

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

WEDNESDAY, 25TH JULY, 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 A.M. ON THURSDAY, 2ND AUGUST, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Michelle Evans Thomas
Telephone (Direct Line):	(01267) 224470
E-Mail:	MEEvansThomas@carmarthenshire.gov.uk
Ref:	AD016-001

LICENSING COMMITTEE

14 MEMBERS

PLAID CYMRU GROUP – 7 MEMBERS

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

LABOUR GROUP – 4 MEMBERS

1. Councillor Penny Edwards
2. Councillor Amanda Fox
3. Councillor Fozia Akhtar
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. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DERRICK LEWIS. 5 - 8
4. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR MICHAEL LEE HOPKINS. 9 - 12
5. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR RICHARD LEE JONES. 13 - 16
6. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR IAN BARRIE VINSON. 17 - 20
7. PERSONAL LICENCE HOLDER - CHARLENE LINDA MCKENZIE. 21 - 24
8. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST. 25 - 28
9. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 19TH JUNE, 2018. 29 - 32
10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 26TH JUNE, 2018. 33 - 40
11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 27TH JUNE, 2018. 41 - 44

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE

Mr Derrick Lewis
Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Lewis 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:

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01267 228932

JHPower@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
Licensing Committee
02/08/18

SUBJECT

Mr Derrick Lewis

Hackney Carriage/Private Hire Dual Drivers Licence

Mr Derrick Lewis of 26 Ralph Terrace, 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.

**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.	DD30655	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE

Mr Michael Lee Hopkins

Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Hopkins' application be granted 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
02/08/18

SUBJECT

Mr Michael Lee Hopkins

Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

To consider an application from Mr Michael Lee Hopkins of 59 Chemical Road, Morriston, Swansea 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	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.	DD10777	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE

Mr Richard Lee Jones

Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Jones' application be granted 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
02/08/18

SUBJECT

Mr Richard Lee Jones

Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

To consider an application from Mr Richard Lee Jones of 11 Maesderi, Hendy for the grant of a hackney carriage/private hire dual drivers licence.

This item was deferred by the Licensing Committee on the 27th June 2018 as Mr Jones failed to attend.

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.	DD30966	Licensing Section, 3 Spilman Street, Carmarthen

PWYLLGOR TRWYDDEDU

02/08/18

PWNC A PHWRPAS
Mr Richard Lee Jones
Cais am Drwydded Yrru Ddeuol Cerbyd Hacnai/Hurio Preifat

ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

Caniatáu cais Mr Jones gyda rhybudd ynghylch ei ymddygiad yn y dyfodol.

RHESYMAU:

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol	Amherthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad	Amherthnasol
Angen i'r Cyngor wneud penderfyniad	Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cynghorydd P.M. Hughes

Y Gyfarwyddiaeth:
Cymunedau

Enw Pennaeth y Gwasanaeth
Mr Jonathan Morgan

Awdur yr Adroddiad
Justin Power

Swydd:

Pennaeth Dros Dro Cartrefi a
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

Rhifau Ffôn:

Cyfeiriadau E-bost:

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE

Mr Ian Barrie Vinson

Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Vinson's application be granted with a final 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

Designation:
Acting Head of Homes and
Safer Communities

Tel No.
E Mail Address:
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Report Author
Mr Justin Power

Senior Licensing Officer

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EXECUTIVE SUMMARY
Licensing Committee
02/08/18

SUBJECT

Mr Ian Barrie Vinson

**Application to renew a Hackney Carriage/Private Hire Dual Drivers
Licence**

To consider an application from Mr Ian Barrie Vinson of 16 Tan y Bryn, Burry Port, Llanelli to renew his hackney carriage/private hire dual drivers licence.

This item was deferred by the Licensing Committee on the 27th June 2018 as Mr Vinson was unable to attend.

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.	DD30240	Licensing Section, 3 Spilman Street, Carmarthen

PWYLLGOR TRWYDDEDU

02/08/18

PWNC A PHWRPAS

Mr Ian Barrie Vinson

Cais i adnewyddu trwydded Yrru Ddeuol Cerbyd Hacnai/Hurio Preifat

ARGYMHELLION / PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

Caniatáu cais Mr Vinson gyda rhybudd terfynol ynghylch ei ymddygiad yn y dyfodol.

RHESYMAU:

Canllawiau'r Cyngor.

