Document Pack

Wendy Walters
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

TUESDAY, 15 OCTOBER 2019

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 HALLL, CARMARTHEN. SA31 1JP.** AT **10.00 AM** ON **WEDNESDAY, 23RD OCTOBER, 2019** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE

PLEASE RECYCLE

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

LICENSING COMMITTEE

14 MEMBERS

PLAID CYMRU GROUP – 7 MEMBERS

1. Councillor Mansel Charles
2. Councillor Ann Davies
3. Councillor Tyssul Evans
4. Councillor Ken Howell
5. Councillor Susan Phillips
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 Andre McPherson

INDEPENDENT GROUP – 3 MEMBERS

1. Councillor Irfon Jones
2. Councillor Edward Thomas [Chair]
3. Councillor Jim Jones

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.	SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HC 917 REGISTRATION NUMBER CP59 KYV	5 - 8
4.	MR BENJAMIN JONES - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE	9 - 12
5.	MR MATTHEW PEGRAM - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE	13 - 16
6.	MR AARON LEE COELHO - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE	17 - 20
7.	MR PAUL ANTHONY DAVIES - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE	21 - 24
8.	TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 10TH SEPTEMBER, 2019.	25 - 28
9.	TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 25TH SEPTEMBER, 2019.	29 - 34
10.	TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 12TH SEPTEMBER, 2019.	35 - 40

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LICENSING COMMITTEE
23/10/19

SUBJECT AND PURPOSE

SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HC 917 REGISTRATION NUMBER CP59 KYV

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Rees' Hackney Carriage Vehicle Licence HC 917 be suspended for 14 days.

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	**Designation:**	**Tel No.**
Name of Head of Service		**E Mail Address:**
Mr Jonathan Morgan	**Head of Homes and Safer Communities**	**01554 899285** **jmorgan@carmarthenshire.gov.uk**
Report Author		
Mr Justin Power	**Senior Licensing Officer**	**01267 228932** **JHPower@carmarthenshire.gov.uk**

EXECUTIVE SUMMARY
Licensing Committee
23/10/19

SUBJECT

SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HC 917 REGISTRATION NUMBER CP59 KYV

Mr John Keith Rees of Llan Taxi's, 19 Zion Row, Llanelli was found to be operating Hackney Carriage Vehicle HC 917 Registration Number CP59 KYV in breach of the Councils Conditions of Licence for Hackney Carriage Vehicles. These breaches were found on the 4th January 2019, 15th January 2019 and 18th June 2019.

The Councils Conditions of Licence state that "If during one or more spot check of the vehicle a total of 3 non-mechanical breaches of condition are identified within an 18 month period, the Authority shall in accordance with Section 60(1) (c) of the Local Government (Miscellaneous Provisions) Act 1976 treat the matter as reasonable cause for suspension of the vehicle licence. The suspension will remain in force for a minimum period of 14 days. Vehicles which fail to comply with the conditions after 14 days will not have the suspension lifted until such a time as compliance is achieved".

This item was deferred by the Licensing Committee on the 12th September 2019 as Mr Rees was unable to attend.

DETAILED REPORT ATTACHED ?	NO

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IMPLICATIONS

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

Signed: Mr Jonathan Morgan **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 suspension of the licence is that Mr Rees 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 **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.	HC 917	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE
23/10/19

SUBJECT AND PURPOSE
Mr Benjamin Jones
Application to renew 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:** **Head of Homes and Safer Communities** **Senior Licensing Officer**	**Tel No.** **E Mail Address:** **01554 899285** **jmorgan@carmarthenshire.gov.uk** **01267 228932** **JHPower@carmarthenshire.gov.uk**

EXECUTIVE SUMMARY
Licensing Committee
23/10/19

SUBJECT

Mr Benjamin Jones

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

To consider an application from Mr Benjamin Jones of Flat 4 Ravenhall, Duncan Street, Laugharne to renew his hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED ?	NO

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IMPLICATIONS

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

Signed: Mr Jonathan Morgan **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 **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.	DD10752	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE
23/10/19

