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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 /
643694 / 643513

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Tuesday, 13 August 2024

Dear Councillor,

LICENSING SUB-COMMITTEE A

A meeting of the Licensing Sub-Committee A will be held Hybrid in the Council Chamber - Civic Offices, Angel Street, Bridgend, CF31 4WB on **Tuesday, 20 August 2024 at 10:00**.

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 10
To receive for approval the Minutes of the 12/03/2024 and 30/04/2024
4. Grant Of Private Hire Vehicle Licence 11 - 14
5. 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.
6. 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The reports relating to the following items are not for publication as they contain exempt information as defined in Paragraph 12 of Part 4 and/or Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as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.

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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.

7. Approval of Exempt Minutes

15 - 24

To receive for approval the exempt Minutes of the 12/03/2024 and 30/04/2024

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. 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 would like to view this meeting live, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643148 / 643694 / 643513 / 643159.

Yours faithfully

K Watson

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

Councillors:

A R Berrow
S J Bletsoe
RJ Collins

Councillors

MJ Kearn
M Lewis
J Llewellyn-Hopkins

Councillors

J E Pratt

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON TUESDAY, 12 MARCH 2024 AT 10:00

Present

Councillor M Lewis – Chairperson

A R Berrow
J Llewellyn-Hopkins

S J Bletsoe
J E Pratt

RJ Collins

MJ Kearn

Apologies for Absence

None.

Officers:

Kirsty Evans
Andrea Lee
Oscar Roberts

Senior Licensing Officer
Senior Lawyer
Business Administrative Apprentice - Democratic Services

Declarations of Interest

None.

38. Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of the meetings of the Licensing Sub-Committee A dated 15 May 2023 and 20 October 2023, be approved as a true and accurate record. The minutes of the 5 October 2023 were deferred to the next meeting for approval
Date Decision Made	12 March 2024

Urgent Items

Decision Made	None.
Date Decision Made	12 March 2024

40. Exclusion of the Public

Decision Made	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 was 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 item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicant so mentioned.
Date Decision Made	12 March 2024

41. Approval of Exempt Minutes

42. Grant of a Hackney Carriage and Private Hire Driver's Licence

43. Grant of a Hackney Carriage and Private Hire Driver's Licence

The meeting closed at 12:39.

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN PERSON IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB ON TUESDAY, 30 APRIL 2024 AT 10:00

Present

Councillor M Lewis – Chairperson

A R Berrow

MJ Kearn

J Llewellyn-Hopkins

J E Pratt

Present Virtually

S J Bletsoe

Officers:

Nimi Chandrasena
Kirsty Evans
Andrea Lee
Oscar Roberts

Democratic Services Officer - Support
Senior Licensing Officer
Senior Lawyer
Business Administrative Apprentice - Democratic Services

Declarations of Interest

Councillor Jonathan Pratt declared a prejudicial interest in Item 7 as the party was known to him and left prior to the start of a discussion on item 7.

44. Approval of Minutes

Decision Made	<u>RESOLVED:</u> That the minutes of the Licensing Sub-Committee A meetings of 05 th October 2023 and 03 rd January 2024 be approved as a true and accurate record.
Date Decision Made	30 April 2024

