

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON TUESDAY, 19 JANUARY 2016 AT 10.00 AM

Present

Councillor R Williams – Chairperson

P James
HE Morgan

RM James

RD Jenkins

JE Lewis

Officers:

Andrea Lee - Legal Officer
Yvonne Witchell - Licensing and Registration Officer
Mark Galvin - Senior Democratic Services Officer - Committees

62. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor E Venables who was unwell

63. DECLARATIONS OF INTEREST

None

64. APPROVAL OF MINUTES

RESOLVED: That the public Minutes of meetings of the following Licensing Sub-Committees be approved as a true and accurate record:-

23 October 2015
24 November 2015

65. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report, which requested the Sub-Committee to consider an application to grant a licence for a Hackney Carriage Vehicle under the Council's wheelchair accessible age policy.

Prior to considering the application, the Chairperson adjourned the meeting, in order that Members and Officers could inspect the vehicle which was situate in the Council Offices basement car park.

Upon their return, the Licensing and Registration Officer confirmed that the mileage of the vehicle was 80,795.

She then referred back to the application which was made by Peyton Travel Ltd to licence a Ford Transit vehicle registration number YR11 PZL as a hackney carriage vehicle accessible vehicle to seat 8 persons.

The vehicle was pre-owned and was first registered at the DVLA on 3 March 2011, and the applicant had provided a service history showing the vehicle was inspected on 9 May 2012 at 25,965 miles, 19 November 2013 at 48,863 miles and 24 January 2015 at 69,355 miles. The applicant had provided a certificate of testing from Swansea Coachworks Ltd in respect of a floor system for passenger seats and wheelchair.

The vehicle was submitted for consideration under the Council's Hackney Carriage Vehicle Policy, and paragraph 4.3 of the report gave the Policy guidelines in respect of vehicles of this nature.

Mr Paul Brain then gave an account of what the vehicle would primarily be used for, ie for taking people, some of which were in wheelchairs (and the vehicle was wheelchair accessible) to Day Centres. Some of his fleet of vehicles were becoming older and therefore he was looking to replace these with newer vehicles. He also took people to the airport for their holiday flights or to cruise ships in Southampton.

The application had been referred to the Licensing Sub Committee for determination, due to the vehicle being over 3 years old.

Members following the consideration of the application,

RESOLVED: That the application made by Peyton Travel Ltd for the grant of a Licence for the above Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy be granted, the Sub-Committee having determined that there were justifiable reasons to depart from its Licensing Policy in this instance.

66. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report, requesting the Sub-Committee to consider an application to grant a licence for a Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy.

Prior to considering the application, the Chairperson adjourned the meeting in order that members and Officers could inspect the vehicle that was situate in the basement car park of the Council Offices.

Upon reconvening the meeting, the Licensing and Registration Officer confirmed that the mileage of the vehicle was 107,607.

The Licensing and Registration Officer then referred to the report, and confirmed that the application had been made by Peyton Travel Ltd to licence a Ford Transit vehicle registration number PN62 CNF as a hackney carriage wheelchair accessible vehicle to seat 8 persons.

The vehicle was pre-owned and was first registered at the DVLA on 19 October 2012. The applicant had provided a service history showing that the vehicle was inspected on 21 October 2013 at 29,665 miles, 17 August 2014 at 61,397 miles, 24 February 2015 at 79,335 miles and 27 September 2015 at 92,110 miles. The applicant had provided a certificate of testing from Swansea Coachworks Ltd in respect of a floor system for passenger seats and wheelchair.

She added that the vehicle was being submitted for consideration under the Council's Hackney Carriage Vehicle Policy, and paragraph 4.3 of the report gave an outline of the Council's policy guidelines in respect of licensing vehicles of this nature.

Members, having considered the application,

RESOLVED: That the application made by Peyton Travel Ltd for the grant of a Licence for the above Hackney Carriage Vehicle under the Council's wheelchair accessible vehicle age policy be granted, the Sub-Committee having determined that there were justifiable reasons to depart from its Licensing Policy in this instance.

67. APPLICATION TO LICENCE HACKNEY CARRIAGE VEHICLE

The Assistant Chief Executive Legal and Regulatory Services submitted a report in order that Members could consider an application for the grant of a licence for a Hackney Carriage Vehicle, which fell outside the Council's policy guidelines.

The Chairperson advised that the meeting should stand adjourned, in order that Members and Officers could inspect the vehicle which was situated in the basement car park of the Council Offices.

Upon returning to the meeting, the Licensing and Registration Officer confirmed that the vehicle mileage was 11,698.

She explained that the application was made by Forge Travel Ltd to licence a Hyundai 130 Tourer Este Car registration number EJ64 XJG as a hackney carriage vehicle to seat 4 persons. The date of first registration of the vehicle was 28 November 2014.

The applicant submitted the application on 23 December 2015. There were no supporting documents relating to maintenance, and the vehicle is not required to have undertaken an MOT test. The Licensing and Registration Officer further added, that the vehicle had not reached the mileage where a service was recommended, however, the current mileage was detailed above. She explained that the vehicle had not received an MOT as it was not yet 3 years old, neither had it had a service, so there was no history of the vehicle available.

Finally, the Licensing and Registration Officer confirmed that the application fell outside the Hackney Carriage Vehicle Policy approved by the Licensing Committee, including the existing discretion to relax the hackney carriage age policy in respect of the vehicle.

The Licensing and Registration Officer referred to the Licensing Policy Guidelines as outlined in paragraph 4.4 of the report, and that provision 2.1 of the Policy was applicable in respect of this application.

Paragraph 2.2 of the Policy stated that applications for the first licensing of vehicles falling outside the above policy guidelines, would normally be refused, but a relaxation of the policy may be considered in exceptional circumstances.

She further added that the vehicle age policy, in conjunction with specifications and standards, has been developed to ensure public safety through the quality of the taxi fleet.

Mr Gareth Aimes who was present on behalf of Forge Travel Ltd, then responded to a number of routine questions from the Licensing and Registration Officer in respect of the type of vehicles subject of the application, and the scheme under which he leased these

from Hyundai. He confirmed that the application had been submitted late, and outside the guidelines of the Policy, as there was a delay in delivery of the vehicles when they were being leased (as the whole fleet were from Hyundai) as opposed to when vehicles were purchased outright.

The Chairperson then asked Officers and the applicant to retire from the meeting, whilst the Sub-Committee considered the application. Upon their return, it was

- RESOLVED:
- (1) The Sub-Committee considered the application and the Council's policy ie paragraphs 2.1 and 2.2. The policy states that the first licensing of a Hackney Carriage or Private Hire vehicle should be submitted within 14 days of first registration of the vehicle at the DVLA. The date of first registration of this vehicle was 28 November 2014. The policy also states that the mileage should be no greater than 500 miles, however, the mileage on this vehicle was 11,698. The vehicle does not comply with the Licensing Policy and the Sub-Committee could find no exceptional circumstances to depart from the Policy, and therefore, the application was refused.
 - (2) That the applicant be advised of their right of Appeal to the above decision through the Bridgend Magistrates' Court, within 14 days of them receiving notification of the decision

68. 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/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.

<u>Minute No.</u>	<u>Summary of Items:</u>
69	Approval of Exempt Minutes
70	Application for Renewal of Licence
71	Application for Grant of New Licence
72	Urgent Items