SUBJECT AND PURPOSE
Mr Matthew Pegram
Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Pegram'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 Jonathan Morgan** **Report Author** **Mr Justin Power**	**Designation:** **Head of Homes and Safer Communities** **Senior Licensing Officer**	**Tel No.** **E Mail Address:** **01554 899285** **jmorgan@carmarthenshire.gov.uk** **01267 228932** **JHPower@carmarthenshire.gov.uk**

EXECUTIVE SUMMARY
Licensing Committee
23/10/19

SUBJECT

Mr Matthew Pegram

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

To consider an application from Mr Matthew Pegram of 16 Plas Isaf, Llangennech to renew his hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED ?	NO

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IMPLICATIONS

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

Signed: Mr Jonathan Morgan **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 **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.	DD10755	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE
23/10/19

SUBJECT AND PURPOSE

Mr Aaron Lee Coelho

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Coelho's application be refused.

REASONS:

Council's Guidelines.

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

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

Directorate: Communities **Name of Head of Service** **Mr Jonathan Morgan** **Report Author** **Mr Justin Power**	**Designation:** **Head of Homes and Safer Communities** **Senior Licensing Officer**	**Tel No.** **E Mail Address:** **01554 899285** **jmorgan@carmarthenshire.gov.uk** **01267 228932** **JHPower@carmarthenshire.gov.uk**

EXECUTIVE SUMMARY
Licensing Committee
23/10/19

SUBJECT

Mr Aaron Lee Coelho

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

To consider an application from Mr Aaron Lee Coelho of 4 Heol Gwendraeth, Burry Port for the grant of a hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED ?	**NO**

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IMPLICATIONS

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

Signed: Mr Jonathan Morgan **Head of Homes and Safer Communities**

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

LEGAL: The legal implication of refusal to grant a licence is that Mr Coelho 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 **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.	DD31006	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE
23/10/19

SUBJECT AND PURPOSE
Mr Paul Anthony Davies
Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Davies' application be refused.

REASONS:

Council's Guidelines.

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

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

Directorate: Communities **Name of Head of Service** **Mr Jonathan Morgan** **Report Author** **Mr Justin Power**	**Designation:** **Head of Homes and Safer Communities** **Senior Licensing Officer**	**Tel No.** **E Mail Address:** **01554 899285** **jmorgan@carmarthenshire.gov.uk** **01267 228932** **JHPower@carmarthenshire.gov.uk**

EXECUTIVE SUMMARY
Licensing Committee
23/10/19

SUBJECT

Mr Paul Anthony Davies

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

To consider an application from Mr Paul Anthony Davies of 14B Murray Street, Llanelli for the grant of a hackney carriage/private hire dual drivers licence.

DETAILED REPORT ATTACHED ?	NO

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IMPLICATIONS

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

Signed: Mr Jonathan Morgan **Head of Homes and Safer Communities**

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

LEGAL: The legal implication of refusal to grant a licence is that Mr Davies 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 **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.	DD31005	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING SUB COMMITTEE B

TUESDAY, 10 SEPTEMBER 2019

PRESENT: Councillor H.I. Jones (Chair)

Councillors:
A.S.J. McPherson J.E. Williams

Present as observers: Councillors T.J. Jones and S. Phillips

Present as representatives of a Responsible Authority:
E. Jones – Licensing Lead, Carmarthenshire County Council
A. Rees – Licensing Officer, Carmarthenshire County Council
K. Smith – Licensing Officer, Carmarthenshire County Council
D. Bizby – Dyfed Powys Police

Also Present:
R. Edgecombe, Legal Services Manager
K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen, SA31 1JP - 10.00 am - 12.55 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. PERSONAL LICENCE HOLDER - NIGELLUS JUDE VAZ

The Licensing Lead referred to the report seeking the revocation of the Personal Licence previously granted by the Authority to Mr Nigellus Jude Vaz of the Swan Inn, 16 High Street, Stanwell, Staines-Upon Thames and advised that the report was being withdrawn from the Sub-Committee's consideration that day.

