

LICENSING SUB-COMMITTEE A - THURSDAY, 21 SEPTEMBER 2017

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COUNCIL CHAMBER - CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 21 SEPTEMBER 2017 AT 10.00 AM

Present

Councillor DRW Lewis – Chairperson

SE Baldwin
JE Williams

DK Edwards

DG Owen

AA Pucella

Apologies for Absence

PA Davies

Officers:

Kate Amos

Trainee Solicitor

Mark Galvin

Senior Democratic Services Officer - Committees

Yvonne Witchell

Team Manager Licensing

48. DECLARATIONS OF INTEREST

Councillor DRW Lewis declared a personal interest in Agenda Item 12, in that he knew the applicant.

Councillor S Baldwin declared a personal interest in Agenda Item 11, in that he knew the applicant.

49. APPROVAL OF MINUTES

RESOLVED: That the Minutes of meetings of the Licensing Act 2003 Sub-Committee dated 27 March and 23 May 2017, be approved as a true and accurate record.

50. 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 advised Members that an application was being made by David Llewellyn T/A Executive Cars Wales, to licence a Mercedes Sprinter vehicle registration number WR64 KUF as a Private Hire Vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 30 September 2014.

The Team Manager Licensing further advised the Sub-Committee that the application falls 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 fell outside policy guidelines, which were detailed in paragraph 4.4 of the report.

Members and Officers then proceeded to view the vehicle which was parked in the Civic Offices basement car park.

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Upon returning to the meeting, the Team Manager Licensing advised the Sub-Committee that the current mileage of the vehicle was 27,410.

Mr. Llewellyn confirmed to Members that the vehicle had a Certificate of Compliance that had been issued by the DVLA in respect of its adaptations.

In respect of the vehicles service history, Mr. Llewellyn advised that he had emailed the Licensing Department on 4 September regarding this. This detailed that a service of the vehicle was required every 25,000 miles and the last service had been completed before he had purchased the vehicle when the vehicle at the time of this service had around 16,700 miles on the clock. The next service was not due until the vehicle had completed a further 14,000 miles or so.

In terms of the use of the vehicle, Mr. Llewellyn confirmed that Executive Cars Wales had a fleet of high end vehicles that were used by companies for corporate based work. 8 seater executive type transport was now becoming popular he added.

The Team Manager Licensing confirmed that 2.2.5 of the Licensing Policy allowed in exceptional circumstances for policy guidelines to be relaxed where it was considered appropriate, for the first licensing of Private Hire Vehicles.

Members then retired to consider the application and on their return it was

RESOLVED: The Sub-Committee considered the application made by Mr. Llewellyn for the licence of vehicle registration number WR64 KUF as a Private Hire Vehicle.

The Sub-Committee noted that the vehicle falls outside of paragraph 2.1 of the Licensing Policy. Under paragraph 2.2.5 of the policy a Licence can be granted in exceptional circumstances, and in this case, the Sub-Committee has decided that such circumstances are met for the following reasons:-

1. The exceptional interior and exterior quality of the vehicle.
2. The exceptional standards of safety.

As such, the Sub-Committee granted the Licence.

51. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Team Manager Licensing advised that in respect of the application to licence a Ford Transit Tourneo Custom vehicle registration number WR64 YDC as a private hire vehicle to seat 8 persons, the applicant Mr. Richard Phillips had advised the Licensing Section that he was unable to attend the meeting today as he was currently on holiday.

In light of the receipt of this information, it was

RESOLVED: That the application made by Mr. Phillips for the licence of the above mentioned vehicle as a Private Hire Vehicle be deferred to the next meeting of the Sub-Committee, due to the non-attendance of the applicant.

52. 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 advised Members that an application was being made by Andrew Bowler, to licence a Ford Mondeo Titanium B-S Edn TDCI vehicle registration number CK14 PYB as a Private Hire Vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 9 May 2014.

The Team Manager Licensing further advised the Sub-Committee that the application falls 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 fell outside policy guidelines, which were detailed in paragraph 4.4 of the report.

Members and Officers then proceeded to view the vehicle which was parked in the Civic Offices basement car park.

Upon returning to the meeting, the Team Manager Licensing advised the Sub-Committee that the current mileage of the vehicle was 38,332.

The Team Manager Licensing confirmed that a service history had been provided confirming the mileage at 34,285 on 2 May 2017.

