

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 28 OCTOBER 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

R D Jenkins

J E Lewis

H E Morgan

Officers:

L Jones - Head of Regulatory Services
R Hodgkinson - Legal Officer
J Monks - Democratic Services Officer - Committees

432 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Member:

Councillor P James - Personal
Councillor E Venables - Holiday

433 MINUTES OF A PREVIOUS MEETING

RESOLVED: That the public minutes of a special meeting of the Licensing Sub-Committee held on the 29th August 2014, and the public minutes of the Licensing Sub-Committee held on the 2nd September and the 2nd October 2014 were approved as a true and accurate record.

434 DECLARATIONS OF INTEREST

Councillor J E Lewis declared a personal and prejudicial interest under Item 8, as the applicant was known to her. Councillor Lewis withdrew from the meeting for this item.

435 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE PRIVATE HIRE VEHICLE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Mr David Llewellyn to licence a silver Mercedes Benz E200 Blue Efficiency, vehicle registration number WF11 UBC, as a private hire vehicle to seat four persons.

The applicant was present in support of his application, and on inspecting the vehicle the Sub-Committee confirmed the mileage as being 28,813 miles.

The Head of Legal and Regulatory Services informed Members that the vehicle falls outside the vehicle policy due to its age. The vehicle had not been adapted for wheelchair use.

RESOLVED: That the Sub-Committee considered the application to licence a silver Mercedes Benz E200 Blue Efficiency as a Private Hire Vehicle.

The Sub-Committee concluded that the vehicle was in an exceptional condition and therefore granted the Licence.

436 TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Mr Stephen Munro to licence a Skoda Superb vehicle, registration number CE54 HJO as a Hackney Carriage vehicle to seat four persons.

The Sub-Committee inspected the vehicle and confirmed the mileage as being 440,493 miles.

The Head of Legal and Regulatory Services informed the Sub-Committee that the vehicle was first registered in October 2004 with Bridgend County Borough Council and the vehicle licence expired on the 8th October 2014. He referred Members to paragraph 2.5 of the policy guidelines, which stipulates that if an applicant fails to renew an existing licence before the expiry date, any subsequent application must be treated as one grant. As the vehicle did not fall under the category of exceptional circumstances, the application should be judged on its own merits. He advised that the vehicle had not been adapted for wheelchair use.

The Sub-Committee then questioned Mr Munro, who confirmed that he had not had any accidents in the vehicle, and that the MOT had expired on the 8th October 2014. He informed Members that the vehicle was last tested on the 6th June 2014.

Mr Munro explained that his licence was not renewed on time as he had misinterpreted the expiry date on the correspondence he received from the Licensing Department. Licence renewal reminders were sent to Mr Munro by post and e-mail.

The Sub-Committee retired to consider the application and upon their return it was

RESOLVED: That the Sub-Committee, having viewed the vehicle and noted its condition, found that it clearly showed its age.

The Sub-Committee considered carefully the policy provisions within which they must formulate their decision.

The Sub-Committee considered the explanation offered by Mr Munro as to why his licence was not renewed on time. Whilst noting his claim to have misunderstood the date of renewal, it was also noted that reminders were sent to him by letter and e-mail. The Sub-Committee was of the view that it was Mr Munro's responsibility to renew his licence and he had reasonable opportunity to do so.

The Sub-Committee could not take into account these circumstances under the relaxation of policy provision and even if they could, the vehicle did not satisfy any of the criteria to which the Sub-Committee must have regard under paragraph 2.5 of the policy guidelines.

Accordingly, the Sub-Committee felt unable to grant a licence for a hackney carriage vehicle licence and the application was refused.

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 Paragraphs 12 of Part 4 and 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.

<u>Minute No:</u>	<u>Summary of Items:</u>
437	Confidential minutes of meetings of the Licensing Sub-Committee held on the 2 nd September and the 2 nd October 2014.
438	Disciplinary Hearing for existing Licence Holder.