

LICENSING SUB-COMMITTEE A - TUESDAY, 19 NOVEMBER 2019

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 19 NOVEMBER 2019 AT 10:00

Present

Councillor DRW Lewis – Chairperson

TH Beedle
AA Pucella

RJ Collins

MJ Kearn

DG Owen

Apologies for Absence

JE Williams

Officers:

Kirsty Evans	Senior Licensing Officer
Andrea Lee	Senior Lawyer
Michael Pitman	Business & Administrative Apprentice
Yvonne Witchell	Team Manager Licensing

227. DECLARATIONS OF INTEREST

Declarations were received from the following Members:

Cllr D Owen – Prejudicial interest on Agenda item 14 – Family of the applicant were known to him.

Cllr DRW Lewis – Prejudicial interest on agenda item 9 – The applicant was a neighbour of Cllr Lewis.

Cllr R Collings – Personal interest on agenda item 6 and item 10 – Cllr R Collings knows the name of one of the drivers.

Cllr D Owen and Cllr DRW Lewis left the meeting during the deliberation of their respective agenda items.

Members were required to elect a chairperson for the meeting to consider agenda item 9 in Cllr DRW Lewis' absence. The Sub Committee elected Cllr M Kearn as chairperson.

228. APPROVAL OF MINUTES

RESOLVED: That the minutes of the 30/07/19 and 09/08/19 be approved as a true and accurate record.

229. APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Private Hire vehicle.

The application was made by Wayne Davies of Penyfai Bridgend to licence a Mercedes Benz C200 Sport Premium + Auto, vehicle registration number HK68 DKX as a Private Hire vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 7 January 2019.

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The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 12,471 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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, outlined in paragraph 4.6 of the report.

For Members' information, no service history or MOT had been provided as there had been no requirement for one due to the vehicles age.

RESOLVED: The Sub-Committee considered the application to register HK68 DKX as a Private Hire vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

230. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Andrew Jackson to licence a Dacia Logan, vehicle registration number KP16 ULG as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 11 July 2016.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 15,046 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Hackney Carriage vehicles which fell outside policy guidelines, outlined in paragraph 4.6 of the report.

For Members' information, a service history had been provided dated 14 July 2017 with the mileage recorded at 6,517 and 8 April 2019 with mileage at 14,634. And MOT certificate dated 8 April 2019 with the mileage being recorded at 14,630.

RESOLVED: The Sub-Committee considered the application to register KP16 ULG as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

231. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Liam Morgan and David Stolzenburg T/a Llynfi Coaches of Maesteg to licence a Dacia Logan, vehicle registration number CE69 POU as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 26 September 2019.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 89 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Hackney Carriage vehicles which fell outside policy guidelines, outlined in paragraph 4.4 of the report.

For Members' information, there was no service history or MOT certificate provided as there was not yet a requirement for one.

RESOLVED: The Sub-Committee considered the application to register CE69 POU as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

232. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Paul Brain - Peyton Travel of Bridgend to licence a Renault Master Minibus, vehicle registration number PO61 FHT as a Hackney Carriage vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 11 January 2012.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 85,725 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

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She advised Members that the vehicle was wheelchair accessible.

A service history was provided dated 10 August 2014 with the mileage being reported at 25,275, the 24 April 2016 at 42,882, 22 February 2017 at 51,669 and 17 November 2018 at 76,128.

The Team Manager Licensing asked Mr Brain for any further background on the vehicle.

Mr Brain explained that the vehicle was originally constructed for carrying goods. Before he bought it, the vehicle was converted into a passenger vehicle. He explained that the converters did this in 2012 shortly before he purchased.

RESOLVED: The Sub-Committee considered the application to register PO61 FHT as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

233. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Paul Brain - Peyton Travel of Bridgend to licence a Renault Master Minibus, vehicle registration number PO61 FKB as a Hackney Carriage vehicle to seat 8 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 January 2012.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 85,059 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Hackney Carriage vehicles which fell outside policy guidelines, outlined in paragraph 4.4 of the report.

