

Document Pack



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

THURSDAY, 7TH SEPTEMBER, 2017

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, 14TH SEPTEMBER, 2017 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Janine Owen
Telephone (Direct Line):	(01267) 224030
E-Mail:	JanineOwen@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 Fozia Akhtar**
- 2. Councillor Penny Edwards**
- 3. Councillor Amanda Fox**
- 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. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR ABDUL LAICE CHOWDHURY. 5 - 8
4. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR BERNARD PRICE. 9 - 12
5. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR RICHARD JAKE PITMAN 13 - 16
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 9TH AUGUST, 2017. 17 - 20
7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 3RD AUGUST, 2017. 21 - 24

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LICENSING COMMITTEE

14/09/17

SUBJECT AND PURPOSE

Mr Abul Laice Chowdhury

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Chowdhury's 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 Robin Staines

Report Author
Mr Justin Power

Designation:

Head of Housing and Public Protection

Senior Licensing Officer

Tel No.

E Mail Address:

01267 228960

rstaines@carmarthenshire.gov.uk

01267 228932

JHPower@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
Licensing Committee
14/09/17

SUBJECT

Mr Abul Laice Chowdhury

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

**To consider an application from Mr Abul Laice Chowdhury of 26 Coldstream Street,
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 Robin Staines

Head of Housing and Public Protection

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 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.	DD30935	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

14/09/17

SUBJECT AND PURPOSE

Mr Bernard Price

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Price's 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 Robin Staines

Report Author
Mr Justin Power

Designation:

Head of Housing and Public Protection

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Tel No.

E Mail Address:

01267 228960

rstaines@carmarthenshire.gov.uk

01267 228932

JHPower@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
Licensing Committee
14/09/17

SUBJECT

Mr Bernard Price

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

To consider an application from Mr Bernard Price of 159 Trilwm, Trimsaran, Kidwelly 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 Robin Staines

Head of Housing and Public Protection

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 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.	DD30945	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

14/09/17

SUBJECT AND PURPOSE

Mr Richard Jake Pitman

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Pitman'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 Robin Staines

Report Author

Mr Justin Power

Designation:

Head of Housing and Public Protection

Senior Licensing Officer

Tel No.

E Mail Address:

01267 228960

rstaines@carmarthenshire.gov.uk

01267 228932

JHPower@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
Licensing Committee
14/09/17

SUBJECT

Mr Richard Jake Pitman

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

**To consider an application from Mr Richard Jake Pitman of 19 Zion Row, Llanelli to
renew his 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 Robin Staines

Head of Housing and Public Protection

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 Pitman 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.	DD30758	Licensing Section, 3 Spilman Street, Carmarthen

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Wednesday, 9 August 2017

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

C.A.. Davies and R.E. Evans

Also present as observers: Councillors F. Akhtar, A. Fox and K. Howell

Present as a representative of a Responsible Authority:

E. Jones – Principal Licensing Officer, Carmarthenshire County Council

K. Smith – Licensing Officer, Carmarthenshire County Council

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

S. Murphy, Senior Solicitor

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 10.52 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no Declarations of Personal Interest.

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - CROSSHANDS SERVICE STATION, CROSSHANDS ROAD, GORSLAS, CARMARTHENSHIRE.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been submitted by Motor Fuel Ltd to vary the premises licence in respect of Crosshands Service Station, Crosshands Road, Gorslas, Carmarthenshire, SA14 6RR to allow:-

Supply of Alcohol:-	Monday to Sunday 00:00 – 24:00
Late Night Refreshment:-	Monday to Sunday 23:00 – 05:00
Opening Hours:-	Monday to Sunday 00:00 – 24:00
Amendment to Current Plan	

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

- Appendix A – A copy of the application
- Appendix B – representations submitted by the Dyfed Powys Police
- Appendix C – representations submitted by other persons
- Appendix D – copy of the current premises licence

The remaining responsible authorities had not made any representations in respect of the application.