UNANIMOUSLY RESOLVED that the withdrawal of the application for the revocation of Mr Nigellus Jude Vaz's Personal Licence be noted.

3. PERSONAL LICENCE HOLDER - RICHARD CRAIG PRYCE BUNFORD

The Sub Committee considered a report seeking the revocation of the Personal Licence previously granted by the Authority in February 2015 to Mr Richard Craig Pryce Bunford of 30 Parc Cawdor Ffairfach, Llandeilo, Carmarthenshire

The Licensing Lead referred to the report and advised the Sub –Committee that although Mr Bunford was not in attendance at the meeting he had been made aware that the Licensing Sub Committee would be considering the revocation application that day and should he not attend, the application may be considered

in his absence. As Mr Bunford was not in attendance, the Licensing Lead outlined to the Sub Committee the circumstances regarding the revocation application.

The Dyfed Powys Police representative confirmed the circumstances of the application, as outlined by the Licensing Lead.

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 1972.

Following the adjournment, the Sub-Committee reconvened to advise of its decision

RESOLVED that the Personal Licence granted to Mr Richard Craig Pryce Bunford be revoked

Reasons

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

1. Mr Bunford had held a personal licence since 2015
2. He had been convicted of battery in March 2018 and received a suspended custodial sentence.
3. He had been made subject to a Protection from Harassment Order until 2020
4. He had failed to notify the licensing authority of his conviction
5. He had subsequently breached the Protection of Harassment Order in October 2018 and his suspended sentence was activated and varied to an immediate sentence of 22 weeks in prison.

The Sub-Committee had attached weight to the views of the Police

Having regard to the above facts and the representations received the Sub-Committee was satisfied that it was appropriate for it to exercise its discretion to revoke Mr Bunford's personal licence in order to promote the licensing objectives of preventing crime and disorder.

Furthermore the Sub-Committee was satisfied that this course of action was a proportionate response to the issues that had been brought to its attention.

4. LICENSING ACT 2003 FILM CLASSIFICATION REQUEST

(NOTE: Prior to consideration of this item the Sub-Committee adjourned until 11.00 a.m. to address technical difficulties with the showing of the films)

The Sub-Committee considered a request received from Mrs Carys Ifan, on behalf of Canolfan S4C Yr Egin, seeking a recommendation regarding the admission of children to view twenty one unclassified short films to be screened as part of the

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Discovery Film Festival's Shorts for Wee Ones (10 films) and the Discovery Film Festival's Shorts for Middle Ones (11 films).

The Sub-Committee noted that in order to satisfy the requirements of the Licensing Act 2003, the films to be 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 Sub-Committee to make the required recommendations regarding the admission of children to view the films, it was afforded the opportunity of viewing the films and took into consideration the guidelines in relation to age ratings produced by the BBFC.

Having considered all the evidence before it, the Sub-Committee

UNANIMOUSLY RESOLVED THAT

4.1 the 10 films comprising the Discovery Film Festival's Shorts for Wee Ones be classified with a 'U' Rating

4.2 the eleven films comprising the Discovery Film Festival's Shorts for Middle Ones be classified with the following ratings:-

<u>U Classification</u>
Wishing Box, City, Inclusion Makes the World more Vibrant, Scrambled, Father and Daughter, Outdoors, Rouff, Nouvelle Cuisine, Catastrophe

<u>PG Classification</u>
Language of the Ball, Hybrid

_____ _____

CHAIR **DATE**

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LICENSING SUB COMMITTEE A

Wednesday, 25 September 2019

PRESENT: Councillor J.M. Charles (Chair)

Councillors:
J.K. Howell and D.E. Williams

Present as observer:
Councillors W.T. Evans

Present as representatives of a Responsible Authority:
E. Jones – Licensing Lead, Carmarthenshire County Council
A. Morgan – Environmental Health Practitioner – Carmarthenshire County Council
D. Bizby – Dyfed Powys Police

The following Officers were in attendance:
R. Edgecombe, Legal Services Manager
A. Rees, Licensing Officer
K. Thomas, Democratic Services Officer

Chamber, County Hall - County Hall, Carmarthen. SA31 1JP. - 9.30 am - 1.40 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE. LLANELLI WANDERERS RFC, STRADEY PARK AVENUE, LLANELLI SA15 4BT

The Sub Committee adjourned at County Hall, Carmarthen at 9.35 a.m. and reconvened on site at 10.15 a.m., in order to view the above premises where it was afforded the opportunity of examining both the internal and external facilities and the location of objectors' properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, County Hall, Carmarthen, at 11.30 a.m. to consider the application.