Ymgynghorwyd â'r Pwyllgor Craffu perthnasol
Angen i'r Bwrdd Gweithredol wneud penderfyniad
Angen i'r Cyngor wneud penderfyniad

Amherthnasol
Amherthnasol
Amherthnasol

Aelod y Bwrdd Gweithredol sy'n Deiliad y Portfolio: Cyngorydd P.M. Hughes

Y Gyfarwyddiaeth:
Cymunedau

Enw Pennaeth y Gwasanaeth
Mr Jonathan Morgan

Awdur yr Adroddiad
Justin Power

Swydd:

Pennaeth Dros Dro Cartrefi a
Chymunedau Mwy Diogel

Uwch-swyddog Trwyddedu

Rhifau Ffôn:
Cyfeiriadau E-bost:

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE
Personal Licence Holder
Charlene Linda McKenzie

Recommendations / Key Decisions Required:

That the Committee revokes the personal licence.

REASONS:

- 1) When determining the matter the committee is obliged to promote the licensing objectives which are: -
- The prevention of Crime and Disorder.
 - Public Safety.
 - The Prevention of Public Nuisance.
 - 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
Mrs Kirsten Smith

Designation:

Acting Head of Homes and Safer Communities

Licensing Officer

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EXECUTIVE SUMMARY
Licensing Committee
02/08/18

SUBJECT
Personal Licence Holder
Charlene Linda McKenzie

Miss Charlene Linda McKenzie of Awelon, Blaenwaun, Whitland, has a Personal Licence 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 Miss McKenzie's licence is that she 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:

The Responsible Authorities have been consulted regarding the application.

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.	C.L. McKenzie	Licensing Section, 3 Spilman Street, Carmarthen
Licensing Policy		Licensing Section, 3 Spilman Street, Carmarthen
National Guidance		Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

02/08/18

SUBJECT AND PURPOSE

**Licensing Act 2003
Film Classification Request**

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That the committee view the four 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 “A Good Bitch” that the film should be shown in accordance with a U classification, in relation to the film titled “The Man who was Afraid of Falling” that the film should be shown in accordance with a U classification, in relation to the film titled “Boris-Noris” that the film should be shown in accordance with a U classification, and in relation to the film titled “Elen”, that the film should be shown in accordance with a 12A 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

<p>Directorate: Communities Name of Head of Service Mr Jonathan Morgan</p> <p>Report Author Mr Emyr Jones</p>	<p>Designation:</p> <p>Acting Head of Homes and Safer Communities</p> <p>Principal Licensing Officer</p>	<p>Tel No.</p> <p>E Mail Address: 01554 899285 jmorgan@carmarthenshire.gov.uk</p> <p>01267 228717 eorjones@carmarthenshire.gov.uk</p>
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EXECUTIVE SUMMARY
Licensing Committee
02/08/18

SUBJECT
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 four previously unclassified short films.

The applicant wishes 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.

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).

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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TUESDAY, 19TH JUNE, 2018

PRESENT: Councillor J.M. Charles [Chair]

Councillors:

A.L. Fox and J.K. Howell

Also present as Observers:

Councillors A.S.J. McPherson and D.E. Williams

Present as representatives of a Responsible Authority:

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

The following Officers were in attendance:

Mr R. Edgecombe	-	Legal Services Manager
Mrs K. Smith	-	Licensing Officer
Mrs M. Evans Thomas	-	Principal Democratic Services Officer

Chamber, County Hall, Carmarthen : 10.00 a.m. - 10.40 a.m.

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE GA CAFE, GELLI AUR COUNTRY PARK, GOLDEN GROVE, CARMARTHEN, SA32 8LR

The Legal Services Manager advised the Sub-Committee that only the appellant and Mr Thomas Lloyd, one of the Trustees, were present and there were no objectors or representatives of Responsible Authorities in attendance. He proceeded to brief those present on the procedure for the meeting.

The Sub-Committee considered an application from the Golden Grove Trust for a premises licence in respect of the GA Café, Gelli Aur Country Park, Golden Grove, Carmarthen, as follows: -

To allow:-

Supply of Alcohol Monday to Saturday 11:00-23:00, Sunday 11:00-22:00,
New Year's Eve 10:00-01:00

Live Music Tuesday to Saturday 14:00-23:00, Sunday 10:00-17:00,
New Year's Eve 10:00-01:00

Recorded Music Monday to Saturday 10:00-23:00, Sunday 10:00-22:00,
New Year's Eve 10:00-01:00

Opening Hours Monday to Saturday 10:00-23:30, Sunday 10:00-22:30,
New Year's Eve 10:00-01:00

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

- Appendix A – copy of the original application submitted by the applicant;
- Appendix B – representations submitted by Dyfed Powys Police and agreed by the applicant – representations and agreement attached;
- Appendix C – representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of the application.