The Legal Services Manager referred to the representations of the Dyfed Powys

Police (Appendix B), and drew the Sub Committee's attention to document B6 within that appendix whereby the Police had formally withdrawn its representations following agreement with the applicants on the proposed inclusion within any approved variation to the licence of condition numbers 1-15 in their original representations detailed in Appendix B1-B3. With regard to the representations submitted by an interested party (Appendix C), as that party was not in attendance at the meeting, the Sub Committee would need to have regard to its written representations when deliberating on the application.

The Applicants legal representative advised the Sub-Committee that the variation application was in two parts. The first related to the sale of alcohol for an additional 6 hours between 00.00 p.m. and 05:00 a.m., resulting in the premises being licensed to sell alcohol 24 hours a day, thereby matching its operating hours. The second, for the sale of late night refreshments, was required to facilitate the sale of hot drinks only between the hours of 23:00 and 05:00, and would not involve the sale of hot take away foods.

He advised that the application complied with both the Council's guidelines and statutory guidance. No responsible authorities, apart from the Dyfed Powys Police, had made representations on the application, with the Police having subsequently withdrawn its representation following agreement with the applicants on the inclusion of additional conditions to the variation licence. With regard to the role of responsible authorities in the Licensing process, he drew the Sub-Committees attention to Paragraph 9.12 of the Statutory Guidance, particularly, the role of the Police whereby Licensing Authorities should accept its advice unless evidence was presented to the contrary

He thereupon referred to the representation received from the Gorslas Community Council, as detailed in appendix C1, which had only objected to the application for the additional six hours sought for the permitted sale of alcohol, and not the Late Night Refreshment Element, and made the following responses with regard thereto:-

- Point 1 relating to the proximity of the premises to Gorslas Park. It was felt the variation, for the hours of 00.00 until 05.00 would not impact on the use of the park by families and children.
- Point 2, relating to the increase of availability of alcohol in the area and the potential for anti-social behaviour to occur in the park. It was agreed that whilst the application, if granted, would increase the availability of alcohol, no responsible authority, including the Dyfed Powys Police, had made any representations on that aspect.
- Point 3 and there being sufficient availability of alcohol from existing outlets. It was contended that related to need which was not a relevant matter which the Sub Committee could lawfully take into consideration unless, the premises lay within a cumulative impact area which, it did not.
- Point 4, and the concern increased availability of alcohol could adversely impact on health. It was contended the determining factor in that regard was the consumption, and not the availability of alcohol.

He thereupon outlined his client's approach to the sale of alcohol and its established procedures with regard thereto which included the adoption of 'Challenge 25', regular training and authorisation for staff selling alcohol, regular inspection regimes and maintenance of refusal logs, daily and monthly monitoring

logs and the use of C.C.T.V. He advised that his clients operated 413 sites across the U.K., many situated in villages, 390 of those sold alcohol, with approximately 200 being licensed to sell alcohol 24 hours a day.

In summary, he requested the Sub Committee to approve the application for the additional six hours requested on the basis no evidence had been produced to the effect that the sale of alcohol during that time would be contrary to the licensing objectives, the application should be determined on the evidence presented and not concerns of potential future impact, which could be addressed by a review of the licence, and no responsible authority had objected to the application. With regard to the Late Night Refreshment element of the application, he requested that also be approved on the basis it related to the sale of hot drinks only and not take-away hot foods and that no objections had been made to that proposal.

All parties present were afforded the opportunity of questioning the applicants' representative on his submission.

The Sub-Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A 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 the variation of the premises licence for Crosshands Service Station, Crosshands Road, Gorslas Carmarthenshire be granted subject to the inclusion within the variation licence of conditions 1-15 of the Dyfed Powys Polices' representation, as agreed by the applicant.

REASONS:-

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

1. There was no evidence of a history of alcohol related crime and disorder at or connected with the premises
2. The police did not oppose the application
3. No representations had been received from the other responsible authorities
4. The applicant had agreed to the additional control measures requested by the police becoming licence conditions.

The Sub-Committee had attached weight to the views of the police and the absence of any representations from the other 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, were not matters which they could properly take into account.

