

Document Pack



Mark James LLM, DPA, DCA
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County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 16 MAY 2018

TO: ALL MEMBERS OF THE LICENSING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE LICENSING COMMITTEE WHICH WILL BE HELD IN THE CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM ON THURSDAY, 24TH MAY, 2018 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
Telephone (Direct Line):	01267 224027
E-Mail:	KJThomas@carmarthenshire.gov.uk
Ref:	AD016-001

LICENSING COMMITTEE

14 MEMBERS

PLAID CYMRU GROUP – 7 MEMBERS

- 1. Councillor Mansel Charles**
- 2. Councillor Alun Davies**
- 3. Councillor Ann Davies**
- 4. Councillor Tyssul Evans**
- 5. Councillor Ken Howell**
- 6. Councillor Eirwyn Williams**
- 7. Councillor Elwyn Williams [Vice-Chair]**

LABOUR GROUP – 4 MEMBERS

- 1. Councillor Penny Edwards**
- 2. Councillor Amanda Fox**
- 3. Councillor Andre McPherson**
- 4. Councillor John Prosser**

INDEPENDENT GROUP – 3 MEMBERS

- 1. Councillor Rob Evans**
- 2. Councillor Irfon Jones**
- 3. Councillor Edward Thomas [Chair]**

***MEMBERS SHOULD BE AWARE THAT THEY ARE NOT ABLE TO ASK MEMBERS FROM
WITHIN THEIR OWN GROUPS TO SUBSTITUTE FOR THEM AT MEETINGS OF THIS
COMMITTEE***

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTERESTS.
3. MR GARY JOHN INMAN - 5 - 8
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
4. MR JOHN MORGAN EVANS - 9 - 12
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
5. MR ADAM LEE PRICE - 13 - 16
APPLICATION FOR THE GRANT OF A HACKNEY
CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
6. MR SONNY JOEL HUDYMA-BILTON - 17 - 20
APPLICATION FOR THE GRANT OF A HACKNEY
CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
7. MR KEITH THOMAS - 21 - 24
APPLICATION FOR THE GRANT OF A HACKNEY
CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
8. MR STUART KEITH PHILLIPS - 25 - 28
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE
9. GAMBLING ACT 2005 - 29 - 44
GAMBLING COMMISSION UPDATE GAMBLING POLICY REVIEW
10. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY 45 - 58
11. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST 59 - 62
12. APPOINTMENT OF MEMBERS TO SIT ON LICENSING SUB- 63 - 66
COMMITTEES 2018-19
13. APPOINTMENT OF CHAIRS OF LICENSING SUB-COMMITTEES
FOR THE 2018/19 MUNICIPAL YEAR
14. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE 67 - 70
MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON
6TH MARCH 2018
15. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE 71 - 74
MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON
19TH APRIL 2018
16. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE 75 - 80
MEETING OF THE LICENSING COMMITTEE HELD ON THE
4TH APRIL, 2018.

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Inman be issued with a warning as to his future conduct.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted	NA
Exec Board Decision Required	NA
Council Decision Required	NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities Name of Head of Service Mr Jonathan Morgan Report Author Mr Justin Power	Designation: Acting Head of Homes and Safer Communities Senior Licensing Officer	Tel No. E Mail Address: 01554 899285 jmorgan@carmarthenshire.gov.uk 01267 228932 JHPower@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018

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

Mr Gary John Inman of 85 Bro Einon, Llanybydder is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10527	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Evans be issued with a warning as to his future conduct.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Justin Power

Designation:

Acting Head of Homes and Safer
Communities

Senior Licensing Officer

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**EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018**

**MR JOHN MORGAN EVANS
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

Mr John Morgan Evans of 2 Cwrt y Glyn, Carmel, Llanelli is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

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THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30016	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Price's application be refused.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted	NA
Exec Board Decision Required	NA
Council Decision Required	NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Justin Power

Designation:

Acting Head of Homes and Safer
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**EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018**

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

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

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The legal implication of refusal to grant a licence is that Mr Price may lodge an appeal.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Robin Staines

Head of Housing and Public Protection

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10771	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Hudyma-Bilton's application be refused.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Justin Power

Designation:

Acting Head of Homes and Safer
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**EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018**

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

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

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The legal implication of refusal to grant a licence is that Mr Hudyma-Bilton may lodge an appeal.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30960	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Thomas' application be refused.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Justin Power

Designation:

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**EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018**

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

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

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The legal implication of refusal to grant a licence is that Mr Thomas may lodge an appeal.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30963	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

That Mr Phillips' Hackney Carriage/Private Hire Dual Drivers Licence be Revoked.

Reasons:

Council's Guidelines.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Justin Power

Designation:

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EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018

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

Mr Stuart Keith Phillips of 15 Tir Capel, Llanelli is a licensed hackney carriage/private hire dual driver with this authority.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The legal implication of revoking Mr Phillips' licence is that he may lodge an appeal

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30172	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

GAMBLING ACT 2005 GAMBLING COMMISSION UPDATE GAMBLING POLICY REVIEW

Recommendations / Key Decisions Required:

- To provide members of the committee with an update from the Gambling Commission.
- That members of the committee respond to the consultation

Reasons:

- To ensure that members of the committee are provided with relevant updates regarding the Gambling Act 2005.
- To ensure that the consultation captures as wide a range of views as possible.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Emyr Jones

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EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018

GAMBLING ACT 2005
GAMBLING COMMISSION UPDATE
GAMBLING POLICY REVIEW

The Gambling Act 2005 came into force in 2007 and brought in a new comprehensive system for gambling regulation in Great Britain. The Act established a dedicated regulator at national level, in the form of the Gambling Commission. It also gave responsibility to local authorities for regulating gambling at a local level.

Licensing Authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines and processing temporary and occasional use notices.

Licensing Authorities are also required to produce a Gambling Policy and to review it every three years. Carmarthenshire is currently undertaking a consultation exercise as part of reviewing our current Gambling Policy. Copies of the consultation documents are attached.