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

The Sub Committee was advised that an application had been received from Llanelli Wanderers RFC for a premises licence in respect of the above premises to allow:-

Supply of Alcohol & Recorded Music – Wednesday to Sunday 12:00-23:30,

Opening Hours Wednesday to Sunday 12:00-00:00,

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

Appendix A - copy of the application
Appendix B - representations submitted by the Licensing Authority

Appendix C - representations submitted by Dyfed Powys Police
Appendix D - representations submitted by the Public Health Services
Appendix E - representations submitted by other persons.

The Sub-Committee, with the agreement of all parties, was circulated with copies of additional documentation which included amendments to the conditions proposed by the Councils' Public Health Services, a plan detailing the location of objectors' properties in relation to the application premises/site together with an e-mail from the applicant amending the application to exclude the playing of recorded music beyond 23.00 hours. In addition, the Sub Committee also received additional correspondence from one of the objectors to the proposed application, which had previously been provided to the applicant and the responsible authorities.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report, and recommended that should the Sub-Committee be minded to grant the application then the suggested conditions proposed by both the Dyfed Powys Police and Public Health Services (as amended) be applied to the licence

The Licensing Authority Representative also referred to the applicant's withdrawal of the element of the application relating to the playing of recorded music up to 23:30 hours. He informed the Sub Committee that following amendments to the Licensing Act and the Deregulation of Regulated Entertainment any premises with an alcohol on-licence had an automatic right to play live and recorded music between the hours of 8.00 a.m. and 11.00 p.m. without it appearing on the premises licence or having any conditions attached to that licence. However, should the playing of music give rise to a nuisance, the legislation provided for an application to be made for review of that right.

All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representative referred to his representations as detailed within Appendix C to the report and requested the13 suggested conditions detailed therein be applied to the licence as being both necessary and proportionate to promote the four licensing objectives. Those had been agreed with the applicant.

All parties were afforded the opportunity of questioning the Dyfed Powys Police representative on the representations made.

The Public Health Services representative referred to his representations as detailed within Appendix D to the report and to the following eight amended conditions circulated at the meeting:-

1. The consumption of alcohol shall be restricted to the Licensable area only;
2. After 21:00 the consumption of alcohol shall not be permitted in any outside location within the boundary of the premises;
3. No open glass or glass vessels to be allowed in any external areas of the premises;
4. The covered/sheltered area located at the main entrance to the building shall be designated as the smoking area and all patrons must use this area for smoking

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5. A suitable receptacle shall be provided in the smoking area for customers to dispose of their cigarette ends;
6. After 20:00 all external windows and doors shall be kept closed, other than for access and egress to the premises,
7. Prominent, clear and legible neighbour courtesy notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly,
8. The fire exit in the upstairs function room and the staircase of the fire escape shall only be used in the event of an emergency and not any other times.

The Public Health Services Representative advised that having spoken with the applicant on the proposed amended conditions, agreement had been reached on the inclusion of conditions 2-8 on any licence that may be granted and to condition 1 being withdrawn.

All parties were afforded the opportunity of questioning the Public Health Services' representative on the representations made.