The Sub-Committee was circulated with a copy of a map indicating the location of the premises and the objectors' properties.

The Sub-Committee was advised that Dyfed Powys Police had made representations in relation to the application, however, agreement had since been reached between both parties. Representations had also been made by local residents objecting to the application which were detailed in Appendix C.

At this point the Sub-Committee and applicant were afforded the opportunity of asking questions.

The applicant and Mr Lloyd thereupon addressed the Sub-Committee and advised that:-

- All of the elements requested in the application will not be implemented immediately, however, they were advised that apply for the licence in fullness so that permission for all the various elements will be ready as and when needed;
- With regard to concerns over noise nuisance, an assurance was given that music will neither loud nor often. It would be for occasional weddings in the future and a harpist on a Sunday;
- Golden Grove is intended to be an upmarket centre for the arts and any music would be gentle harp music;
- There is a general need in the area for a child friendly place where families can go for a day out.

The Sub-Committee questioned the evidence submitted and 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 that, having considered all the evidence placed before the Sub-Committee, the application be granted, subject to the additional licence conditions agreed between the applicant and Dyfed Powys Police.

REASONS

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

1. There is no evidence of alcohol related crime and disorder at, or related to the premises;
2. There is some evidence of past noise pollution from the premises, but this does not appear to be alcohol related;
3. None of the Responsible Authorities have objected in principle to the grant of the licence;
4. The police have suggested several additional conditions that they feel should be added to any licence that is granted and have reached agreement with the applicant regarding this.

The Sub-Committee attached weight to the views of the Responsible Authorities.

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

Having regard to all the evidence before it, the Sub-Committee was satisfied that it was appropriate to grant the licence, subject to the additional conditions agreed between the applicant and police in order to promote the licensing objective of preventing crime and disorder and that this was a proportionate response to the issues identified.

CHAIR

DATE

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LICENSING SUB COMMITTEE B 26TH JUNE 2018

PRESENT: Councillor H.I. Jones (Chair)

Councillors: P.M. Edwards and J.E. Williams.

Also present as an observer: Councillors W.T. Evans and E. Williams.

Present as representatives of a Responsible Authority:-

A. J. Rees, Principal Environmental Health Practitioner;
A. Morgan, Environmental Health Practitioner.

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;
E. Jones, Principal Licensing Officer
A. Rees, Licensing Officer;
J. Owen, Democratic Services Officer.

Chamber, County Hall, Carmarthen – 9:30am - 1:30pm

1. APPOINTMENT OF CHAIR FOR THE MEETING

It was **UNANIMOUSLY RESOLVED** to appoint Councillor H. I. Jones as Chair for the meeting.

2. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

3. TEMPORARY EVENT NOTICE -

DERWYDD MANSION, DERWYDD ROAD, AMMANFORD, CARMARTHENSHIRE, SA18 3LQ

The Sub Committee adjourned at County Hall, Carmarthen at 9:30am and reconvened on site at 10.10am, in order to view the premises where it was afforded the opportunity of examining both the internal and external facilities which included the location of the marquee and the objector's properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, County Hall, Carmarthen, at 11.50am to consider the applications.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that an objection notice had been submitted by the Public Health Department of Carmarthenshire County Council in relation to 4 Temporary Event Notices which had been submitted by Mrs Maria Dallavalle of La Scala, 15 Bryn Mawr Avenue, Ammanford, SA18 2DA.

The Temporary Event Notices related to the sale by retail of alcohol, the provision of Regulated Entertainment and Late Night Refreshment, on the premises on the following days and hours:-

Temporary Event Notice 1 –

Saturday 28th July 2018 - Great Hall, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

Temporary Event Notice 2 –

Saturday 25th August 2018 - Upper Lawn, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

Temporary Event Notice 3 –

Saturday 1st September 2018 - Upper Lawn, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

Temporary Event Notice 4 –

Saturday 3rd November 2018 - Great Hall, Derwydd Mansion.

- Supply of Alcohol, Regulated Entertainment and Late Night Refreshment 12:00-00:30.

The Legal Services Manager reported that the Public Health Department had objected to all of the 4 Temporary Event Notices on the grounds of noise nuisance arising from previous events held at the premises.

The Sub Committee considered the documents submitted, and all relevant written representations received before the hearing from the parties.

