

LICENSING COMMITTEE

Thursday, 24 May 2018

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

J.K. Howell, H.I. Jones, D.E. Williams, J.M. Charles, R.E. Evans, J.G. Prosser, W.T. Evans, C.A. Davies, A.L. Fox, J.E. Williams and A.S.J. McPherson

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager
E. Jones, Principal Licensing Officer
J. Power, Senior Licensing Officer
K. Smith, Licensing Officer
M. Heath, Licensing Officer
K. Thomas, Democratic Services Officer

Chamber, - County Hall, Carmarthen. SA31 1JP. - 10.00 am 12.45 p.m. and 1.45 p.m. - 3.40 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors A. Davies, P. Edwards and H.I. Jones (afternoon session only).

2. DECLARATIONS OF PERSONAL INTERESTS.

There were no declarations of personal interest.

3. MR GARY JOHN INMAN - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that Mr Gary John Inman of 85 Bro Einon, Llanybydder, was a licensed Hackney Carriage/Private Hire Dual Driver with the authority and that an issue had arisen with regard his licence.

The Committee interviewed Mr Inman with regard to that issue

The Senior Licensing Officer recommended that Mr Inman be issued with a warning as to his future conduct

RESOLVED that, in line with the Council's guidelines, Mr Gary John Inman be issued with a warning as to his future conduct.

4. MR JOHN MORGAN EVANS - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that Mr John Morgan Evans of 2 Cwrt y Glyn, Carmel, Llanelli was a licensed Hackney Carriage/Private Hire Dual Driver with the authority and that an issue had arisen with regard his licence.

The Committee interviewed Mr Evans with regard to that issue.

The Senior Licensing Officer recommended that Mr Evans be issued with a final warning as to his future conduct.

The Committee thereupon:

RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

RESOLVED that in line with the Council's guidelines, Mr John Morgan Evans be issued with a warning as to his future conduct.

5. MR ADAM LEE PRICE - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Adam Lee Price of 15 Barnsfield Terrace, Carmarthen for the grant of a hackney carriage/private hire dual drivers' licence.

The Committee interviewed Mr Price with regard to his application. It also received a representation from a prospective employer in support of Mr Price's application.

The Senior Licensing Officer recommended that Mr Price's application be refused.

The Committee thereupon:

RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

RESOLVED that in line with the Council's guidelines, the application submitted by Mr Adam Lee Price for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reason

On the evidence presented the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

6. MR SONNY JOEL HUDYMA-BILTON - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Sonny Joel Hudyma-Bilton 13 Clos Gwili, Cwmgwili, Carmarthen for the grant of a hackney carriage/private hire dual drivers' licence.

The Committee interviewed Mr Hudyma-Bilton with regard to his application. It also received a representation from a prospective employer in support of Mr Hudyma-Bilton's application.

The Senior Licensing Officer recommended that Mr Hudyma-Bilton's application be refused.

The Committee thereupon:

RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

RESOLVED that in line with the Council's guidelines, the application submitted by Mr Sonny Joel Hudyma-Bilton for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reason

On the evidence presented the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

7. MR KEITH THOMAS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Keith Thomas of 44 Graig Avenue, Llanelli for the grant of a hackney carriage/private hire dual drivers' licence.

The Committee interviewed Mr Thomas with regard to his application.

The Senior Licensing Officer recommended that Mr Thomas' application be refused.

The Committee thereupon:

RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.

Following the adjournment the Committee reconvened to advise of its decision.

RESOLVED that in line with the Council's guidelines, the application submitted by Mr Keith Thomas for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reason

On the evidence presented the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

8. MR STUART KEITH PHILLIPS - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that Mr Stuart Keith Phillips of 15 Tir Capel, LLanelli was a licensed Hackney Carriage/Private Hire Dual Driver with the authority and that an issue had arisen with regard his licence.

The Senior Licensing Officer advised that subsequent to the despatch of the agenda for the meeting correspondence had been received from Mr Phillips' legal representative requesting a deferral of the hearing until after forthcoming court proceedings.

RESOLVED that consideration of Mr Stuart Keith Phillips' Private Hire Dual Driver's Licence be deferred to the next meeting of the Committee

DURATION OF MEETING

At 12.45 p.m. the Committee's attention was drawn to Standing Order 9 'Duration of Meeting' and as the meeting had been underway for three hours and there were a number of items still requiring its consideration it was

RESOLVED to suspend Standing Orders to allow the remaining items on the agenda to be considered

The Committee thereupon adjourned at 12.45 p.m. and reconvened at 1.45 p.m. to consider the following items

Present: Councillor E.G. Thomas (Chair)

Councillors: J.M Charles, A. Davies, R. Evans, W.T. Evans, A.L Fox, J.K. Howell, A.S.J. McPherson, J. G. Prosser, D.E. Williams and J.E. Williams

