

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE (A) HELD IN THE LALESTON ROOM, SUNNYSIDE HOUSE, BRIDGEND ON TUESDAY, 8 JULY 2014 AT 10.00AM

Present:

Councillor R Williams - Chairperson

Councillors

P James
R D Jenkins
J E Lewis

Councillors

H E Morgan
E Venables

Officers:

Y Witchell - Licensing and Registration Officer
R Morris - Senior Licensing Assistant
R Hughes - Legal Officer
J Monks - Democratic Services Officer - Committees

394 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor B Jones due to work commitments.

MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of a Licensing Sub-Committee meeting held on the 31st March 2014 were approved as a true and accurate record.

That the minutes of a Licensing Sub-Committee held on the 13th May 2014 were approved, subject to Councillor P James being included in the apologies for absence and an amendment to the reason for apologies from Councillor E Venables stating that she was unwell.

395 DECLARATIONS OF INTEREST

None.

TOWN POLICE CLAUSES ACT 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

APPLICATION TO LICENCE PRIVATE HIRE VEHICLES

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Mr Richard David Singleton to licence a silver Mercedes Benz Viano Ambient, registration number RS14 FLY as a Private Hire Vehicle to seat seven persons.

The applicant was present in support of his application and on inspecting the vehicle the Sub-Committee confirmed the mileage as being 298 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle falls outside the vehicle policy for the first licensing of a private hire vehicle. She explained that the applicant had applied for a personal registration number with the DVLA which had caused a delay in him applying for a Private Hire Vehicle Licence.

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

Having accepted the applicant's explanation as to the reasons for the contravention of the Council Policy Guidelines, the Sub-Committee granted the licence.

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

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Mr Stewart Forrester to licence a Vauxhall Meriva, vehicle registration number CE11 ZDL 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 21,389 miles.

The Sub-Committee was informed by the Licensing and Registration Officer that the vehicle is pre-owned and first registered at the DVLA on the 15th April 2011. The applicant provided a service history with his application.

The Licensing and Registration Officer informed the Sub-Committee that the particular make and model of this vehicle had not previously been submitted for licensing to this Council. The Authority had considered the Department for Transport's Best Practice Guidelines in order to licence a wide range of vehicle types to meet the needs of customers, and for this reason the Authority had adopted minimum seating measurements for vehicles. This particular vehicle did not meet one of the current seat requirements, in that whilst the outer rear seats measured by Officers were 18" and met the guidelines, the middle rear seat only measured 16½" and the required width of the back seat from the squabs to the front edge must not be less than 17". She explained that the length of the rear seat measured in a straight line over the majority of its length should be such as to allow adequate seating accommodation to the extent of at least 16" per person. However, the overall length of the rear seat measured 48½" and the middle seat distance between seat belt restraints was only 12½" across.

The Licensing and Registration Officer asked Mr Forrester if he accepted that there was a comfort issue regarding the measurement between the rear seats. Mr Forrester agreed that there was and advised that he had discussed the middle squab flexibility with the manufacturer who advised that the soft squab compresses when sat against to give the required 17". The manufacturer also advised that the vehicle had been marketed as a five seater.

The Licensing and Registration Officer questioned Mr Forrester on the type of passengers he would be transporting in the vehicle.

Mr Forrester explained that as he worked week-days only the majority of his customers were single contracts, mostly elderly people, and suggested that the number of passengers would be more in the evenings and on weekends, and had checked with a few other drivers who confirmed that their profile would be similar. He advised that he would not be sub-contracting out the vehicle. He informed the Sub-Committee that he worked for a company called Driven, and handed Members a copy of his customer list, which analysed over a three week cycle the average number of passengers for each journey.

The Licensing and Registration Officer referred the Sub-Committee to paragraph 4.10 of the report and advised that the Authority could not licence a vehicle to a specific person, or specified type of work as licensed vehicles are regarded as public service vehicles. She referred the Sub-Committee to paragraph 4.11 of the policy and advised that the vehicle was not within the current age limit and therefore the application had been submitted for consideration of a relaxation of the policy.

