

LICENSING SUB-COMMITTEE A - FRIDAY, 28 JULY 2017

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 28 JULY 2017 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

PA Davies

DK Edwards

AA Pucella

JE Williams

Apologies for Absence

SE Baldwin

Officers:

Katia Daw

Lawyer

Nick Dennison

Trainee Solicitor

Mark Galvin

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

30. DECLARATIONS OF INTEREST

None.

31. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the following meetings of the Licensing Sub-Committee 'A' be approved:-

28 March 2017

25 April 2017

2 June 2017

32. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report which asked the Sub-Committee to consider an application to grant a licence for a Private Hire Vehicle.

The Team Manager Licensing confirmed that application was made by Paul Brain, to licence a Dacia Logan vehicle registration number WG16 FPY as a private hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 24 May 2016.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of private hire vehicles which were set out in paragraph 4.4 of the report. The report also confirmed that no service history had been provided.

The Chairperson then briefly adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the basement car park.

Upon the meeting reconvening, the Team Manager Licensing confirmed that the current mileage of the vehicle was 2,985 miles.

Mr S. Griffiths attended the meeting on behalf of Mr. Brain, and advised that the vehicle had not as yet had its first service, and this was not due until the vehicle had done another 10,000 miles.

He added that the vehicle had been the subject of a private sale and had one previous owner. The vehicle was primarily intended to be used for school contract work and airport runs.

Officers and the applicant then retired from the meeting, in order for the Sub-Committee to make a decision on the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application to licence W616 FPY as a Private Hire Vehicle.

The Sub-Committee noted that the application for the first of the vehicle falls outside the Policy at paragraph 2.1 which requires the application to be submitted within 14 days of first registration and less than 500 miles.

Under paragraph 2.2 of the Policy any application falling outside the above would normally be refused. However, a relaxation of the Policy can be considered in certain circumstances as set out in paragraph 2.2.5 of the Policy.

The Sub-Committee considered this paragraph but felt that there were exceptional circumstances in the present case, including the exceptional exterior and interior quality of the vehicle and the exceptional standards of safety. The Sub-Committee also noted the low mileage and young age of the vehicle.

As such the Sub-Committee were prepared to grant the application.

33. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Corporate Director Operational and Partnership Services submitted a report which asked the Sub-Committee to consider an application to grant a licence for a Private Hire Vehicle.

The Team Manager Licensing confirmed that application was made by Paul Brain, to licence a Dacia Logan vehicle registration number WX16 ZPE as a private hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 March 2016.

The application fell outside the Private Hire Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of private hire vehicles which were set out in paragraph 4.4 of the report. The report also confirmed that no service history had been provided.

The Chairperson then briefly adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the basement car park.

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Upon the meeting reconvening, the Team Manager Licensing confirmed that the current mileage of the vehicle was 2,000 miles.

Mr S. Griffiths once more attended the meeting on behalf of Mr. Brain, and similar to the first application, he confirmed that the vehicle would in the main be used for airport runs and school contract work.

Officers and the applicant then retired from the meeting, in order for the Sub-Committee to make a decision on the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application to licence W616 ZPE as a Private Hire Vehicle.

The Sub-Committee noted that the application for the first of the vehicle falls outside the Policy at paragraph 2.1 which requires the application to be submitted within 14 days of first registration and less than 500 miles.

Under paragraph 2.2 of the Policy any application falling outside the above would normally be refused. However, a relaxation of the Policy can be considered in certain circumstances as set out in paragraph 2.2.5 of the Policy.

The Sub-Committee considered this paragraph but felt that there were exceptional circumstances in the present case, including the exceptional exterior and interior quality of the vehicle and the exceptional standards of safety. The Sub-Committee also noted the low mileage and young age of the vehicle.

As such the Sub-Committee were prepared to grant the application.

34. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Corporate Director Operational and Partnership Services presented a report, which asked the Sub-Committee to consider an application for the grant of a licence for a hackney carriage vehicle. The application fell outside the Council's policy guidelines for the first licensing of hackney carriages.

The application was made by Golik Hoxha to licence a BMW 5 Series registration number RE62 VAH as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle was 19 December 2012. Mr Hoxha had completed an intended use declaration that this vehicle would ply for hire predominantly in the Bridgend County Borough area.

A service history had also been supplied and on the 29 December 2014, the mileage was recorded at 57,152 miles. The last MOT for the vehicle was on 1 December 2016, and the mileage recorded was 82,494 miles. The documentation in respect of this was shown at Appendix A to the report.

The Team Manager Licensing advised that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the first licensing of vehicles, and this included the existing discretion to relax the hackney carriage age policy in respect of wheelchair accessible hackney carriages.

The policy guidelines were detailed in paragraph 4.4 of the report.

The Chairperson then requested that the meeting stands adjourned in order that Members/Officers could inspect the vehicle.