The objectors were afforded the opportunity of commenting on the application re-iterating some of the points detailed within their representation in Appendix E together with the additional circulated material. Those included:-

- the planning history of the site,
- the previous noise nuisance complaint in June 2018,
- the location of three other licensed premises in the immediate vicinity,
- previously experienced noise disturbance during the Temporary Event Notices (TEN's) events and the added potential for noise disturbance from patrons of the rugby club beyond 11.00 p.m. affecting residential amenity and its impact on young children's sleep,
- the application was considered to be unnecessary and the club should continue to apply for TEN's Licences in lieu of a permanent licence
- concern the granting of a licence could in the future lead to the club becoming a pub
- the proximity of the premises to residential properties and the first floor windows being in direct line of sight with the bedrooms of those properties
- if the sub-committee was to grant the licence it should be restricted to Fridays and Saturdays
- the upgrade of the CCTV system required by the Police should be extended to cover the car park area fronting the clubhouse

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

The applicant in responding to the issues raised confirmed that whilst it had not initially been the club's intention to sell alcohol, the reasons for the application. included removing the need to apply for TEN's and the cost associated therewith, a maximum of 16 TEN's could be applied for in any one year, to control people bringing their own alcohol to the premises during TEN's events, to raise revenue for the club and to provide facilities for their sponsors. The club's intention was to only sell cans of beer from a fridge, there was no room within the clubhouse to provide for a bar or a cellar to facilitate the sale of draught beers. It was also the clubs intention to work with the local community to minimise any disruption.

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

The Sub-Committee thereupon

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

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

RESOLVED, having considered all the evidence placed before the Sub Committee, that the application for a premises licence for Llanelli Wanderers RFC be granted, as amended, subject to the licence conditions agreed between the applicant, the police and the Public Health Services.

REASONS

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

1. The clubhouse was located in close proximity to a large number of residential premises
2. The clubhouse had not previously had the benefit of a premises licence
3. Between November 2018 and September 2019 a total of 16 Temporary Event Notices had been issued in respect of the sale of alcohol in the clubhouse.
4. A complaint was received by Public Health Services in respect of noise nuisance from the premises in June 2018.
5. The applicant no longer sought a licence to provide regulated entertainment at the premises
6. Local residents had been disturbed by music and rowdy behaviour from patrons of the club when events were previously held under temporary event notices.
7. None of the responsible authorities objected in principle to the grant of a licence.
8. The Police had proposed conditions to be added to the licence to promote the prevention of crime and disorder. The applicant had accepted those conditions.
9. Public Health Services have proposed conditions to be added to the licence to promote the prevention of public nuisance. The Applicant had accepted those conditions.
10. The application was for a licence Wednesday to Sunday only

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, were not matters which they could properly take into account.

Similarly, issues of need and the availability of other similar venues nearby were

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not relevant considerations under the Licensing Act.

The Sub-Committee noted the possible discrepancy between the current planning consent for the premises and the licence application. However the Planning Authority had made no representations regarding this point and paragraph 13.5 of the Council's Statement of Licensing Policy made it clear that this was not a bar to the granting of a licence. The applicant would be well advised however to seek clarification on any planning issues from the Local Planning Authority before making use of the licence.

The Sub-Committee accepted the evidence of Mr & Mrs Toft as to the adverse effect of noise from the premises in the past. It also accepted the written evidence from the other residents as to the impact upon them. On that basis the Sub-Committee was satisfied that the application, as originally submitted, would have undermined the licensing objectives.

However, the Sub-Committee was obliged to attach weight to the views of the responsible authorities, in this case particularly the Police and Public Health Services. Both those responsible authorities were of the view that, in light of the changes made by the applicant to the application, the licensing objectives could be appropriately promoted by the imposition of the licence conditions agreed to by the applicant and that they were a proportionate response to the issues raised by local residents.

The Sub-Committee had considered restricting the licensable hours on Wednesdays, Thursdays and Sundays to limit the impact on nights prior to school days, but felt that cannot be justified in light of the evidence from the responsible authorities.

On balance therefore the Sub-Committee was satisfied that it was appropriate to grant the licence, subject to the agreed licence conditions, and that this was a proportionate response to the issues identified. In coming to this conclusion the Sub-Committee noted that should the operation of the licence undermine the licensing objectives, in particular if it caused a public nuisance to local residents, the licence may be reviewed and ultimately, the Sub-Committee had the power to suspend or revoke it.

The Sub-Committee urged the club to work closely with residents to monitor the impact of the licence and urged local residents, if disturbed by licensable activities, to engage with the responsible authorities so that appropriate action could be taken.