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

RESOLVED: That the Sub-Committee, having inspected the vehicle, were not satisfied that a licence should be granted, due to the vehicle not being sufficiently comfortable to be licenced for a private hire vehicle. In support of this the Sub-Committee were not satisfied that Policy 4(c) and 4(d) of the Council guidelines had been complied with.

The Sub-Committee would have been satisfied to grant a licence on the grounds that although it did not meet the vehicle age requirement, that exceptional circumstances as to the condition of the vehicle had been shown.

The Sub-Committee reached its conclusion having inspected and viewed inside the vehicle.

397 TOWN POLICE CLAUSES ACT 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

APPLICATION TO LICENCE PRIVATE HIRE VEHICLES

The Assistant Chief Executive - Legal and Regulatory Services submitted a report regarding an application by Mr Paul A Brain to licence a Ford Transit Tourneo vehicle, registration number M6 PEY as a Private Hire wheelchair accessible vehicle to seat eight persons.

The Sub-Committee inspected the vehicle and confirmed the mileage as being 98,618 miles.

The Licensing and Registration Officer informed the Sub-Committee that the vehicle is pre-owned and was first registered at the DVLA on the 23rd May 2007. The applicant had provided a service history with the application, which had fallen outside the Policy Guidelines for the first licensing of vehicles and would normally be refused; however a relaxation of the Policy may be considered in exceptional circumstances. She asked Mr Brain to explain why the application had been submitted late.

Mr Brain explained that due to an administrative oversight by his department, his office submitted the application by e-mail at 5.30pm on a Friday, after the Council offices had closed for the day. Mr Brain claimed that the licence was not due to expire until midnight on that day, and he therefore believed that this was a grey area as to whether the licence had expired before he submitted his application. Mr Brain informed the Sub-Committee that he had not been aware that he would be required to attend this meeting until this morning, as he had not received his post, which was the second occasion this had happened. He commented that in over 20 years of his dealings with the Licensing Section, it was only during the last three months that he had encountered a problem with receiving his mail from them.

The Licensing and Registration Officer explained that all applicants are fully informed of the procedure at least two weeks before the expiry date and there was no provision to keep a licence in force, as it was considered the responsibility of the applicants to manage that process. She added that if Mr Brain had notified the Licensing Section in advance, perhaps they could have made provision to wait for him on that Friday evening if they had the resources. She therefore maintained that Mr Brain had knowingly submitted the application after the Council Offices were closed and that there would be no means of him being able to make a payment for his application until the following Monday. She therefore contended that the application had been made after the expiry date.

With regard to Mr Brain having not received notification of the meeting by post, she advised that as a result of this information, the Licensing Section had conducted a test mail and it was found that his notification was sent out in the same mail run as the report sent to Members of the Sub-Committee.

The Sub-Committee questioned Mr Brain as to why he had an axe in the vehicle, which they had found whilst inspecting it. They questioned Mr Brain with regard to a clip which was missing from the rear door, and at the back of the driver's seat they had found hard, broken and cracked

plastic which presented a hazard for passengers. The Sub-Committee also found that the tax disc had expired.

Mr Brain informed the Sub-Committee that the broken plastic would be addressed and the missing clip would be replaced. He apologised to the Sub-Committee for the poor state of the vehicle and advised that as it was such short notice, he was unable to have the car fully valeted in time for the inspection. He claimed that the axe had not been left there by any of his staff and explained that towards the end of May the vehicle had been in the garage for a routine service; however, due to a problem with the ordering of a new gear box, the vehicle had been off the road for a couple of weeks, and during that time the mechanics had not reported an axe in the vehicle. With regard to the expiry of the road vehicle tax, he explained that the vehicle had been SORN at the end of May, as indicated on the insurance certificate.

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

RESOLVED: That the Sub-Committee having considered the reasons by the applicant for failing to apply for a licence on time, granted the application to licence the vehicle, finding exceptional circumstances in accordance with the Council's Policy Guidelines.

The Sub-Committee urged the applicant to give due consideration to the future condition of the vehicle, but noted the explanation given today for the condition of the vehicle at the time of inspection.

398 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>
399	Confidential minutes of a meeting of the Licensing Sub-Committee held on the 13 th May 2014.
400	Applications for the grant of a new licence to drive Hackney Carriage and Private Hire Vehicles.