Members of the committee, who have not already responded are encouraged to complete the attached response form. The consultation closes on the 1st of June 2018.

The Gambling Commission Compliance Manager has agreed to attend the meeting to provide members with an overview of Gambling Regulation.

DETAILED REPORT ATTACHED?	Yes:- Appendix 1 Statement of gambling licensing policy - A councillor's guide (England & Wales only) Appendix 2 Gambling Policy Review - Consultation Document April 2018 Appendix 3 Review of Gambling Policy - Consultation Document 2018
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IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Gambling Policy File Contents.	Review of Gambling Policy 2018	Licensing Section, 3 Spilman Street, Carmarthen

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GAMBLING COMMISSION



Statement of gambling licensing policy **A councillor's guide** (England & Wales only)

It is a legal requirement for each licensing authority (LA) to prepare a Statement of Policy they propose to apply in exercising functions under the Gambling Act 2005.

It must be reviewed every 3 years. All LAs are required to publish a revised Statement in January 2019. This applies even if amendments have been made during the 3 year period.

The Gambling Act 2005

There are three licensing objectives under the Act. Keeping crime out of gambling, ensuring it is fair and open and protecting children and other vulnerable people from being harmed by gambling.

There are 4 principles to inform a licensing authority as to how it carries out its duties:

- our codes of practice that apply to licensed gambling operators and to pubs and clubs
- our Guidance to Licensing Authorities
- the licensing objectives above
- **Your own Statement.**

The Statement

The function of the Statement is to reflect **locally specific** gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area.

This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required. It also reduces the risk of matters being escalated to a licensing committee.

But we don't get any complaints!

It may well be the case that you receive very few, or no complaints about gambling. You are highly unlikely to do so.

Unlike other regulated areas, such as alcohol or drugs, gambling is much less visible as a concern for residents. The problem gambler or the under 18 who gambles are very unlikely to contact you or the LA to complain. The nature of co-regulation requires both LAs and the Commission to engage in inspection and enforcement. **Unless an LA proactively conducts inspections you will not know what the true compliance picture looks like.** Critically, you have no means of knowing whether the necessary protections, especially for the young and vulnerable, are in place and working effectively.

Importantly, unless inspections and enforcement against illegality are conducted it unfairly penalises those who are compliant.



Consult with responsible authorities

The Act specifies a list of responsible authorities with whom you must consult (s157). Along with those you'd expect such as police, you must include a body whose functions include the protection of children from harm. You might consider your **Safeguarding Board**.

Another body which can also help to inform the strategic picture and approach as well as inform the local area profile (LAP) is **Public Health**. Given the range of co-morbidities associated with addictions it is likely that some of those presenting with one specific condition may be experiencing gambling-related harm as well.

Local area profile (LAP)



You should develop a 'heat map' or local area profile of your council area. Completion of a LAP is not a requirement but there are significant benefits for both the LA and businesses in having a better awareness of the local area and risks (both *potential* and *actual*).

An effective LAP is likely to take account of a wide range of factors, data and information already held by the LA and its partners.

Gambling operators' responsibilities

Licence conditions and codes of practice (LCCP) issued by the Commission formalise the need for operators to consider local risks.

Social responsibility code 10.1.1 requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the LA's Statement.

A licensing authority can request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns.

How is gambling regulation financed?

Compliant businesses would rightly expect their fees to be (partly) spent on the pursuit of the non-compliant and the illegal.

LAs in England and Wales can set their own gambling fees but 'shall aim to ensure that the income from fees... as nearly as possible equates to the costs of providing the service to which the fees relates'. DCMS set an upper limit for premises fees in England and Wales.



Unless an LA can provide the necessary justifications, where income exceeds expenditure, or vice versa, there should be an adjustment of fees levels to bring them into balance. Fees should be reviewed annually.



Further information

The licensing authorities section of our website provides toolkits on the topics mentioned above as well as examples of how other authorities have approached their Statement.

keeping gambling fair and safe for all
www.gamblingcommission.gov.uk

Gambling Policy Review Consultation Document April 2018

1. This consultation document provides an opportunity for you to contribute to the review of Carmarthenshire's gambling policy. We look forward to receiving your comments and ideas to ensure that we are able to maintain an effective licensing system for Carmarthenshire.

Introduction

2. The current policy, which was adopted by the Authority in February 2016, must be reviewed at least every three years to ensure that it reflects feedback from the local community that the statutory objectives are being met.
3. The review is the first opportunity that local residents, businesses, existing licence holders and their representatives have had to formally comment on the Policy since 2015. The consultation exercise begins on the 3rd of April and finishes on the 1st of June 2018.

Functions of Licensing Authorities

4. The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:
 - Licence premises for gambling activities;
 - Consider notices given for the temporary use of premises for gambling;
 - Grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
 - Regulate gaming and gaming machines in alcohol licensed premises;
 - Grant permits to family entertainment centres for the use of certain lower stake gaming machines;
 - Grant permits for prize gaming;
 - Consider occasional use notices for betting at tracks; and
 - Register small societies' lotteries.

Premises licences

5. Premises licences will be granted by licensing authorities and may authorise the provision of facilities on:
 - Casino premises;
 - Bingo premises;
 - Betting premises, including tracks;
 - Adult gaming centres; and
 - Family entertainment centres.
6. Except in the case of tracks (where the occupier of the track who gets the premises licence may not be the person who actually offers the gambling) premises licences may only be issued to people with a relevant gambling operators licence: for example, to obtain a bingo premises licence, the applicant must hold a bingo operating licence. Premises licences are transferable to someone else holding a valid operating licence.
7. In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:
 - **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;**
 - **Ensuring that gambling is conducted in a fair and open way;**
 - **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**
8. The Gambling Commission will be responsible for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It will also regulate certain lottery managers and promoters.
9. This consultation paper is aimed at local residents, businesses, existing licence holders and their representatives. Indeed the Council is anxious to receive the views of all interested parties.
10. The Council has identified people and organisations that may be interested in responding to this consultation. However, the Council would welcome the views of any interested parties and recipients should feel free to draw the attention of this paper to others who might be interested in responding to the consultation.
11. In order to comment in detail on the gambling policy, respondents may first wish to refer to the guidance issued under the Act to local authorities by the Gambling commission as well as the current Gambling Policy and the Gambling Act itself. These documents may be viewed on the Council's website at <http://www.carmarthenshire.gov.wales/home/business/licensing-permits/gambling-licences/#.WrudqmaouUk>

Copies of these documents are also available from the Licensing Section.