Upon the meeting reconvening, the Team Manager Licensing advised that the current mileage of the vehicle was 96,345 miles.

Mr. Newcombe owner of Ace Taxi's accompanied Mr. Hoxha at the meeting.

The Team Manager Licensing noted that the vehicle was first registered on 19 December 2012, and she asked Mr. Hoxha if he was the vehicles second owner to which he replied yes, having purchased the vehicle some 3 or 4 months ago.

The Team Manager Licensing also noted that Mr. Hoxha's intention was to ply for hire in the area of Bridgend County Borough, and enquired if the last MOT Certificate was given to him when he purchased the vehicle.

Mr. Hoxha advised this to be the case, and that he had bought the vehicle from BMW who had serviced the vehicle regularly. He added however, that he had arranged for the last service independently of the dealer.

The Team Manager Licensing advised Mr. Hoxha that vehicles received in respect of applications to licence as Hackney Carriage vehicles should be new vehicles, and therefore his application did not accord with the Licensing Policy as it was 5 years old.

Mr. Newcombe advised that Mr. Hoxha had mentioned to the Council's Licensing Enforcement Officer that he was submitting this application, and no mention of the above had been made by her at this time.

The Team Manager Licensing asked Mr. Hoxha if he had read the Licensing Policy guidelines in respect of applications of this nature, prior to him submitting his application, to which he replied no.

Mr. Newcombe in view of the above, enquired if Mr. Hoxha could change his application so that it was an application to licence a Private Hire Vehicle rather than a Hackney Carriage Vehicle.

The Legal Officer advised that this may only be possible if he withdrew his current application and submitted a fresh one for the vehicle to be considered as a Private Hire Vehicle. To this end, she recommended a short adjournment of the meeting to consider the way forward, which the Chairperson agreed to.

Upon the meeting reconvening, the Team Manager Licensing advised Members that the application needed to be considered as was, ie an application to licence a Hackney Carriage Vehicle, and she asked Mr. Hoxha if he was happy to proceed on that basis, to which he replied that he was.

A Member asked if the defective near side front plate of the vehicle identified in its last MOT had been replaced, to which Mr. Hoxha replied that it had.

The Chairperson noted that the vehicle had done a considerable amount of mileage between August 2013 to December 2014.

Mr. Hoxha acknowledged this and added that the vehicle had previously been used for a considerable amount of motorway driving.

A Member asked what the mileage of the vehicle was when Mr. Hoxha first purchased it, to which he replied 83,000 miles.

Officers and the applicant then retired from the meeting in order that the Sub-Committee could make a decision upon the application. Upon their return, it was

RESOLVED: The Sub-Committee considered the application made by Mr. Hoxha to licence RE62 VAH as a Hackney Carriage Vehicle.

Given this was an application for the first licensing of the vehicle, the Sub-Committee noted that the application fell outside of the Licensing Policy at paragraph 2.1, which states that the application for first licensing must be made within 14 days of registration and with less than 500 vehicle mileage. The vehicle subject of the application was far in excess of this age and mileage restriction.

Under paragraph 2.2 of the Policy, applications falling outside the above criteria will normally be refused and a relaxation of the policy will only be considered in exceptional circumstances. Guidelines as to what these exceptions are, are detailed in paragraph 2.2.1 of the policy in respect of hackney carriages, and this was likely to relate only to evidenced delay in the DVLA registration process or minor variations in delivery mileage.

The Sub-Committee heard Mr. Hoxha's explanation regarding the vehicle and it was concerned that he did not know the history of the vehicle, including how it was used and by whom it was used.

It also noted that the most recent service was carried out by the applicant, and that he had not provided documentation today to support this, though he also had stated that he could provide this upon request.

Importantly, the Sub-Committee clarified with Mr. Hoxha that the application was for a Hackney Carriage licence, and not for a Private Hire Vehicle. As such, paragraph 2.2.5 of the policy did not apply, as these relaxations only apply to the first licensing of private hire vehicles.

The Sub-Committee were pleased Mr. Hoxha had carried out the advisory work reported under the MOT, it was concerned about the age and mileage of the vehicle. The situation does not fall within the exception allowed in paragraph 2.2.1 of the Licensing Policy, which sets out the guidelines for relaxation (of the Policy).

As such, the Sub-Committee were unable to relax its Policy in the current case, and therefore decided to refuse the application.

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35. URGENT ITEMS

None.

36. 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 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.

37. APPLICATION FOR RENEWAL OF LICENCES

38. APPLICATION FOR RENEWAL OF LICENCES

39. APPLICATION FOR GRANT OF LICENCES

40. APPLICATION FOR GRANT OF LICENCES

41. APPLICATION FOR GRANT OF LICENCES

42. DISCIPLINARY HEARING FOR EXISTING TAXI DRIVER

The meeting closed at 2.36 pm