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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: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Wednesday, 6 July 2022

Dear Councillor,

LICENSING SUB-COMMITTEE B

A meeting of the Licensing Sub-Committee B will be held remotely - via Microsoft Teams on **Tuesday, 12 July 2022 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 for approval the Minutes of the 26/04/22
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. Local Government (Miscellaneous Provisions) Act 1982 Application For Renewal Of Sex Establishment Licence - The Private Shop, 72 Bridgend Road, Aberkenfig 5 - 12
6. Exclusion of the Public
The minutes and reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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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|----|---|---------|
| 7. | <u>Approval of Exempt Minutes</u>
To receive for approval the exempt Minutes of the 26/04/22 | 13 - 28 |
| 8. | <u>Disciplinary Hearing - Hackney Carriage and Private Hire Vehicle Driver</u> | 29 - 36 |

Note: Please note: Due to health and safety reasons 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:

H T Bennett
H Griffiths
RM James

Councillors

P W Jenkins
R J Smith
I Williams

Councillors

R Williams

Present

Councillor PA Davies – Chairperson

A Hussain

RM James

JE Lewis

KJ Watts

Apologies for Absence

JR McCarthy

Officers:

Michael Pitman

Democratic Services Officer - Committees

Andrew Rees

Democratic Services Officer - Committees

Bankole Thomas

Litigation Solicitor

Yvonne Witchell

Team Manager Licensing

258. DECLARATIONS OF INTEREST

Cllr A Hussain declared a personal interest as he is a Senedd Member.

259. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Sub-Committee of 17 August 2021 and the minutes of the Licensing Act 2003 Sub Committee B of 14 December 2021 be approved as a true and accurate record.

260. URGENT ITEMS

There were no urgent items.

261. 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 contained 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 the 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.

262. APPROVAL OF EXEMPT MINUTES

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

LICENSING SUB-COMMITTEE B - TUESDAY, 26 APRIL 2022

- 264. APPLICATION FOR GRANT OF LICENCES
- 265. APPLICATION FOR RENEWAL OF LICENCES

The meeting closed at 17:25

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

12 JULY 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

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 The purpose of this report is to determine an application for the renewal of a sex establishment licence received from Darker Enterprises Limited. This function has not been delegated to officers.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the corporate well-being objectives / other corporate priorities.

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. The applicant has not applied to change the current operating hours or conditions.
- 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:
 - 4.2.1 The Council has not received any objections within the prescribed timescale.
- 4.3 Representations from Statutory Consultees:
 - 4.3.1 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

4.7 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 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

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 There are no financial implications arising from the report.

9. Recommendation(s)

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, and 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.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

6 July 2022

Contact Officer: Yvonne Witchell
Team Manager Licensing Bridgend and Vale

Telephone: (01656) 643643

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

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

Background documents:
Application Form

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.

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

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