Responding to the Consultation

12. Your views are important to the Council in reaching a fair and proportionate gambling policy. **Please could you ensure that we receive your views by the 1st of June 2018, although an earlier response would be appreciated.**
13. To assist respondents, we have created an online survey, which includes questions requesting feedback on particular matters. Participants are advised that supplementary information such as statistics and supporting statements can be uploaded as an attachment to the survey in Word or PDF form.

If you wish to receive a hardcopy of the questionnaire please contact Emyr Jones whose contact details are given below.

The response document can also be e-mailed to us at publicprotection@carmarthenshire.gov.uk

14. All consultation responses will be taken into account during the policy review process. Unfortunately it will not be possible to reply in detail to each consultation response.

15. Contact

**Emyr Jones
Licensing Lead
Homes and Safer Communities Division
Department for Communities
Carmarthenshire County Council
3, Spilman Street
Carmarthen
SA31 1LE**

Or by e-mail to: publicprotection@carmarthenshire.gov.uk

Thank you for taking time to respond to this consultation.

16. If you require any further information regarding the consultation document or the Gambling Act, please contact the licensing section on 01267 228717. This document is also available at <http://www.carmarthenshire.gov.wales/home/council-democracy/consultation-performance/current-consultations/#.WrudJWaoU>

**If you would like this document
in large print, Braille or on audiotape,
please phone:
 01267 228717**

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Gambling Act 2005 - Review of Gambling Policy Consultation Document 2018

Part 1 - About You

Are you responding as a...

- ☐ Gambling premises licence holder
- ☐ Gambling permit holder
- ☐ Premises licence holder
- ☐ Personal licence holder
- ☐ Club premises certificate holder
- ☐ Member of the Public
- ☐ Local business
- ☐ Body representing licence holders / clubs
- ☐ Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council)
- ☐ Other Organisation or Group

If responding as an organisation/business/body, please write its name here

Following 'SA', please specify the two numbers of your postcode

- | | | |
|--------------------------|--------------------------|-------------------------------------|
| <input type="radio"/> 4 | <input type="radio"/> 20 | <input type="radio"/> 39 |
| <input type="radio"/> 9 | <input type="radio"/> 31 | <input type="radio"/> 40 |
| <input type="radio"/> 14 | <input type="radio"/> 32 | <input type="radio"/> 44 |
| <input type="radio"/> 15 | <input type="radio"/> 33 | <input type="radio"/> 48 |
| <input type="radio"/> 16 | <input type="radio"/> 34 | <input type="radio"/> 66 |
| <input type="radio"/> 17 | <input type="radio"/> 35 | <input type="radio"/> 67 |
| <input type="radio"/> 18 | <input type="radio"/> 37 | <input type="radio"/> out of county |
| <input type="radio"/> 19 | <input type="radio"/> 38 | |

Part 2

To what extent would you agree or disagree with the following statements:

1. There are gambling related problems in my area

- ☐ Strongly agree ☐ Agree ☐ Neither ☐ Disagree ☐ Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

2. Access to gambling by children, young people and other vulnerable persons is a problem in my area

- ☐ Strongly agree ☐ Agree ☐ Neither ☐ Disagree ☐ Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

3. I am aware of where to get advice or support locally / nationally for gambling related problems.

- ☐ Strongly agree ☐ Agree ☐ Neither ☐ Disagree ☐ Strongly disagree

If you agree, please give details of the services that you are aware of below:

Street

Town / Village

Nature of problem

4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?

☐ Yes ☐ No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?

☐ Yes ☐ No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

6. Is there anything else that you want us to take into account when reviewing the Gambling Policy?

If you would like to attach a document to your survey response, please do so:

Part 3 - Your Details (optional)

Name:

Address:

Tel No:

Fax:

E-mail:

Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

☐

Yes - I am happy to be contacted

☐

No - I do not wish to be contacted

How we will use your information

We are collecting personal data about you on this form to comply with requirements in the Gambling Act 2005 on carrying out consultations.

This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.

LICENSING COMMITTEE 24TH MAY 2018

LICENSING ACT 2003 REVIEW OF LICENSING POLICY

Recommendations / Key Decisions Required:

That members of the committee respond to the consultation.

Reasons:

To ensure that the consultation captures as wide a range of views as possible.

Relevant Scrutiny Committee Consulted NA
Exec Board Decision Required NA
Council Decision Required NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Emyr Jones

Designation:

Acting Head of Homes and Safer
Communities

Principal Licensing Officer

Tel No.

E Mail Address:

01554 899285

jmorgan@carmarthenshire.gov.uk

01267 228717

eorjones@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018

LICENSING ACT 2003
REVIEW OF LICENSING POLICY

Carmarthenshire County Council is currently reviewing its Licensing Policy. When the current policy was adopted by the authority in February 2016, it was resolved that as a result of the responses to the 2015 Policy review, a further consultation would be undertaken regarding the possible adoption of a cumulative impact policy in respect of Lammas Street, Carmarthen.

Cumulative impact” is not mentioned specifically in the 2003 Act. In the statutory Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

The consultation document and response forms are attached and provide further detail regarding cumulative impact and the area under consideration.

The consultation closes on the 1st of June 2018.

Responses to the consultation exercise will be collated as part of the final report which is due to be considered by full council on the 12th of December 2018.