The Sub Committee also received an oral representations from the Environmental Health Practitioners:-

The Environmental Health Practitioner stated that he had objected to the Temporary Event Notices due to previous history regarding noise nuisance during events at Derwydd Mansion in the order as follows:-

- In 2016, the first noise complaint was received from a neighbour in respect of a vintage car show which included loud music, traffic and people noise. The Sub Committee was informed that due to the one off nature of the event, there were little options to action. However, a letter was sent to person who issued the Temporary Event Notice outlining the nature of the complaint received.
- In 2017, two Temporary Event Notices were issued for weddings at Derwydd Mansion which no objections were received. Following the event which was held within the main hall within the mansion, a noise complaint was received. As a result of the complaint, monitoring of noise levels was undertaken for the next Temporary Event Notice which was held in the marque at the back of the property. Noise was recorded from within the bedroom of the nearest premises which belonged to the complainant. It was reported that the noise levels were significant.

As a result of the aforementioned evidence a letter was sent to the issuer of the Temporary Event Notice and the owner of the premises which gave a warning of the risk to objection to any future Temporary Event Notices, appended to the report at Appendix A3.

- In May, 2018 a wedding was held in the marquee which was initially objected however, measures were agreed to reduce noise impact and the objection was subsequently withdrawn. The measures agreed were as follows:
 - Security staff to be arranged to ensure that guests are kept away from the boundary of the neighbouring properties.
 - The audibility of the entertainment to be reduced after 11:00pm to make the music 'barely audible' at the neighbouring property.
 - To engage an Acoustic Consultant at the event which would include the monitoring of noise levels outside neighbours property.

At this point the Sub Committee was afforded the opportunity to listen to audio recordings captured by Environmental Health Officers during the monitoring of noise levels. The audio recordings verified that the music was clearly audible and loud enough that individual songs could be identified. In addition, the audio also revealed people screaming and shouting, engine noise and vehicles travelling over loose chippings.

The Principal Environmental Health Practitioner stated that he had been requested to undertake the monitoring for the event held on 22nd June 2018. It was reported to the Sub Committee that he had arrived at approximately 10.40pm and that it was a clear warm night with very little other noise in the area. The audio monitoring had taken place in the entrance to a field which had benefited from some noise screening from the high wall and the mansion itself. However, despite this, the noise remained clearly audible from the monitoring location, which was considered to be an unacceptable level of noise. Monitoring was undertaken from approximately 10.55pm. The Officer stated that as verified by the audio played to the Sub Committee, the music was easily identifiable and that the DJ could be clearly heard. In addition, he reported that he did not subjectively notice any reduction in noise levels until after 12:00am. It was also noted that only 6 or 7 cars had passed over a lengthy period of time. After midnight there was a higher level of people noise and the music had changed emphasis from dance music to slower songs.

All parties were afforded the opportunity of questioning the Environment Health Officers on their representations and the evidence presented.

- In response to a query from the Acting Legal Services Manager, the Environmental Health Practitioner stated that the application of Section 80 of the Environmental Protection Act had been considered, however, the monitoring was not taken from inside of the complainant's property and therefore, it was decided that it was not appropriate to serve a Section 80 Abatement notice.
- In response to a query, the Environmental Health Practitioner stated that with regard to this complaint the primary concern was music noise.

However the people noise was also a concern and that the nature of alcohol premises was likely to give rise to people noise.

- Clarity was sought with regard to the definition of 'barely audible' as stated within the measures. The Environmental Health Practitioner stated that whilst the description of 'barely audible' was subjective and agreed to discuss further with the applicant and the noise consultant to agree on a more objective measurement.

The Sub-Committee thereupon received evidence from neighbours of the property who supported the Environmental Health Services objections to due to the following:-

- The witnesses had moved to the neighbouring cottage for peace and quiet;
- the wedding events emitted loud music/people shouting which made it difficult to sleep;
- The events were an invasion on their lives and was having a detrimental effect on their health.

All parties were afforded the opportunity of questioning the witness on their representations.

Reference was made to the audio recordings played earlier in the meeting. In response to a query, the witnesses explained that the recordings were typical of most events however, there had been previous events where the noise had been much worse. The witnesses also emphasised that it was not just the problem of loud music it was also the people noise and cars.

