

LICENSING COMMITTEE

Wednesday, 24 October 2018

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

F. Akhtar, J.M. Charles, P.M. Edwards, R.E. Evans, W.T. Evans, A.L. Fox, J.K. Howell, A.S.J. McPherson, J.S. Phillips and J.E. Williams

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager
E. Jones, Principal Licensing Officer
J. Power, Senior Licensing Officer
M. Heath, Licensing Officer
E. Bryer, Democratic Services Officer
M.S. Davies, Democratic Services Officer

Chamber, County Hall, Carmarthen - County Hall, Carmarthen. SA31 1JP. - 10.00 am - 12.00 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors A. Davies, H.I. Jones and D.E. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MRS REBECCA LOUISE BURTON

The Committee was informed that Mrs Rebecca Louise Burton of The Old Mill, Dre-Fach, Felindre, Llandysul, was a licensed Hackney Carriage/Private Hire Dual Driver with the Authority and that an issue had arisen with regard to her licence.

The Committee interviewed Mrs Burton with regard to that issue.

The Senior Licensing Officer recommended that Mrs Burton be issued with a warning as to her future conduct.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mrs Rebecca Louise Burton Lewis be issued with a warning as to her 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 DRIVERS LICENCE - MR LIONEL HUGH PHILLIPS

The Committee considered an application from Mr Lionel Hugh Phillips of Elm Lodge, Cwmbach, Whitland, for the grant of a hackney carriage/private hire dual driver's licence.

The Committee interviewed Mr Phillips with regard to his application and issues raised by the Senior Licensing Officer.

The Senior Licensing Officer recommended that Mr Phillips' application be granted.

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 the application submitted by Mr Lionel Hugh Phillips for the grant of a Hackney Carriage/private Hire Dual Drivers Licence be refused.

REASONS:

Having considered all the evidence presented, the applicant's answers to the Committee and the facts admitted by him, the Committee found that the applicant was not a fit and proper person to hold a licence.

5. PRIVATE HIRE VEHICLE LICENCE

The Committee was advised that following its decision to refuse Mr Lionel Hugh Phillips' application for a Hackney Carriage/Private Hire Dual Drivers Licence [minute 4 above refers] Mr Phillips had withdrawn his application for a Private Hire Vehicle Licence.

6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR SIMON JOHN GRIFFITHS

The Senior Licensing Officer advised the Committee that Mr Griffiths had notified officers that he was unable to attend the meeting and had requested that consideration of his application be deferred.

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

7. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR BERNARD PRICE

The Senior Licensing Officer advised the Committee that Mr Price had notified officers that he was unable to attend the meeting and had requested that consideration of his application be deferred.

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

8. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DANIEL PETER LEAVER

The Committee considered an application from Mr Daniel Peter Leaver of 1 Dyffryn Tywi, Carmarthen, for the grant of a hackney carriage/ private hire dual driver's licence.

The Committee interviewed Mr Leaver with regard to his application. .

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

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Daniel Peter Leaver 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.

9. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DAVID WILLIAM DAVIES

The Committee considered an application from Mr David William Davies of 15 Maes y Ffair, Carmarthen, to renew his hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Davies with regard to his application.

The Senior Licensing Officer recommended that Mr Davies's application be granted but suspended for 7 days.

The 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 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 William Davies for the renewal of his Hackney Carriage/Private Hire Dual Driver's Licence be granted.

Reasons

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

10. REVIEW OF GAMBLING POLICY

The Committee received a report on the review of the Gambling Policy which included the Consultation Document 2018 and revised Gambling Policy – Gambling Act 2005. Members noted that the current Gambling Policy, adopted by the authority in February 2016, had come into effect on the 11th of March 2016. The legislation required it to be reviewed at least every three years to ensure that it reflected feedback from the local community that the statutory objectives were being met. The Gambling Policy document reflected the results of the consultation and review process and complied with relevant legislation and guidance.

UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD that the amended Gambling Policy be approved.

11. REVIEW OF THE LICENSING POLICY

Further to minute 10 of the meeting held on the 24th May 2018 the Committee received a report on the review of the Authority's Licensing Policy which included the Licensing Policy Consultation Report and the revised Licensing Policy Statement reflecting the results of the consultation and review process. The current Licensing Policy had been adopted in February 2016, subject to further consultation being undertaken regarding the possible adoption of a Cumulative Impact Policy in relation to Lammas Street, Carmarthen. In April 2018 the legislation had been amended to refer to Cumulative Impact Assessments instead of Cumulative Impact Policies. The consultation exercise, undertaken between April 3rd – June 1st 2018 had been aimed at responsible authorities, local residents, businesses, existing licence holders and their representatives reaching 1000 individuals and organisations. The Committee noted that the revised licensing policy document, appended to the report, reflected the results of the consultation and review process. As a result of the consultation exercise, the key issue raised had been that sufficient evidence existed to justify the adoption of a Cumulative Impact Assessment in respect of Lammas Street, Carmarthen. The scheme of delegation had been amended to reflect good practice and changes to the legislation.

UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD that the amended Licensing Policy be approved.

12. LICENSING ACT 2003 FILM AUTHORISATION PROCEDURES

The Committee considered a draft Film Authorisation Procedure document setting out a clear process for classifying films for public exhibition following recent consideration of a number of requests relating to the admission of children to view unclassified short films. The procedure was based on a best practice document prepared by the All Wales Licensing Expert Panel which had been updated to reflect the scheme of delegation set out in the revised Licensing Policy for Carmarthenshire. The procedure established that film classification requests would be referred to a Licensing Sub Committee for determination, with the exception of requests relating to the approval to show a previously authorised film at a different location, which would be dealt with by officers in the first instance.

UNANIMOUSLY RESOLVED that the Film Authorisation Procedures be approved.

13. APPOINTMENT OF MEMBERS TO SIT ON LICENSING SUB-COMMITTEES FOR THE REMAINDER OF 2018-19

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

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

Licensing Sub-Committee "A"

Councillors: Fozia Akhtar, Mansel Charles; Ann Davies; Rob Evans: Amanda Fox; Ken Howell and Elwyn Williams.

Licensing Sub Committee "B"

Councillors: Tyssul Evans; Penny Edwards; Irfon Jones; Andre McPherson; Susan Phillips, Edward Thomas and Eirwyn Williams.

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

The Committee considered nominations for Chairs of the Licensing Sub Committees for the remainder of the 2018/19 Municipal Year following recent changes in membership.

UNANIMOUSLY RESOLVED

14.1 That Councillor J.M. Charles be appointed Chair of Licensing Sub Committee "A" for the remainder of the 2018/19 Municipal Year;

14.2 That Councillor H.I. Jones be appointed Chair of Licensing Sub Committee "B" for the remainder of the 2018/19 Municipal Year.

15. MINUTES - LICENSING SUB-COMMITTEE "B" 31ST JULY, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee "B" held on the 31ST July, 2018 be signed as a correct record.

16. MINUTES - LICENSING SUB-COMMITTEE "A" 18TH SEPTEMBER, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee "A" held on the 18th September, 2018 be signed as a correct record.

17. MINUTES - LICENSING SUB-COMMITTEE "B" 26TH SEPTEMBER, 2018

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

18. MINUTES - LICENSING COMMITTEE HELD ON THE 2ND AUGUST, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 2nd August, 2018 be signed as a correct record.

CHAIR

DATE