Grant Of Private Hire Vehicle Licences

Decision Made	<p>The Senior Licensing Officer presented a report which asked the Sub Committee determine three applications for the grant of private hire vehicle licenses which fall outside of the Licensing Committee's age policy guidelines. Thereafter the committee and the applicant left the room to inspect the vehicles.</p> <p>At the outset of the hearing, the Sub-Committee had before it a report from the Council's Licensing Officer which contained details of the 3 vehicles which were the subject of the application.</p> <p>The members of the Sub-Committee inspected all 3 vehicles at the Council offices.</p> <p>The Licensing confirmed the mileage on each of the vehicles as follows:- Vehicle 1 - 177,330 Vehicle 2 - 80,841 Vehicle 3 - 100,926</p> <p>On returning to the Chamber a discussion took place regarding the following points :</p> <ul style="list-style-type: none">• The purchase date of the vehicles• The type of work the vehicles were individually used for• The difference between the millage on the paperwork and the millage taken on inspection• The reason vehicles were purchased outside the policy specifications• The financial implications on purchasing newer models• The reason the vehicles were registered only now• How many cars the Applicant already had registered with the authority• Outcome of recent MOT's <p>The Applicant was asked the date the vehicles were purchased and gave the following information to the Sub-Committee: -</p> <p>Vehicle 1 - 15th August 2022 Vehicle 2 - 27th November 2023 Vehicle 3 - 17th October 2023</p> <p>The Applicant informed the Sub-Committee that he had been using the 3 vehicles for weddings, funerals</p>
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and as a Courier vehicle. He also stated that, at the time of the meeting, he had 4 other vehicles licenced with the Council as private hire vehicles.

The Applicant confirmed to the Sub-Committee that 17 plate vehicles were very reliable but that 18 plate Mercedes are renowned as unreliable.

Policy considerations

The sub-committee referred to the 'Policy guidance' contained under 3.2 of the Report.

Findings of the Sub-Committee

Vehicle 1

This vehicle was purchased on the 15th of August 2022 and now has mileage of 177,330. This vehicle is one year outside the age restriction in the policy and if the Applicant had registered the vehicle when he purchased it, it would have fallen within the policy guidelines. The vehicle mileage has increased by more than 40,000 miles since the MOT.

Vehicle 2

This vehicle was purchased on the 27th of November 2023, and it has taken the Applicant 5 months to apply to register the vehicle as a private hire, and it is now 2 years and 6 months outside the policy. The vehicle has 80,841 on the clock which has increased more than 19,000 miles since the MOT.

Vehicle 3

This vehicle was purchased on the 17th of October 2023, and it has taken the Applicant 6 months to apply to register the vehicle as a private hire and it is now 1 year and 11 months outside the Policy. The current mileage on the clock is 100,926. This vehicles mileage has increased more than 50,000 miles since the mot.

Decision of the Sub-Committee

The Sub-Committee took into consideration its policy on first registration of vehicles. The Policy was put in place to ensure the integrity of the fleet and that vehicles are not too old at the time of first registration.

	<p>The age restrictions on first registration were put in place to ensure the fleet always remains fresher, safer fleet of licensed vehicles. Newer vehicles are less likely to be involved in fatal crashes, due to continual improvements in crash protection features. Mechanical defects also become more common as a vehicle ages, further compromising the safety of the vehicle. As a vehicle ages, it becomes more common for parts and components to fail. Due to the nature of the journeys carried out by private hire vehicles, they are subject to increased wear compared to private vehicle use. For example, vehicle 1 is also used for wedding and funerals and its mileage has increased more than 40,000 miles since its mot. Even if a vehicle has been meticulously maintained it will still be liable for component failure as it ages. The Applicant already has 4 vehicles registered as private hire vehicles so is aware of the registration process and the policy which governs the same. The Applicant did not present these vehicles at the first opportunity which has resulted in them falling further outside the Policy guidelines.</p> <p>RESOLVED: The Sub-Committee have determined that all 3 vehicles fall outside the policy guidelines and the Applicant did not present them for registration at the first opportunity resulting them falling further outside the guidelines.</p> <p> The Sub-Committee refused the application for those reasons and to ensure the integrity of fleet and that it remains a safe fleet of registered vehicles.</p>
Date Decision Made	30 April 2024

46. Urgent Items

Decision Made	None
Date Decision Made	30 April 2024

47. Exclusion of the Public

Decision Made	RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the
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	<p>Local Government (Access to Information) (Variation) (Wales) Order 2007, the public was 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 item, the public interest in maintaining the exemption outweighed the public interest in disclosing the information, because the information would be prejudicial to the applicant so mentioned.</p> <p>The Committee undertook a formal nomination and agreed that Cllr Llewellyn-Hopkins will assume position as Chairperson for the remainder of the meeting as the chairperson was feeling unwell.</p>
Date Decision Made	30 April 2024

48. Grant of a Hackney Carriage and Private Hire Driver's Licence

Decision Made	<u>RESOLVED:</u> The Decision was exempt
Date Decision Made	30 April 2024

To observe further debate that took place on the above items, please click this [link](#)

The meeting closed at 11:36.