DETAILED REPORT ATTACHED ?

yes

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Licensing Policy File Contents.	Review of Licensing Policy 2018	Licensing Section, 3 Spilman Street, Carmarthen

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Housing and Safer Communities

Licensing Policy Review

Cumulative Impact Policy

Lammas Street, Carmarthen

Consultation Document 2018



Licensing Policy review

Cumulative Impact Policy

Lammas street , Carmarthen

Consultation Document 2018

Introduction

1. When the current policy was adopted by the authority in February 2016, it was resolved that a further consultation would be undertaken regarding the possible adoption of a cumulative impact policy in respect of Lammas Street, Carmarthen.
2. This is an opportunity for local residents, businesses, existing licence holders and their representatives to formally comment on the proposal and provide feedback to the Authority.
3. A plan showing Lammas Street, Carmarthen is attached as Annex **A**. Lammas Street is highlighted in red from it's junction with Dark Gate along the whole length of the street to it's junction with Morfa Lane. If adopted for this area the cumulative impact policy would include any premises which shares a boundary with Lammas Street.

The consultation commences on the 3rd of April 2018 and finishes on the 1st of June 2018

4. The following paragraphs have been reproduced from the guidance issued by the Home Office under section 182 of the Licensing Act 2003.

What is Cumulative Impact ?

14.20 "Cumulative impact" is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact policies (CIP) may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night fast food outlets which are not licensed to sell alcohol.

Effect of Special Policies

14.30 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club

premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

14.31 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

14.32 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.

14.33 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

14.34 Special policies may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.

If adopted, a cumulative impact policy would form part of the authority's Licensing Policy.

5. The Licensing Policy has four main purposes, these are:

- To reinforce to elected members on the licensing committee, the boundaries and power of the local authority, and to provide them with parameters under which to make their decisions. The committee will be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
- To inform the licence applicants of the parameters under which the authority will make licence decisions, set out examples of good management practice and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis).
- To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
- To inform a court of law how the council arrived at its decisions when these are challenged in a court, and to support these decisions.

6. This consultation paper is aimed at local residents, businesses, existing licence holders and their representatives. Indeed the council is anxious to receive the views of all interested parties.
7. The council has identified people and organisations that may be interested in responding to this consultation. However, the council would welcome the views of any interested parties and recipients should feel free to draw the attention of this paper to others who might be interested in responding to the consultation.
8. In order to comment in detail on the Cumulative Impact Policy , respondents may first wish to refer to the guidance issued under the Act to local authorities by the Secretary of State, as well as the current Licensing Policy and the Licensing Act itself. These documents may be viewed on the council's website at www.carmarthenshire.gov.uk by searching for current consultations.

Copies of these documents have also been deposited for reference purposes at the council's customer services centre at 3 Spilman Street, Carmarthen.

Responding to the Consultation

9. Respondents are advised that any amendments to the content of the licensing policy must reflect the four (4) statutory licensing objectives. These are:-
 - **The prevention of Crime and Disorder**
 - **Public Safety**
 - **The prevention of Public Nuisance**
 - **The protection of Children from Harm**
10. Your views are important to the council in reaching a fair and proportionate licensing policy. **Please could you ensure that we receive your views by the 1st of June 2018, although an earlier response would be appreciated.**
11. To assist respondents, we have created an online survey, which includes questions requesting feedback on particular matters. Participants are advised that supplementary information such as statistics and supporting statements can be uploaded as an attachment to the survey in Word or PDF form.

If you wish to receive a hardcopy of the questionnaire please contact Emyr Jones whose contact details are given below.

The response document can also be e-mailed to us at publicprotection@carmarthenshire.gov.uk

12. All consultation responses will be taken into account during the policy review process. Unfortunately it will not be possible to reply in detail to each consultation response.

13. Contact

Emyr Jones
Licensing Lead Officer
Homes and Safer Communities Division
Department for Communities
Carmarthenshire County Council
3, Spilman Street
Carmarthen
SA31 1LE

Or by e-mail to: publicprotection@carmarthenshire.gov.uk

Thank you for taking time to respond to this consultation.

14. If you require any further information regarding the consultation document or the Licensing Act, please contact the licensing section on 01267 228717. This document is also available at <http://www.carmarthenshire.gov.wales/home/council-democracy/consultation-performance/>