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CHAIR **DATE**

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LICENSING COMMITTEE

Thursday, 12 September 2019

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:
F. Akhtar, W.T. Evans, J.K. Howell, H.I. Jones, A.S.J. McPherson, J.S. Phillips and J.E. Williams

The following Officers were in attendance:
P. Booth, Licensing Officer
R. Edgecombe, Legal Services Manager
L. Jenkins, Democratic Services Officer
E. Jones, Licensing Lead
J. Power, Senior Licensing Officer
P. Booth, Licensing Officer
L. Jenkins, Democratic Services Officer

Chamber, County Hall - County Hall, Carmarthen. SA31 1JP. 10.00 am - 12.10 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors M. Charles, A. Fox, J. Jones and E. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS.

There were no declarations of personal interests.

3. MISS KAREN MAY STRATFORD - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Miss Karen May Stratford of 73 Heol Llwchwr, Ammanford for the renewal of her 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 as 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 renewal of her Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to her future conduct.

4. MR KEVIN THOMAS BRIGDEN - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Kevin Thomas Brigden of 14 Pantycelyn, LLandovery for the renewal of his hackney carriage/ private hire dual driver's licence.

The Committee interviewed Mr Brigden with regard to his application.

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

The Committee thereupon:

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Kevin Thomas Brigden for the renewal of his Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

5. MR THOMAS IEUAN MORGAN - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Thomas Ieuan Morgan of 164 Felinfoel Road, LLanelli for the renewal of his hackney carriage/ private hire dual driver's licence.

The Committee interviewed Mr Morgan with regard to his application.

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

The Committee thereupon:

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Thomas Ieuan Morgan for the renewal of his Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

6. MR GLYNDWR PHILLIPS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE.

The Committee considered an application from Mr Glyndwr Phillips of 50 St Catherine's Street, Carmarthen, for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

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

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

The Committee thereupon

UNANIMOUSLY RESOLVED that the application submitted by Mr. Glyndwr Phillips for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

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

The Committee was informed that Mr. Umaar Bin Hameed of Flat 2, 27 Picton Terrace, Carmarthen, was a licensed hackney carriage/private hire dual driver with the Authority and two complaints had been received in relation to his driving.

The Committee interviewed Mr Hameed with regard to the complaints received.

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

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 Mr Hameed receive 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.

8. SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HC 415 REGISTRATION NUMBER AK60 GWL

The Committee was informed that Mr Anthony John Wathan of Towy Taxi's, 22 Towy Avenue, Llandovery was found to be operating Hackney Carriage Vehicle HC 415 Registration Number AK60 GWL in breach of the Councils Conditions of Licence for Hackney Carriage Vehicles.

The Committee interviewed Mr Wathen with regard to that issue.

The Senior Licencing Officer recommended that Mr Wathan's Hackney Carriage Vehicle Licence HC 415 be suspended for 14 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 Mr Anthony John Wathan be issued with a warning as to his future conduct.

(NOTE: In accordance with CPR 16.5 Cllr K Howells requested that the fact he voted against the motion be recorded in the minutes).

9. SUSPENSION OF HACKNEY CARRIAGE VEHICLE LICENCE HC 917 REGISTRATION NUMBER CP59 KYV

The Committee was informed that Mr John Keith Rees was not present and had not contacted officers to advise them of his intentions.

RESOLVED that consideration of Mr Rees's suspension be deferred to the next meeting of the Committee.

10. PUBLIC HEALTH (MINIMUM PRICE FOR ALCOHOL) (WALES)

The Committee received an overview of the report from the Licensing Lead.

UNANIMOUSLY RESOLVED that the report be received.

11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 18TH JUNE, 2019.

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub Committee "B" held on the 18th June, 2019 be signed as a correct record.

12. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 26TH JUNE 2019.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 26th June, 2019 be signed as a correct record.

13. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 20TH AUGUST, 2019.

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub Committee "A" held on the 20th August, 2019 be signed as a correct record.

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CHAIR **DATE**

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