

LICENSING COMMITTEE

THURSDAY, 2ND AUGUST, 2018

PRESENT: Councillor E.G. Thomas [Chair]

Councillors:

J.M. Charles, 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:

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| Mr E. Jones | - | Licensing Lead |
| Mr R. Edgecombe | - | Legal Services Manager |
| Mr J. Power | - | Senior Licensing Officer |
| Mr M. Heath | - | Licensing Officer |
| Mrs M. Evans Thomas | - | Principal Democratic Services Officer |

Representing the Police Authority – Mr M. Price.

Chamber, County Hall, Carmarthen : 10.00 a.m. - 12.25 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors F. Akhtar and C.A. Davies.

The Chair extended sympathy, on behalf of the Committee, to Councillor Akhtar on the sad loss of her father recently.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DERRICK LEWIS

The Committee was informed that Mr Derrick Lewis of 26 Ralph Terrace, Llanelli was a licensed Hackney Carriage/Private Hire Dual Driver with the Authority and that an issue had arisen with regard to his licence.

The Committee interviewed Mr Lewis with regard to that issue.

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

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Derrick Lewis be issued 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.

4. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR MICHAEL LEE HOPKINS

The Committee considered an application from Mr Michael Lee Hopkins of 59 Chemical Road, Morryston, Swansea for the grant of a hackney carriage/ private hire dual driver's licence.

The Committee interviewed Mr Hopkins with regard to his application. A character reference from a prospective employer was read out for the Committee's information.

The Senior Licensing Officer recommended that Mr Hopkins' application be granted with a warning to his future conduct.

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Michael Lee 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.

5. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR RICHARD LEE JONES

The Committee was reminded that this application was deferred at the meeting held on 27th June as Mr Jones was unable to be present. Mr Jones had again contacted officers with regard to today's meeting to explain that he was unable to attend as he had a funeral and to ask for consideration of his application to be deferred to the next meeting.

UNANIMOUSLY RESOLVED that consideration of the application by Mr Richard Lee Jones for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting.

6. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR IAN BARRIE VINSON

The Committee considered an application from Mr Ian Barrie Vinson of 16 Tan y Bryn, Burry Port, Llanelli to renew his hackney carriage/private hire dual driver's licence.

The Committee interviewed Mr Vinson with regard to his application.

The Senior Licensing Officer recommended that Mr Vinson's application be granted with a final warning 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, the application submitted by Mr Ian Barrie Vinson to renew his Hackney Carriage/ Private Hire Dual Driver's Licence be granted with a final 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. PERSONAL LICENCE HOLDER - CHARLENE LINDA MCKENZIE

The Committee was informed that Miss Charlene Linda McKenzie of Awelon, Blaenwaun, Whitland was a Personal Licence holder with the Authority and that an issue had arisen with regard to her licence.

The Committee interviewed Miss McKenzie with regard to that issue and received observations from the police representative.

The Licensing Lead recommended that Miss McKenzie's Personal Licence be revoked.

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 Personal Licence held by Miss Charlene Linda McKenzie be suspended for a period of one month.

Reasons

In coming to its decision, the Committee attached weight to the views of the responsible authorities.

The Committee recognised that its decision must be based upon real evidence and that concerns and fears about what might happen if it did not revoke Miss McKenzie's personal licence, where unsupported by such evidence, were not matters which they could properly take into account.

Personal Licence holders are a key element of the licensing regime with responsibility for ensuring that the sale of alcohol is properly managed and that the

licensing objectives are promoted. In particular they have a responsibility to ensure that the sale of alcohol does not lead to crime and disorder.

In the circumstances the Committee felt that it would be disproportionate (and therefore inappropriate) to revoke Miss McKenzie's personal licence. It did, however, believe that some form of action, (in this case a short period of suspension) was appropriate in order to promote the licensing objective of preventing crime and disorder.

The Committee considered that this period of suspension was a proportionate response to the issues identified.

[NOTE: The Committee stood adjourned at 11:40 a.m. to enable officers to set up the equipment for the next agenda item. The Committee reconvened at 11:50 a.m.]

8. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

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

The applicant intended to screen the four films, "A Good Bitch", "The Man Who Was Afraid of Falling", "Boris-Noris" and "Elen" 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 Body (BBFC) or relevant Licensing Authority.

To enable the Committee to make the required recommendations regarding the admission of children to view the films, it was afforded the opportunity of viewing the four short films and took into consideration the guidelines in relation to age ratings produced by the BBFC.

Having considered all the evidence before it, the Committee

RESOLVED that

- 1. the film entitled "A Good Bitch" be classified with a U rating;**
- 2. the film entitled "The Man Who Was Afraid of Falling" be classified with a U rating;**
- 3. the film entitled "Boris-Noris" be classified with a PG rating;**
- 4. the film entitled "Elen" be classified with a 12A rating.**

9. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 19TH JUNE, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee “A” held on the 19th June, 2018 be signed as a correct record.

- 10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 26TH JUNE, 2018**

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee “B” held on the 26th June, 2018 be signed as a correct record.

- 11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 27TH JUNE, 2018**

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 27th June, 2018 be signed as a correct record.

CHAIR

DATE