**If you would like this document
in large print, Braille or on audiotape,
please phone:
 01267 228717**

Atodiad A / Appendix A

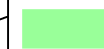
Heol Awst / Lammas Street



Heol Mansel Street



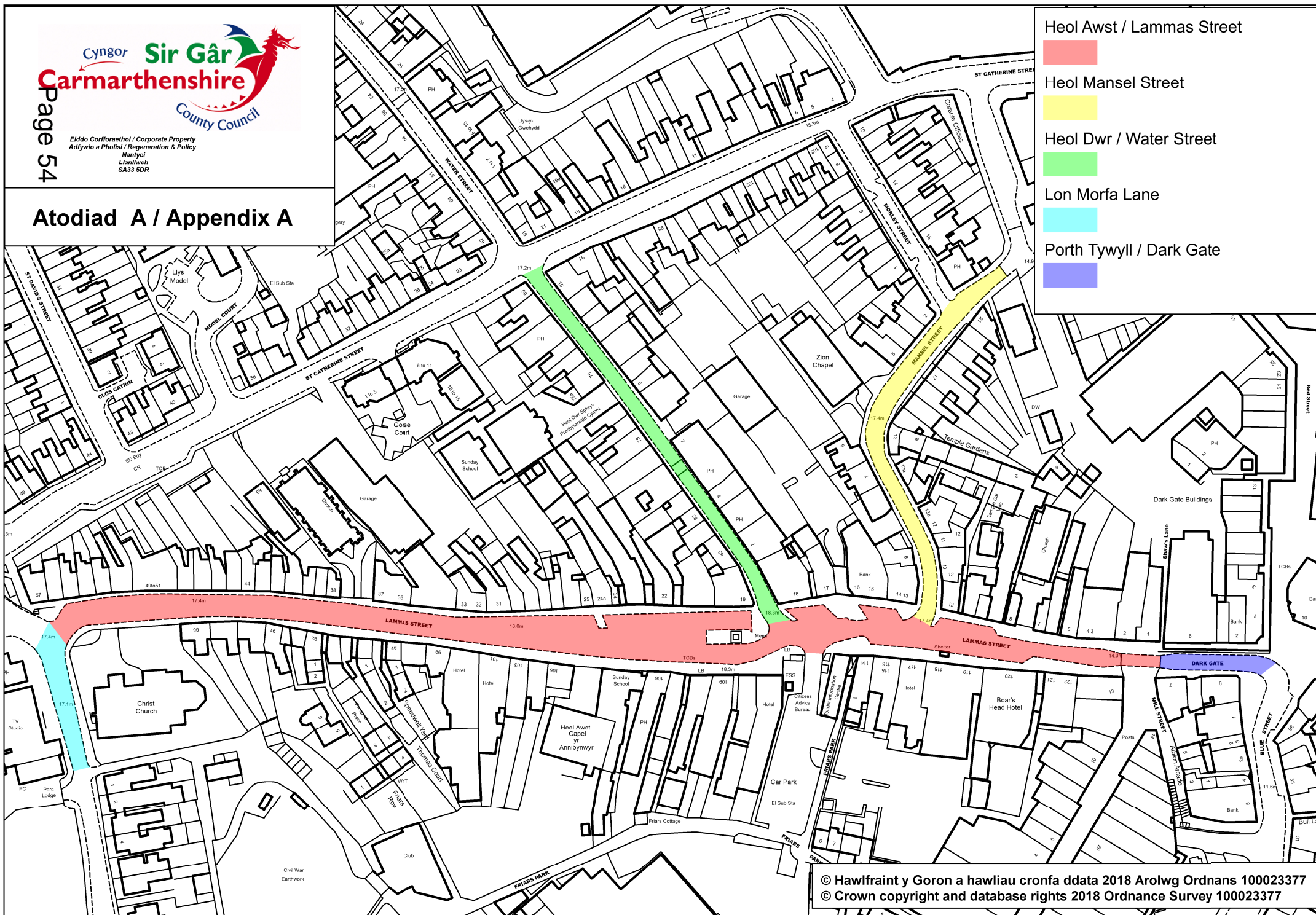
Heol Dwr / Water Street



Lon Morfa Lane



Porth Tywyll / Dark Gate



Licensing Act 2003

Review of Licensing Policy Cumulative Impact Policy

Lammas Street, Carmarthen - Consultation Document 2018

Part 1 - About You

1. Are you responding as a...

- ☐ Premises licence holder
- ☐ Personal licence holder
- ☐ Club premises certificate holder
- ☐ Member of the Public
- ☐ Local business
- ☐ Body representing licence holders / clubs
- ☐ Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council etc.)
- ☐ Body representing local businesses
- ☐ Other Organisation or Group

If responding as an organisation/business/body, please write its name here

Following 'SA', please specify the two numbers of your postcode

- | | |
|--------------------------|-------------------------------------|
| <input type="radio"/> 4 | <input type="radio"/> 34 |
| <input type="radio"/> 9 | <input type="radio"/> 35 |
| <input type="radio"/> 14 | <input type="radio"/> 37 |
| <input type="radio"/> 15 | <input type="radio"/> 38 |
| <input type="radio"/> 16 | <input type="radio"/> 39 |
| <input type="radio"/> 17 | <input type="radio"/> 40 |
| <input type="radio"/> 18 | <input type="radio"/> 44 |
| <input type="radio"/> 19 | <input type="radio"/> 48 |
| <input type="radio"/> 20 | <input type="radio"/> 66 |
| <input type="radio"/> 31 | <input type="radio"/> 67 |
| <input type="radio"/> 32 | <input type="radio"/> out of county |
| <input type="radio"/> 33 | |

Part 2

To what extent would you agree or disagree with the following statements:

2. Do you agree that there continues to be a problem with alcohol related anti-social behaviour in Lammas Street, Carmarthen?

☐ Strongly Agree

☐ Agree

☐ Neither

☐ Disagree

☐ Strongly disagree

If you agree, please tell us:

a) Where is it a problem?

b) When is it a problem?

c) Why do you think it is a problem?

3. To what extent would you agree or disagree with the following statements:
(for information on cumulative impact policies see paragraphs 14.20-14.39 of the S182 guidance published by the Home Office)

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
A Cumulative Impact Policy is still needed for Lammas Street, Carmarthen	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Should the policy apply to the whole length of Lammas Street as shown on the accompanying plan?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide your reasons and evidence to support your answers to the above:

4. Is a Cumulative Impact Policy needed for the highlighted streets on the plan leading to or from Lammas Street, Carmarthen?

☐ Strongly Agree

☐ Agree

☐ Neither

☐ Disagree

☐ Strongly Disagree

Please specify what part of those streets:

Please provide your reasons and evidence that such a policy is or is not required.

5. To what extent would you agree or disagree with the following statements:

	Strongly Agree	Agree	Neither	Disagree	Strongly Disagree
Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption on the premises?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Should the cumulative impact policy apply to premises that wish to sell alcohol for consumption off the premises? (Please see paragraph 4(14.34 of the consultation document)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please outline your reasons and evidence for requiring the cumulative impact policy at premises that wish to sell alcohol for consumption **on the** premises (e.g Examples of incidents).

Please outline your reasons and evidence for requiring the cumulative impact policy at premises that wish to sell alcohol for consumption **off the** premises (e.g Examples of incidents).

6. Should the cumulative impact policy apply to premises that wish to provide late night refreshments (e.g. Takeaway premises)?

<input type="radio"/> Strongly Agree	<input type="radio"/> Agree	<input type="radio"/> Neither	<input type="radio"/> Disagree	<input type="radio"/> Strongly Disagree
--------------------------------------	-----------------------------	-------------------------------	--------------------------------	---

Please outline your reasons and evidence as to why the cumulative impact policy should/should not apply to late night refreshments (e.g. Examples of incidents).