The Sub-Committee noted the representations from Gorslas Community Council and accepted that the concerns outlined were genuinely held. However, whether there was already sufficient availability of alcohol in the locality was not a matter that the Sub-Committee could lawfully take into account when coming to its decision. Furthermore, the representations regarding the proximity to Gorslas Public Park, anti-social behaviour and any impact on public health were not supported by any evidence to show on the balance of probabilities that those issues would, if the application were granted, undermine one or more of the statutory licensing objectives.

On the evidence before it the Sub-Committee was therefore satisfied that there were no grounds to depart from the view of the police that to grant the application subject to the agreed licence conditions was an appropriate response to promote the licensing objectives and an proportionate response to the issues that had been raised.

CHAIR

DATE

Thursday, 3 August 2017

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

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

Also present as observer: Councillor P.M. Hughes (Executive Board Member for Public Protection)

The following Officers were in attendance:

P. Booth, Licensing Officer
R. Edgecombe, Legal Services Manager
J. Power, Senior Licensing Officer
K. Thomas, Democratic Services Officer

Representing the Police Authority – Mr M. Price
Chamber, County Hall, Carmarthen - 10.00 - 11.52 am

1. APOLOGIES FOR ABSENCE.

An apology for absence was received from Councillor F. Akhtar.

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor	Minute No.	Nature of Interest
A Davies	7 – Mr Eirwyn Lyn Davies – Hackney Carriage/Private Hire Dual Drivers Licence	Knows the applicant

3. PRIVATE HIRE VEHICLE LICENCE

The Committee considered an application from Mr David John Green of Gorslas Minibuses Ltd, 6 Waungoch, Upper Tumble, Llanelli, Carmarthenshire to be granted an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for his private hire vehicles PH588, a Ford Tourneu registration number CK17 MVC and PH 521 a Ford Tourneu registration Number CK64 DTF.

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

The Committee thereupon

UNANIMOUSLY RESOLVED that, the application submitted by Mr David John Green for an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for his Ford Tourneu's PH 588, registration number CK17 MVC, and PH 521 registration number CK64 DTF be granted.

4. PRIVATE HIRE VEHICLE LICENCE

The Committee considered an application from Mr Stephen David King of Kingsway Executive Travel, 173 Bryn Uchaf, Bryn, LLanelli, Carmarthenshire to be granted an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for his private hire vehicle PH585 a Mercedes V250 registration number CE17 MYY.

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

The Committee thereupon

UNANIMOUSLY RESOLVED that, the application submitted by Mr Stephen David King for an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for his private hire vehicle PH585 registration number CE17 MYY be granted.

5. MISS KAREN MAY STRATFORD - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Miss Karen May Stratford of 73 Heol Llchwyr, Ammanford for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Miss Stratford with regard to her application.

The Senior Licensing Officer recommended that Miss Stratford's application be granted with a warning to her future conduct.

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 Miss Karen May Stratford for the grant of a 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.

6. MR DELWYN SCOTT PANAYIOTIOU - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Delwyn Scott Panayiotiou of 8 Henllys, Wind Street, Swansea for the grant of a Hackney Carriage/Private Hire

Dual Driver's Licence.

The Committee interviewed Mr Panayiotiou with regard to his application.

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

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 Delwyn Scott Panayiotiou for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted.

Reason

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

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

(NOTE: Councillor A Davies, having earlier declared an interest in this item, left the Council Chamber during its consideration by the Committee).

The Committee was informed that Mr Eirwyn Lyn Davies of 5 Yr Hafod, Saron, 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.

8. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 27TH JUNE, 2017.

The Committee received for consideration the minutes of the meeting of the 27th June, 2017 and was advised of the following amendments to be made thereto:-

- Minute 1- Apologies for Absence – Councillor K Howell to be included within the list of apologies
- Minute 7 – Mr Ivor John Daniel – Application to renew a Hackney Carriage /

Private Hire Dual Drivers Licence – the reference in the resolution to ‘Mr Vinson’ be amended to read Mr Ivor John Daniel.

UNANIMOUSLY RESOLVED that, subject to the above amendments, the minutes of the meeting held on the 27th June, 2017 be signed as a correct record.

CHAIR

DATE