Mr. Bowler advised that he had purchased the vehicle 3 weeks ago from a Ford main dealer, and that he had found the vehicle to be of good quality with plenty of room inside to accommodate passengers. He added that the vehicle also had a number of safety features within it.

When asked what type of taxi work Mr. Bowler intended doing if his application was granted, he replied that he would work for a company called With-Driven as a Private Hire Vehicle driver.

The Team Manager Licensing confirmed that 2.2.5 of the Licensing Policy allowed in exceptional circumstances for policy guidelines to be relaxed where it was considered appropriate, for the first licensing of Private Hire Vehicles.

Members then retired to consider the application further, and on their return it was

RESOLVED: The Sub-Committee considered the application made by Mr. Bowler for the licence of vehicle registration number CK14 PYB as a Private Hire Vehicle.

The Sub-Committee noted that due to the age of the vehicle it falls outside of paragraph 2.1 of the Licensing Policy.

Under paragraph 2.2.5 of the Policy a Licence can be granted in exceptional circumstances, and in this case, the Sub-Committee decided that such circumstances are met for the following reasons:-

1. The exceptional interior and exterior quality of the vehicle.
2. The exceptional standards of safety.

As such, the Sub-Committee granted the Licence.

53. APPLICATION TO LICENCE HACKNEY CARRIAGE 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 Hackney Carriage Vehicle.

The Team Manager Licensing advised that an application was being made by Paul Brain t/a Peyton Travel Ltd, to licence a Dacia Logan vehicle registration number FG15 XBP as a Hackney Carriage Vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 17 April 2015.

The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific policy guidelines in respect of the first licensing of Hackney Carriage Vehicles that fell outside policy guidelines, as was detailed in paragraph 4.4 of the report.

Members then proceeded to inspect the vehicle which was situate in the Civic Offices basement car park.

Upon the meeting reconvening the Team Manager Licensing advised that the current mileage of the vehicle was 24,380.

She then asked Mr. Griffiths, who attended the meeting on behalf of Mr. Brain, to give some history regarding the vehicle for the benefit of Members.

He advised that Mr. Brain had purchased the vehicle privately and that it had one previous owner. He confirmed that there was low mileage on the vehicle, and that he had purchased the vehicle for a competitive price, and that his intention was to then change the vehicle sooner rather than later, and to buy a slightly newer one in its place. This means of purchase/selling methodology, would not result in such a financial commitment in terms of an outgoing for the vehicle including loss for its re-sale.

The Team Manager Licensing asked Mr. Griffiths where the vehicle had been during the last 6 months, i.e. from date of purchase to the date of application.

Mr. Griffiths advised that Mr. Brain's mother had been using the vehicle within this time.

A Member noted that there was damage to the vehicle shown at its front end.

Mr. Griffiths advised that the vehicle had not been in an accident and that this type of model had bolted on panels at its front sides, which could sometimes give the impression that both sides were out in terms of their alignment. This was due to the way the car was manufactured/constructed.

She asked Mr. Griffiths if Mr. Brain was aware of the fact that the policy guidelines stated that ordinarily the first licensing of Hackney Carriage Vehicles was in respect of new rather than second hand vehicles.

Mr. Griffiths confirmed that he did not know whether or not Mr. Brain was aware of this policy provision.

A Member further noted following inspection of the vehicle, that the bonnet was out of line and that the wing had been sprayed.

Mr. Griffiths reiterated that the vehicle had been checked at auction by Mr. Brain, and this had revealed that it had not incurred any significant previous damage such as through a road accident.

Members then retired to consider the application further, and on their return, it was

RESOLVED: The Sub-Committee considered the application made by Mr. Brain to licence FG15 XBP as a Hackney Carriage Vehicle. Given that this is an application for the first licensing of the vehicle, the Sub-Committee noted that the application for first licensing must be made within 14 days of registration and with less than 500 miles. This vehicle was far in excess of this age and mileage.

Under paragraph 2.2 of the Licensing Policy, applications falling outside the policy will normally be refused, and a relaxation of the policy will only be considered in exceptional circumstances. Guidelines as to what these exceptions are could be found at paragraph 2.2.1 of the same, and a relaxation of the policy in respect of hackney carriages is likely to relate only to evidence delay in the DVLA registration process or minor variations in delivery mileage.