Part 3 - Your Details (optional)

Name:

Address:

Tel No:

E-mail:

Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

- ☐ Yes - I am happy to be contacted
- ☐ No - I do not wish to be contacted

How we will use your information

We are collecting personal data about you on this form to comply with requirements in the Licensing Act 2003 on carrying out consultations.

This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.

Thank you for your response

LICENSING COMMITTEE 24TH MAY 2018

LICENSING ACT 2003 FILM CLASSIFICATION REQUEST

Recommendations / Key Decisions Required:

That the committee view the three short films and make a recommendation regarding the admission of children to view the films with reference to the BBFC classification guidelines. Namely in relation to the film titled "Titch" that the film should be shown in accordance with a PG classification, in relation to the film titled "Dial-a-Ride" that the film should be shown in accordance with a 12A classification and in relation to the film titled "Marw Stripio" that the film should be shown in accordance with a 15 classification.

Reasons:

To ensure that the screening of the films does not undermine the licensing objectives and in particular the protection of children from harm.

Relevant Scrutiny Committee Consulted	NA
Exec Board Decision Required	NA
Council Decision Required	NA

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate: Communities
Name of Head of Service
Mr Jonathan Morgan

Report Author
Mr Emyr Jones

Designation:

Acting Head of Homes and Safer
Communities

Principal Licensing Officer

Tel No.

E Mail Address:

01554 899285

jmorgan@carmarthenshire.gov.uk

01267 228717

eorjones@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018

LICENSING ACT 2003
FILM CLASSIFICATION REQUEST

To consider a request from Mrs Mair Craig on behalf of Llansadwrn Reading Rooms for a recommendation regarding the admission of children to view three previously unclassified short films.

The applicant wishes to screen three films, "Titch ", Dial-a-Ride and "Marw Stripio" prior to the screening of a certificated feature film at the community cinema.

The premises intend operating the community cinema under the community premises exemptions set out in paragraph 6A of Schedule one of the Licensing Act 2003.

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 film classification body (BBFC) or relevant licensing authority, which in this case is ourselves.

The committee is asked to refer to the guidelines in relation to age ratings produced by the British Board of Film Classification (BBFC) which will be circulated at the meeting.

DETAILED REPORT ATTACHED ?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

1. Local Member(s):

No local member involvement and therefore no consultation necessary.

2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

3. Relevant Partners:

No Police and Fire Authority involvement and therefore no consultation necessary.

4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	Llansadwrn Reading Rooms	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 24TH MAY 2018

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

Recommendations / Key Decisions Required:

To consider and agree the appointment of members to sit on the 2 Licensing Sub Committees for 2018/19.

Reasons:

In order to discharge the Council's Licensing functions under the provisions of the Licensing Act 2003, the Licensing Committee will need to confirm membership of its two Licensing Sub Committees for the 2018/19 Municipal year.

Relevant Scrutiny Committee Consulted	N/A
Exec Board Decision Required	NO
Council Decision Required	NO

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate:
Chief Executive's

Name of Head of Service
Linda Rees Jones

Report Author
Gaynor Morgan

Designation:

Head of Administration & Law

Democratic Services Manager

Tel: 01267 224026
E-mail:
GMorgan@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY
LICENSING COMMITTEE
24TH MAY 2018**

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

The Committee considers the following proposed membership in respect of Licensing Sub-Committees A & B:-

Sub-Committee "A"

Councillor Andre Mc Pherson
Councillor Mansel Charles
Councillor Ann Davies
Councillor Rob Evans
Councillor Amanda Fox
Councillor Ken Howell
Councillor Elwyn Williams

Sub-Committee "B"

Councillor Alun Davies
Councillor Tyssul Evans
Councillor Penny Edwards
Councillor Iron Jones
Councillor John Prosser
Councillor Edward Thomas
Councillor Eirwyn Williams

NOTE: Three members of the Sub-Committee will be drawn from those seven members on a rotational basis on any given day.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration & Law

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration & Law

1. Local Member(s):

N/A

2. Community / Town Council:

N/A

3. Relevant Partners:

N/A

4. Staff Side Representatives and other Organisations:

N/A

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
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Tuesday, 6 March 2018

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

R.E. Evans and C.A. Davies

Also present as Observers: Councillors F. Akhtar and K. Howell

Present as representatives of a Responsible Authority:

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

The following Officers were in attendance:

R. Edmunds, Consumer and Business Affairs Manager

K. Byrne, Assistant Solicitor

K. Smith, Licensing Officer

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 10.40 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ETTO'S COFFEE SHOP, 25 HIGH STREET, LLANDYBIE, SA18 3HX.

The Assistant Solicitor briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been received for the grant of a Premises Licence in respect of Etto's Coffee Shop, 25 High Street, Llandybie, SA18 3HX to permit:-

Supply Of Alcohol	Sunday to Thursday 12:00 – 22:00 Friday and Saturday 12:00 – 23:00
Opening Hours	Sunday to Thursday 07:00 – 22:30 Friday and Saturday 07:00 – 23:30

The Sub-Committee noted that the following documentation was attached to the report:

- Appendix A – Copy of the application
- Appendix B – Representations submitted by the Licensing Authority
- Appendix C – Representations submitted by the Dyfed Powys Police
- Appendix D – Representations submitted by other persons

In addition to the above, the Sub-Committee received, with the consent of all parties, the following additional documentation:

- Plan detailing the location of the premises
- Correspondence from the Dyfed Powys Police withdrawing its objections following agreement having been reached with the applicant on the

inclusion of its suggested 18 conditions to be applied to the Licence, if granted.

- Correspondence dated 17th February from the applicant accepting the Police's suggested 18 conditions.

The Licensing Authority Representative referred to his written representations, as detailed within Appendix B to the report, and confirmed that subsequent thereto the Licensing Authority had been advised by the Dyfed Powys Police that it was withdrawing its representations on the basis agreement had been reached with the applicant on the inclusion of its suggested 18 conditions to the Licence. As a result of that agreement, he suggested that should the Sub Committee be minded to grant the application, as submitted, those 18 conditions replace the conditions attached to the original operating schedule.