Mr E. Jones – Principal Licensing Officer
Mr R. Edgecombe – Legal Services Manager
Ms K. Smith – Licensing Officer
Mr K. Thomas – Democratic Services Officer

9. GAMBLING ACT 2005 - GAMBLING COMMISSION UPDATE GAMBLING POLICY REVIEW

The Chair welcomed to the meeting Mr P. Edmunds, Compliance Manager for the Gambling Commission who had been invited to present an overview of the Gambling Regulations in relation to the following topic areas:-

- Tripartite System
- Finance and Licensing
- Local Authority Powers
- The 4 matters to consider in Licensing, Inspection, and Enforcement
- Statement of Policy

- What the Commission was doing
- No Problems
- Things for Licensing Committees to consider

The Committee was afforded the opportunity of asking questions, following which, the Chair thanked Mr Edmunds for his presentation.

The Principal Licensing Officer referred to the report and reminded the Committee that under the requirements of The Gambling Act 2005 Licensing Authorities were required to produce a Gambling Policy and to review that policy every three years. In accordance with that requirement, the Council had recently commenced a consultation document on its Gambling Policy. Members who had not responded to the consultation were encouraged to do so by the 1st June, 2018 closing date.

UNANIMOUSLY RESOLVED that the report and the presentation be received.

10. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The Committee considered a report on the current review being undertaken of the Council's Licensing Policy. It was noted that when the current Policy had been adopted in February 2016, the Council resolved to undertake a further consultation on the possible adoption of a Cumulative Impact Policy (CIP) in respect of Lammas Street, Carmarthen. In accordance with that decision, a consultation was being undertaken on the CIP to close on the 1st June, 2018. Thereafter, responses to the consultation would be presented as part of a report to Council on the 12th December, 2018. Members who had not responded to the consultation were encouraged to do so by the closing date.

UNANIMOUSLY RESOLVED that the report be received.

11. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

The Committee considered a report outlining a request received from Mrs Mair Craig on behalf of Llansadwrn Reading Rooms seeking a recommendation regarding the admission of children to view three previously unclassified short films.

The applicant intended to screen two Welsh language films, "Titch" and "Marw Stripio" together with an English language film "Dial a Ride" prior to the screening of a certificated feature film at the community cinema. Furthermore, the premises intended operating the community cinema under the community premises exemptions set out in paragraph 6A of Schedule 1 of the Licensing Act 2003.

The Committee noted that in order to satisfy the requirements of the Licensing Act 2003, the films shown must have a recommendation concerning the admission of children issued by either the British Board of Film Classification (BBFC) body or relevant Licensing Authority.

In order that the Committee could make the required recommendations regarding the admission of children to view the films, it was afforded the opportunity of watching the three short films and took into consideration the references to imitable behaviour, language, nudity and sex.

The Committee was presented with a written representation regarding the three films from the applicant.

The Committee gave due regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the British Board of Film Classification appended to the report in Appendix 1.

Having considered all the evidence before it, the Committee

RESOLVED that:

- 1. the film titled "Titch" be classified with the rating – PG**
- 2. the film titled "Dial a Ride" be classified with the rating – 12A**
- 3. the film titled "Marw Stripio" be classified with the rating - 15**

12. APPOINTMENT OF MEMBERS TO SIT ON LICENSING SUB-COMMITTEES 2018-19

The Committee considered a report on the provisions of the Licensing Act 2003 detailing the proposed composition of Licensing Sub Committees "A" and "B" for the 2018/19 Municipal Year.

UNANIMOUSLY RESOLVED that the composition of the Licensing Sub Committees "A" and "B" for the 2018/19 Municipal Year be as follows:-

Licensing Sub-Committee "A"

Councillors: Andre McPherson; Mansel Charles; Ann Davies; Rob Evans; Amanda Fox; Ken Howell and Elwyn Williams.

Licensing Sub Committee "B"

Councillors: Alun Davies; Tyssul Evans; Penny Edwards; Irfon Jones; John Prosser; Edward Thomas and Eirwyn Williams.

13. APPOINTMENT OF CHAIRS OF LICENSING SUB-COMMITTEES FOR THE 2018/19 MUNICIPAL YEAR

The Committee considered nominations for Chairs of the Licensing Sub Committees for the 2018/19 Municipal Year.

UNANIMOUSLY RESOLVED

- 13.1 That Councillor J.M. Charles be appointed Chair of Licensing Sub Committee "A" for the 2018/19 Municipal Year
- 13.2 That Councillor A. Davies be appointed Chair of Licensing Sub Committee "B" for the 2018/19 Municipal Year

14. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 6TH MARCH 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee "A" held on the 6th March, 2018 be signed as a correct record.

15. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 19TH APRIL 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee "B" held on the 19th April, 2018 be signed as a correct record.

16. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 4TH APRIL, 2018.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 4th April, 2018 be signed as a correct record.

CHAIR

DATE