

280. DISCIPLINARY HEARING - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER

The meeting closed at 12:30

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD REMOTELY VIA MICROSOFT TEAMS ON TUESDAY, 13 APRIL 2021 AT 10:00

Present

Councillor DRW Lewis – Chairperson

TH Beedle
JE Williams

MJ Kearn

AA Pucella

G Thomas

Apologies for Absence

RJ Collins

Officers:

Mark Galvin	Interim Democratic Services Manager
Will Lane	Operational Manager Shared Regulatory Services
Andrea Lee	Senior Lawyer
Michael Pitman	Democratic Services Officer - Committees
Yvonne Witchell	Team Manager Licensing

281. DECLARATIONS OF INTEREST

None.

282. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager – Licensing presented a report, the purpose of which, was to ask the Sub-Committee to determine an application to grant a licence for a private hire vehicle. She confirmed that the application fell outside the age policy guidelines adopted by the Licensing Committee (for the reasons contained within the report).

She advised that an application had been made by Robin Leigh of Bridgend to licence an Audi A6 vehicle registration number UIG 7568 as a private hire vehicle to seat 4 persons.

The vehicle was pre-owned, was first registered at the DVLA on 29 September 2011 and the above is a private number plate. The V5 Registration document, confirmed that Mr Leigh acquired the vehicle on 2 March 2021. He had been made aware of the age policy guidelines in place for the grant of vehicle licences and wished to pursue the application.

The vehicle falls outside of the age policy guidelines for first licensing of vehicles, as set out in paragraph 4.5 of the report and did not fall into the category of a minibus wheelchair accessible fitted with a tail lift.

Mr Leigh had submitted supporting documentation which was attached at Appendix A to the report. The last MOT Certificate issued was attached at Appendix B.

In terms of the Licensing Policy guidelines, the following policy extract was approved by the Licensing Committee on 17 November 2020 and came into effect on 1 February 2021. This followed a request from the trade to relax the previous age policy guidelines.

“From 1 February 2021, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration; or first use/date of manufacture if the

vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing.”

The Council’s licensing page also included the following advice:-

‘If you are in any doubt about whether a vehicle falls within policy guidelines please email us for advice before you make a financial commitment.’

The policy guidelines applied equally to both hackney carriage and private hire vehicles.

The Team Manager – Licensing advised the Sub-Committee, that the vehicle subject of the application was almost 10 years old and therefore fell outside of the policy guidelines detailed above.

Mr. Leigh in support of his application, advised Members that the reason he bought the vehicle to licence as a Private Hire Vehicle, was due to the fact that notwithstanding its age, it was in excellent condition and had a full Audi service history. It had one mark on the wheels when he purchased it, so he decided to have all the wheels on the car then re-conditioned. Mr. Leigh asked the Sub-Committee if they had seen photographs of the vehicle, in order for them to see the supreme condition it was in.

The Chairperson on behalf of Members, advised that the Sub-Committee had not been provided with photographs of the vehicle as part of the report and supporting information that had been circulated with the agenda.

The Team Manager – Licensing advised that a Licensing Officer had checked over the vehicle and had measured the seats in the vehicles interior, as they had to meet the required guidelines. She advised that Mr. Leigh had not provided the Licensing Section with photographs of the vehicle.

Mr. Leigh confirmed that the Licensing Officer who had inspected the vehicle had taken photographs of it.

The Legal Officer noted the above and the fact that the applicant had also taken photographs of the vehicle himself. She stated that he was aware that the vehicle did not conform with Licensing Policy guidelines, primarily due to its age so therefore she asked him, why he had not provided further evidence of the vehicles condition, so as to portray to the Sub-Committee that the vehicle was suitable for a taxi, due to its excellent condition.

Mr. Leigh contested this, in that the Licensing Officer had taken photographs of the vehicle. The Legal Officer advised that they had taken photographs of the vehicle and had inspected it, in order to establish the interior seat sizes.

Mr. Leigh argued then why the Licensing Officer had not taken photographs of the external area of the vehicle as well as its interior.

The Chairperson following guidance off Officers, then retired with Members, in order to decide whether the application so before them should be determined today on its merits based on the report that was before the Sub-Committee, or alternatively to adjourn the meeting, in order to allow Mr. Leigh to supply photographs of the vehicle to show its condition. The Sub-Committee would then reconvene either later today, or on an alternative date to be agreed upon.

Upon Members returning to the meeting, it was

LICENSING SUB-COMMITTEE A - TUESDAY, 13 APRIL 2021

RESOLVED: That the meeting of the Sub-Committee stands adjourned and reconvenes on Friday 16 April 2021 at 10.00am, in order to allow Mr. Leigh the opportunity to share photographs of the above vehicle with Members, prior to them making a decision on the application.

The Sub-Committee reconvened on 16 April 2021 at the above stated time.

The Team Manager – Licensing advised Members that Mr. Leigh had telephoned the Licensing Section since Tuesday's original meeting and confirmed verbally that he wished to withdraw his application. The Licensing Section had attempted to make further contact with Mr. Leigh following the receipt of this call, just to ensure, for any avoidance of doubt, that he was definitely withdrawing his application. However, this had proved unsuccessful. In light of this latest information, the Sub-Committee

RESOLVED: That the Sub-Committee noted Mr. Leigh had withdrawn his application.

283. **URGENT ITEMS**

None.

The meeting closed at 11:45

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of the Local Government Act 1972.

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