The Licensing Authority Representative also referred to Appendix D to the report and to the comments received from the Llandybie Community Council to the effect that whilst supporting the application, it was of the view the sale of alcohol should be restricted until after 6.00 p.m. when there was less of a likelihood of unaccompanied children being present when alcohol was sold. In light of that representation, the Licensing Authority had considered the provisions of Paragraph 91 of the Council's Licensing Policy and parts 14.46 and 14.49 of Statutory Guidance relating to access by children to licensed premises, and was of the view there was no requirement for additional conditions to be applied to the Licence.

All parties present were afforded the opportunity of questioning the Licensing Authority representative on his submission.

A representation was received in support of the application citing the excellent manner in the way the business currently operated which had provided both jobs and increased footfall within the village of Llandybie. The concerns of Llandybie Community Council were not supported.

All parties present were afforded the opportunity of questioning the supporter on his submission.

The applicant outlined to the Sub-Committee his reasons for seeking a premises licence for the purposes of enabling customers to enjoy an alcoholic drink with afternoon teas/ evening snacks etc in a coffee house environment. The premises currently operated as a coffee house catering for a wide clientele base which included families with children. As that custom was highly valued, he would not wish to jeopardise that by changing the business emphasis to another drinking establishment. In that regard, he would not tolerate any unruly behaviour and could consider raising alcohol prices to prevent such a position developing.

All parties present were afforded the opportunity of questioning the applicant on his on his submission.

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

Following the adjournment, the Sub Committee reconvened to advise of its decision and, having regard to the relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

RESOLVED that the application for a Premises Licence for Etto's Coffee shop, 25 High Street, Llandybie for the sale of alcohol during the requested hours be granted subject to the licence conditions agreed between the applicant, Licensing Authority and the Dyfed Powys Police being attached to the licence.

REASONS

In coming to its decision, the Sub-Committee made the following findings of fact;

1. The premises had not previously been licensed under the 2003 Act
2. There was no history of licensing enforcement action relating to the premises
3. None of the responsible authorities opposed the granting of a licence for the sale of alcohol, subject to the conditions agreed with the applicant
4. That only one objection had been received regarding opening hours and there was no evidence submitted to require such a restriction
5. Members were happy the licensing review process was in place to safeguard in case there were any future issues regarding the licence.

The Sub Committee had attached weight to the views of the responsible authorities and considered the licensing policy and statutory guidance

CHAIR

DATE

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Thursday, 19 April 2018

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

H.I. Jones and J.G. Prosser

Also present as an observer: Councillor E. Williams

Present as representatives of a Responsible Authority:-

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

Mr A. Morgan – Environmental Health Practitioner, Carmarthenshire County Council

Mr M. Price – Dyfed Powys Police Force

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

M.S. Davies, Democratic Services Officer

Chamber & Ante Room, Spilman Street, Carmarthen 10.00 am - 1.25 pm

[NOTE: In the absence of Councillor A. Davies, Chair of Sub Committee B, Councillor E.G. Thomas was nominated and appointed as Chair].

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - JACKSONS WINE BAR, JACKSONS LANE, CARMARTHEN SA31 1QD

The Sub Committee adjourned at Spilman Street, Carmarthen at 10.05 a.m. and reconvened on site at 10.10 a.m., in order to view the premises where it was afforded the opportunity of examining both the internal and external facilities and the location of objectors' properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, Spilman Street, Carmarthen, at 10.50 a.m. to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting.

The Sub Committee was advised that an application had been received from Jasmine Louise Thomas for a premises licence in respect of the above premises to allow.

Supply of Alcohol Sunday to Wednesday 12:00-23:00, Thursday to Saturday 12:00-01:00

Opening Hours Sunday to Wednesday 12:00-23:30, Thursday to Saturday 12:00-01:30

The Sub Committee noted that the following documentation was attached to the report:-

Appendix A - copy of the application

Appendix B - representations submitted by the Licensing Authority

Appendix C - representations submitted by Dyfed Powys Police

Appendix D - representations submitted by the Public Health Services

Appendix E - representations submitted by other persons.

The Sub-Committee, with the agreement of all parties, was circulated with copies of additional documentation which included amendments to the conditions proposed by the Responsible Authorities – potential conditions- and a plan detailing the location of objectors' properties in relation to the application premises/site.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representative referred to his representations as detailed within Appendix C to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Dyfed Powys Police representative on the representations made.

The Public Health Services representative referred to his representations as detailed within Appendix D to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Public Health Services representative on the representations made.

The Sub-Committee thereupon received representations from some of the other persons expressing concerns and/or objecting to the grant of a premises licence on the grounds detailed in Appendix E.

All parties were afforded the opportunity of questioning the evidence submitted.

The applicant thereupon addressed the concerns and issues raised and stated that in light of the concerns of nearby businesses and property owners she was withdrawing her application for Mondays, Tuesdays and Wednesdays and would look to open on these days on a seasonal basis only.

All parties were afforded the opportunity of questioning the evidence submitted.

The Sub-Committee thereupon

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

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

RESOLVED, having considered the evidence placed before the Sub Committee, that the application be granted, subject to the additional licence conditions agreed between the applicant and the responsible authorities.

REASONS:-

In coming to its decision, the Sub Committee made the following findings of fact;

1. The Premises had previously had the benefit of a Premises Licence from 2005 until September 2017. No enforcement action had been taken by the licensing authority, nor were any complaints or referrals received during this period.
2. Public Health services had no recent records of complaints regarding the premises when it had previously been licenced.