Mrs Dellavalle thereupon addressed the concerns and issues raised and advised that:-

- She had consciously made efforts to improve the organisation of each event which included the limitation of noise.
- Security staff had been employed to marshal customers leaving and limit people noise.
- Had taken on board what Council had requested. However, due to the time limit she was unable to engage an acoustic consultant ahead of the 2nd June 2018 event. However, staff on duty had monitored noise levels by utilising an app.
- An occupier of a neighbouring cottage had stated their satisfaction with regards to the organisation of the wedding held on the 2nd June 2018. In addition the neighbours had stated in a letter that they hardly heard any noise and after midnight it fell silent.

[Note: With the agreement of all parties, the Sub-Committee was circulated with copies of an e-mail dated 11th June, 2018 from another neighbouring cottage].

- The Temporary Event Notices conclude at 12:30am and in readiness all entertainment ceased at 12:00am.

- The marquee had been moved further away from the boundary closest to the neighbours.
- The events were arranged on a temporary basis and were not held every weekend.
- She welcomed the opportunity to work with neighbours and the Authority in order to come to amicable arrangements.

The Sub-Committee received a representation from Mr Ian Matthews, Mrs Dallavalle's Acoustic Consultant and provided the following observations:-

- Mr Ian Matthews introduced himself to the Sub Committee as the Acoustic Consultant of Red Twin Acoustics and stated that he was a Chartered Engineer and a Member of the Institute of Acoustics.
- The events are located in a quiet and remote area.
- Number of people likely to be affected by noise are quite small.
- Other neighbours had not reported any problems.
- Concerned that the noise recordings had been taken from 2 different locations.
- Audibility is subjective, which was accepted by the objector.
- To date, he had not had an opportunity to view the data of the recordings and requested to be given the chance to do so.
- Agreed that the 2017 measurements seemed to be more disruptive however, he would like the opportunity to review these.
- Requested an opportunity to monitor noise levels of an upcoming event in order to review how the events are managed and observe how people are moved around.

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 also had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the DCMS and Home Office identified in the agenda item, and those to which it had been referred by the parties.

RESOLVED that, having considered all the evidence before it, the sub-committee finds that the Temporary Event Notices should be dealt with as follows:-

Temporary Event Notice 1 - 28th July 2018	No Counter-notice issued
Temporary Event Notice 2 - 25th July 208	Adjourn to 31/07/18
Temporary Event Notice 3 - 1st September 2018	Adjourn to 31/07/18
Temporary Event Notice 4 - 3rd November 2018	Adjourn to 31/07/18

REASONS:-

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

1. There have been noise nuisance complaints relating to previous events at the premises;
2. Noise problems relate not just to regulated entertainment but also to people and vehicle noise;
3. Environmental Health Department consider that to allow the events to proceed would undermine the licensing objective of preventing public nuisance;
4. There is no premises licence in place in respect of the premises;
5. The police have not issued an objection notice in respect of any of these events.

The Sub Committee had attached weight to the views of the Environmental Health Department.

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

The Sub Committee found the evidence of the complainants to be credible and compelling.

Under section 105(2)(b) of the Licensing Act 2003 (as amended) the Sub Committee must issue a counter notice should it consider appropriate to do so for the promotion of a licensing objective, in this case the prevention of public nuisance.

In their decision whether it was appropriate to issue a counter-notice the Sub Committee had taken the following into account;

1. The nature and extent of any noise nuisance that had occurred during past events including in particular whether it has caused a nuisance to the public or a section of the public;
2. The precise location within the premises of the proposed events;
3. The available expert evidence of the likely impact of the proposed events on the public;
4. The impact of issuing a counter notice and, in particular, whether such a course of action would be a proportionate response to the issues identified;
5. The existence of other statutory powers to deal with noise nuisance.

The Sub Committee felt that the evidence before it was currently inadequate for it to come to an informed decision as to whether it would be appropriate and proportionate to issue a counter-notice. In particular, the Sub Committee felt there would be real benefit in Mr Matthews (the acoustic consultant engaged by Mrs Dallavalle) and Environmental Health Practitioners monitoring the impact of an event at the premises and then working closely together to try and address the complaints of neighbouring residents.

The Sub Committee had particular regard to section 13 of the Council's statement of Licensing Policy and the requirement not to duplicate other statutory regimes when making its decision.

For the reasons provided above, the Sub Committee felt that it would not be appropriate to issue a counter-notice in respect of the event of the 28th July 2018. This would enable that event to be used to gather the additional evidence referred to above.

Consideration of the other events would therefore be deferred until after that event had taken place, to ensure that the noise experts were better placed to advise the Sub Committee.