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Meeting of:	LICENSING SUB-COMMITTEE (A)
Date of Meeting:	20 AUGUST 2024
Report Title:	GRANT OF PRIVATE HIRE VEHICLE LICENCE
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	KIRSTY EVANS LICENSING TEAM MANAGER
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	For the Licensing Sub-Committee to consider an application for the grant of a private hire vehicle licence for a vehicle which falls outside the Licensing Committee guidelines

1. Purpose of Report

- 1.1 The purpose of this report is to ask Members to determine an application for the grant of a private hire vehicle licence which falls outside of the Licensing Committee’s age policy guidelines.

2. Background

- 2.1 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. These applications are referred to the Licensing Sub-Committee for determination because the application falls outside policy guidelines. This application is made under Section 46 of the Local Government (Miscellaneous Provisions) Act 1976.

3. Current situation / proposal

- 3.1 The Council has received an application from Mr. Lee Thompson of Windsor Road, Porthcawl, for the grant of a private hire vehicle licence.

3.1.1 Application details

Make:	Audi
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Model:	A6 S Line 40 TDI S-A Estate
Fuel Type:	Diesel
Date of First registration:	29 March 2019
In accordance with the age policy the vehicle should be:	Five years at first registration
Age of vehicle at time of application:	Five years and four months at time of application
Colour:	Black
Mileage recorded at last MOT inspection:	MOT test undertaken 15 May 2024 with mileage shown as 65,814 miles on the certificate
Registration No:	RF19 NTN
Passengers:	4
Type approval category:	M1
Accessible Vehicle:	Not wheelchair accessible

3.1.2 The age policy guidelines adopted by the Licensing Committee on 17 November 2020 to take effect from February 2021 are as follows and are published on the Council's website:

"AGE POLICY GUIDELINES

Vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration;

The only exception to the above is that Minibus type vehicles fitted with permanent automated tail lifts submitted for licensing for the first time must be less than 10 years old from the date of first registration;

Vehicles aged up to 10 years old at the time of application will be tested twice a year;

Vehicles aged over 10 years old at the time of application will be tested three times per year;

Fleet Services will issue an MOT Certificate and Declaration of Fitness Form covering the taxi and private hire vehicle elements which fall outside the MOT process;

Vehicles will be tested in accordance with the Freight Transport Association – National Inspection Standards for Hackney Carriage and Private Hire Vehicles.

If you fail to submit an application to renew a vehicle licence in time, provided a completed application is received within five days of the expiry date the requirement for a vehicle to be presented to Committee is waived.

Applications for converted or modified vehicles outside the M1 Vehicle Type approval category must be accompanied by a full-service history and appropriate safety certification including a Voluntary Individual Vehicle Approval (IVA) Certificate issued by the Driving and Vehicle Standards Agency (DVSA).

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.”

3.2 As the vehicle falls outside the age policy guidelines by being over 5 years old the Committee is requested to determine the application.

3.3 The vehicle will be presented to Committee for inspection on the day of the hearing.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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.

6. Climate Change Implications

6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications arising from this report.

8. Financial Implications

8.1 There are no financial implications arising from the report.

9. Recommendations

9.1 Having regard to the report, the Guidelines adopted by the Licensing Committee and any representations made by Mr. Thompson, the Sub-Committee is requested to determine the application.

Background documents

None

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