3. None of the responsible authorities objected in principle to the granting of the licence
4. No representations had been received from the Fire authority
5. There was a past history of crime and disorder and public nuisance at, associated with, and in the vicinity, of the premises both whilst previously licenced and since September 2017.
6. The premises was located in a narrow lane in close proximity to residential and commercial premises
7. The premises was in the vicinity of Queen Street and King Street Carmarthen, both of which were identified in the statement of Licensing Policy as crime and disorder 'hotspots'
8. The applicant accepted the control measures proposed by the Police as amended.
9. The applicant and Responsible authorities had agreed a set of 'potential conditions' as amended designed to prevent public nuisance.
10. The applicant wished to withdraw her application for Mondays, Tuesdays and Wednesdays.
11. There was no application for regulated entertainment.

In the absence of any representations from the Fire Authority the Sub Committee had not considered any issues of Fire Safety.

The Sub Committee took into account issues of the Crime and disorder in the vicinity of the premises but not attributable to it.

The Sub Committee recognised that its decision had to be based upon real evidence, and that concerns and fears about what might happen if a licence were granted, where unsupported by such evidence, were not matters which they could properly take into account.

The Sub Committee found the evidence of the local residents to be credible and compelling and accepted that what they said was real evidence of crime and disorder and public nuisance associated with and in the vicinity of the premises.

The Sub Committee had attached weight to the views of the responsible authorities as it was legally obliged to do so. The Sub Committee did not believe that the evidence presented was sufficient to justify the Sub Committee departing from its views.

On the basis of the evidence put before it the Sub Committee was satisfied that to grant the application subject to the amended conditions agreed between the applicants and the responsible authorities would not undermine the licensing objectives of preventing crime and disorder and preventing public nuisance.

The Sub Committee believed that these conditions were appropriate to promote the Licensing Objectives and a proportionate response to the problems identified. In light of the views of the responsible authorities the Sub Committee did not believe that it would be appropriate or proportionate to refuse the application outright.

CHAIR

DATE

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LICENSING COMMITTEE 4TH APRIL 2018

PRESENT: Councillor E.G. Thomas (Chair).

Councillors:

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

The following Officers were in attendance:

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

Representing the Police Authority – Mr M. Price.

Chamber, County Hall, Carmarthen – 10:00am - 12:45pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence was received from Councillor A. Davies.

2. DECLARATIONS OF PERSONAL INTERESTS.

There were no declarations of personal interest.

3. MR UMAAR BIN HAMEED - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that Mr Umaar Bin Hameed of Flat 2, 27 Picton Terrace, Carmarthen was a licensed Hackney Carriage/Private Hire Dual Driver with the authority and that an issue had arisen with regard his licence. The Committee noted that Mr Hameed was not in attendance at today's meeting, he had not contacted officers to offer an explanation and he had been advised that, should he fail to attend today's meeting, his application may be considered in his absence. In addition, the Committee noted that the complainant was in attendance. It was therefore:

RESOLVED that the Committee consider the issue raised in Mr Hameed absence.

The Senior Licensing Officer recited, to the Committee, 3 witness statements. The Committee interviewed the complainant with regard to the issue.

The Senior Licensing Officer recommended that Mr Hameed's Hackney Carriage/Private Hire Dual Drivers' Licence be suspended for 14 days.

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 Ummar Bin Hameed Hackney Carriage/Private Hire Dual Driver's Licence be suspended for 14 days.

Reasons

The Committee, having regard to the evidence presented, believed that reasonable cause existed to due to the following reasons:

- The Committee finds the evidence of the complainant to be credible and compelling.
- Mr Hameed failed to attend
- Whilst the Committee accepts that Mr Hameed did not overtly refuse to take the complainant and her guide dog, it believes that he did fail to take them without reasonable cause.
- The Committee is satisfied that this amounts to a reasonable cause to suspend Mr Hameed's Hackney Carriage/Private Hire Dual Driver's Licence.

4. MR EIRWYN LYN DAVIES - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that Mr Eirwyn Lyn Davies of Bro Helyg, Pontardulais Road, Tycroes, Ammanford 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 Davies with regard to that issue.

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

RESOLVED that in line with the Council's guidelines Mr Eirwyn Lyn Davies be issued with a final warning as to his future conduct.

5. MR RUSSELL ALAN HOWE - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was reminded that consideration of this application was deferred at the meeting held on 19th February 2018 as Mr Howe was unable to attend.

The Committee was informed that Mr Russell Alan Howe of 28 Park Hall, Carmarthen 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 Howe with regard to that issue.

The Senior Licensing Officer recommended that Mr Howe be issued with a 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 Russell Alan Howe be issued with a warning as to his future conduct.

6. MR DAVID GEORGE HOPKINS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr David George Hopkins of 4 Dolau Bran, Llandovery for the grant of a hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Hopkins with regard to his application. In addition, the Senior Licensing Officer recited, to the Committee, 3 character references.

The Senior Licensing Officer recommended that Mr Hopkins' 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 David George Hopkins for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reasons

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

7. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

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

The applicant intended to screen two Welsh language films, “Sampli” and “Helfa’r Heli” 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 make the required recommendation regarding the admission of children to view the films, the Committee was afforded the opportunity of watching the two short films and took into consideration the references to imitable behaviour, language, nudity and sex.

The Committee was presented with a written representations regarding the two 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 thereupon

RESOLVED that:

- 1. the film entitled “Sampli” should be classified with the rating – PG**
- 2. the film entitled “Helfa’r Heli” should be classified with the rating – 12A**

Reasons

In coming to its decision, the Committee made the following findings of fact;

- Neither film has previously been classified by either the BBFC or another local authority.
- That the content of the film entitled “Sampli” meets the BBFC criteria for a PG rating.
- That the content of the film entitled “Helfa’r Heli” meets the BBFC criteria for a 12A rating.

Having regard to the contents of the both films, representations received from the applicant and guidance issued by the BBFC the Committee is satisfied that it is necessary to classify both films as shown above in order to promote the Licensing Objective of protecting children from harm.

The Committee is satisfied that this is a proportionate response to the specific content of each film.

8. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 19TH FEBRUARY, 2018.

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Committee held on the 19th February, 2018 be signed as a correct record.

CHAIR

DATE

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