CHAIR

DATE

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LICENSING COMMITTEE

WEDNESDAY, 27TH JUNE, 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, A.S.J. McPherson, D.E. Williams and J.E. Williams

The following officers were in attendance:

Mr R. Edgecombe	-	Legal Services Manager
Mr J. Power	-	Senior Licensing Officer
Mr P. Booth	-	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. – 10.35 a.m.

1. APOLOGIES AND OTHER MATTERS

Apologies for absence were received from Councillors C.A. Davies and J. Prosser.

The Chair referred to the death of Councillor Alun Davies who was a member of the Licensing Committee. The Committee observed a minute silence in tribute to his memory.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
H.I. Jones	3 – Application for the Grant of a Hackney Carriage/Private Hire Dual Driver’s Licence – Mr Edward John Paul Clarke	The applicant is known to him.

3. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR EDWARD JOHN PAUL CLARKE

[NOTE: Councillor H.I. Jones, having earlier declared an interest in this item, left the meeting prior to the consideration and determination thereof.]

The Committee considered an application from Mr Edward John Paul Clarke of 3 Cambrian Court, Carmarthen for the grant of a Hackney Carriage/Private Hire Dual Driver’s Licence.

The Committee and Police Authority representative interviewed Mr Clarke with regard to his application

The Senior Licensing Officer recommended that Mr Clarke’s application be granted with a warning as to his future conduct.

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Edward John Paul Clarke 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.

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

The Senior Licensing Officer advised the Committee that Mr Jones was not in attendance and had not contacted officers with an explanation.

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

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

The Senior Licensing Officer advised the Committee that Mr Vinson had contacted officers prior to the meeting to explain that he was at the Town Hall in Llanelli as he had mistakenly assumed that the meeting was being held there. Unfortunately, he would be unable to reach Carmarthen in time.

RESOLVED that consideration of the application submitted by Mr Ian Barrie Vinson to renew his Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting.

6. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR STUART KEITH PHILLIPS

The Committee was reminded that consideration of this application was deferred at the meeting held on 24th May, 2018 (minute 8 refers) as Mr Phillips was unable to attend. The Committee noted that Mr Phillips was not in attendance at today's meeting, however, as consideration of this item had already been deferred once, it was

RESOLVED that the case be heard in Mr Phillips' absence.

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

The Senior Licensing Officer and Police Authority representative outlined the details of the case for the Committee's consideration.

The Senior Licensing Officer recommended that Mr Phillips' Hackney Carriage/Private Hire Dual Driver's Licence be revoked.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the Hackney Carriage/Private Hire Dual Driver's Licence held by Mr Stuart Keith Phillips be revoked.

Reasons

The Committee, having regard to the facts presented, believed that reasonable cause existed to revoke the licence.

7. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR BRIAN JOHN CHILCOTT

The Committee was informed that Mr Brian John Chilcott of 23 Westbury Street, Llanelli was a licensed Hackney Carriage/Private Hire Dual Driver with the Authority. Mr Chilcott's licence was due for its annual review, however, he had failed to provide the relevant documentation despite repeated requests by officers. Mr Chilcott was not in attendance, he had not contacted officers to offer an explanation and he had been advised that, should he fail to attend today's meeting, his case may be considered in his absence. It was therefore

RESOLVED that the Committee consider the matter in Mr Chilcott's absence.

The Senior Licensing Officer recommended that under the circumstances Mr Chilcott's Hackney Carriage/Private Hire Dual Driver's Licence be revoked.

The Committee thereupon

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the Hackney Carriage/Private Hire Dual Driver's Licence held by Mr Brian John Chilcott be revoked.

8. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR EDWARD GEORGE HARVEY

The Committee was informed that Mr Edward George Harvey of Derby Court, Flat 1, Sycamore Street, Newcastle Emlyn was a licensed Hackney Carriage/Private Hire Dual Driver with the Authority. Mr Harvey's licence was due for its annual review, however, he had failed to produce the relevant documentation despite repeated requests by officers. Mr Harvey was not in attendance, he had not contacted officers to offer an explanation and he had been advised that, should he fail to attend today's meeting, his case may be considered in his absence. It was therefore

RESOLVED that the Committee consider the matter in Mr Harvey's absence.

The Senior Licensing Officer recommended that under the circumstances Mr Harvey's Hackney Carriage/Private Hire Dual Drivers' Licence be revoked.

The Committee thereupon

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the Hackney Carriage/Private Hire Dual Driver's Licence held by Mr Edward George Harvey be revoked.

9. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 24TH MAY, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 24th May, 2018 be signed as a correct record.

CHAIR

DATE