The Sub-Committee also heard the explanation regarding the vehicle and that Mr. Griffiths had informed the Sub-Committee that the damage to the vehicle was not caused since it had been in Mr. Brain's ownership.

However, the Sub-Committee is concerned by the damage which has been caused to the vehicle and about its age and mileage. Furthermore, the Sub-Committee did not consider that the situation falls within the exception allowed in paragraph 2.2.1 of the policy which sets out the guidelines for relaxation. As such, the Sub-Committee is unable to relax its policy in the current case and therefore refused application for licence.

54. APPLICATION TO LICENCE HACKNEY CARRIAGE 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 Hackney Carriage Vehicle.

The Team Manager Licensing advised that an application was being made by Paul Brain t/a Peyton Travel Ltd, to licence a Dacia Logan vehicle registration number GC15 OLA as a Hackney Carriage Vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 21 July 2015.

The application falls outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee. The vehicle was not wheelchair accessible, though there were specific policy guidelines in respect of the first licensing of Hackney Carriage Vehicles that fell outside policy guidelines, as was detailed in paragraph 4.4 of the report.

Members then proceeded to inspect the vehicle which was situated in the Civic Offices basement car park.

Upon the meeting reconvening the Team Manager Licensing advised that the current mileage of the vehicle was 47,848.

She then asked Mr. Griffiths who attended the meeting on behalf of Mr. Brain, to give some history regarding the vehicle for the benefit of Members.

He advised that Mr. Brain had purchased the vehicle privately and that it had one previous owner. He confirmed that it had low mileage and that he had purchased the vehicle for a competitive price, with the intention to then change the vehicle sooner rather than later, and to buy a slightly newer one in its place. This means of purchase/selling methodology, would not result in such a financial commitment in terms of an outgoing for the vehicle, together with minimal financial depreciation for its re-sale.

The Team Manager Licensing asked Mr. Griffiths what the vehicle had been used for during the last 6 months, i.e. from date of purchase to the date of application.

Mr. Griffiths advised that the vehicle had been used privately within this time.

The Team Manager Licensing advised Mr. Griffiths, that ordinarily for the first licensing of a vehicle as a Hackney Carriage, the vehicle should be new. She added that the vehicle similarly to the previous one considered under Agenda Item 7, was showing some signs of wear and tear in respect of its bodywork.

Mr. Griffiths once more advised that the vehicle (similar to the last one), had not been in an accident, and that Mr. Brain would have checked this in any event prior to the vehicle being purchased.

She asked Mr. Griffiths if Mr. Brain was aware of the fact that the policy guidelines stated that ordinarily the first licensing of Hackney Carriage Vehicles was in respect of new rather than second hand vehicles.

Mr. Griffiths confirmed that he did not know whether or not Mr. Brain was aware of this policy provision.

A Member further noted following inspection of the vehicle, that the bonnet was out of line and that the wing had been sprayed.

Mr. Griffiths reiterated that the vehicle had been checked at auction by Mr. Brain, and this had revealed that it had not incurred any significant previous damage such as through being involved in a road accident.

Members then retired to consider the application further, and on their return, it was

RESOLVED: The Sub-Committee considered the application made by Mr. Brain to licence GC15 OLA as a Hackney Carriage Vehicle. Given this is an application for the first licensing of the vehicle, Members noted that it falls 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 miles. Mr. Brain's vehicle was far in excess of this age and mileage restriction.

Under paragraph 2.2, applications falling outside the above policy will normally be refused and a relaxation of the policy will only be considered in exceptional circumstances.

Guidelines as to what these exceptions are is found at paragraph 2.2.1 and a relaxation of the policy in respect of Hackney Carriages is likely to relate only to widened delay in the DVLA registration process or minor variations in delivery mileage.

The Sub-Committee has heard your explanation regarding the vehicle and that the damage has not been caused since it has been in the applicant's ownership.

However, the Sub-Committee is concerned by the damage which has been caused to the vehicle and about the age and mileage of the vehicle. The Sub-Committee does not consider that the situation falls within the exception allowed in paragraph 2.2.1 of the policy which sets out the guidelines for relaxation. As such, the Sub-Committee is unable to relax its policy in the current case and therefore refused Mr. Brain a licence.

55. URGENT ITEMS

None.

56. 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.

57. APPLICATION FOR GRANT OF LICENCES

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The meeting closed at 2.15 pm