A service history was provided dated 21 June 2013 with the mileage recorded at 21,559, 27 February 2015 at 42,277, 7 October 2017 at 61,739 and 24 January 2019 at 79,419.

The Team Manager Licensing asked Mr Brain for any further background on the vehicle.

Mr Brain explained that the vehicle came directly from the NHS. The vehicle was converted when it was new. Mr Brain explained that he tried to obtain further information from the company who performed the conversion but as they had a new system since 2012, many of the records had been lost.

RESOLVED: The Sub-Committee considered the application to register PO61 FKB as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

234. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

Cllr DRW vacated the chair during this item. Cllr M Kearn took to the chair.

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Andrew Thomas, Brynmenyn, Bridgend to licence a Dacia Logan MCV Ambiance, vehicle registration number CK64 WTP as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 4 January 2015.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 48,745 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

She advised Members that the vehicle was not wheelchair accessible.

Mr Thomas advised that the vehicle was acquired by himself in February 2019 however the vehicle had been suspended as a licenced taxi vehicle since August 2018 as it failed to appear for inspection.

Mr Thomas added that he acquired the vehicle damaged, with many issues with the bodywork. He said that the vehicle had signs of major water damage, as the vehicle must have been stationary for a number of months with water entering the vehicle.

The Team Manager Licensing asked Mr Thomas to explain why the mileage is different now compared to when it was previously licenced.

Mr Thomas explained that the ECU in the current car was damaged, presumably from the water damage. He decided to try to replace it with a used ECU from another vehicle to see if it worked, to which it did.

The Team Manager Licensing asked Mr Thomas if he knew that the particular car had a manufacturer recall and if he knew what it was for

Mr Thomas was aware of the recall but was not sure what it was for.

RESOLVED: The decision read as follows:

“The Committee have considered your application to licence a Dacia Logan registration number CK64 WTP. The Committee have inspected the vehicle and are not satisfied that the vehicle is in exceptional condition both in its interior and exterior. There are a number of dents on the exterior and rust in the interior from water damage. The

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Committee are not satisfied that the vehicle offers an exceptional standard of safety as the vehicle is subject to an outstanding recall from Dacia and the general condition of the vehicle is poor. After considering the Statement of Licensing Policy the Committee have determined that the vehicle does not meet the requirements of first registration and does not meet the exceptions in terms of condition of the vehicle and on that basis have determined not to grant the licence.”

235. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Head of Legal and Regulatory Services submitted a report asking the Sub-Committee to consider an application to grant a license for a Hackney Carriage vehicle.

The application was made by Liam Morgan and David Stolzenburg T/a Llynfi Coaches of Maesteg to licence a Dacia Logan, vehicle registration number CE69 KOU as a Hackney Carriage vehicle to seat 4 persons. The vehicle was pre-owned and was first registered at the DVLA on 26 September 2019.

The Sub-Committee inspected the vehicle.

The Team Manager Licensing advised members that the current mileage of the vehicle was 68 miles. She stated that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee for the reasons outlined in the report.

The vehicle was not wheelchair accessible, but there were specific policy guidelines in respect of the first licensing of Hackney Carriage vehicles which fell outside policy guidelines, outlined in paragraph 4.4 of the report.

For Members' information, there was no service history or MOT certificate provided as there was not yet a requirement for one.

RESOLVED: The Sub-Committee considered the application to register CE69 KOU as a Hackney Carriage vehicle.

Members noted that it fell outside of policy 2.1 due to the age and mileage.

Members noted that the policy could be relaxed as set out in para 2.2 of the policy as the vehicle displayed exceptional interior and exterior quality and exceptional standards of safety. As such, the Sub-Committee were happy to grant the licence.

236. URGENT ITEMS

None

237. 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

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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.

238. APPROVAL OF EXEMPT MINUTES

239. DISCIPLINARY HEARING FOR EXISTING TAXI DRIVER