

# LICENSING COMMITTEE

## 4<sup>TH</sup> APRIL 2018

**PRESENT:** Councillor E.G. Thomas (Chair).

**Councillors:**

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

**The following Officers were in attendance:**

J. Power, Senior Licensing Officer;  
R. Edgecombe, Legal Services Manager;  
E. Jones, Principal Licensing Officer;  
M. Heath, Licensing Officer;  
K. Smith, Licensing Officer;  
J. Owen, Democratic Services Officer.

Representing the Police Authority – Mr M. Price.

**Chamber, County Hall, Carmarthen – 10:00am - 12:45pm**

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence was received from Councillor A. Davies.

**2. DECLARATIONS OF PERSONAL INTERESTS.**

There were no declarations of personal interest.

**3. 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 that an issue had arisen with regard his licence. The Committee noted that Mr Hameed was not in attendance at today's meeting, he had not contacted officers to offer an explanation and he had been advised that, should he fail to attend today's meeting, his application may be considered in his absence. In addition, the Committee noted that the complainant was in attendance. It was therefore:

**RESOLVED that the Committee consider the issue raised in Mr Hameed absence.**

The Senior Licensing Officer recited, to the Committee, 3 witness statements. The Committee interviewed the complainant with regard to the issue.

The Senior Licensing Officer recommended that Mr Hameed's Hackney Carriage/Private Hire Dual Drivers' Licence be suspended for 14 days.

The Committee thereupon:

**RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.**

Following the adjournment the Committee reconvened to advise of its decision.

**RESOLVED that, in line with the Council's guidelines, Mr Ummar Bin Hameed Hackney Carriage/Private Hire Dual Driver's Licence be suspended for 14 days.**

#### Reasons

The Committee, having regard to the evidence presented, believed that reasonable cause existed to due to the following reasons:

- The Committee finds the evidence of the complainant to be credible and compelling.
- Mr Hameed failed to attend
- Whilst the Committee accepts that Mr Hameed did not overtly refuse to take the complainant and her guide dog, it believes that he did fail to take them without reasonable cause.
- The Committee is satisfied that this amounts to a reasonable cause to suspend Mr Hameed's Hackney Carriage/Private Hire Dual Driver's Licence.

#### **4. MR EIRWYN LYN DAVIES - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee was informed that Mr Eirwyn Lyn Davies of Bro Helyg, Pontardulais Road, Tycroes, 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.**

#### **5. MR RUSSELL ALAN HOWE - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee was reminded that consideration of this application was deferred at the meeting held on 19<sup>th</sup> February 2018 as Mr Howe was unable to attend.

The Committee was informed that Mr Russell Alan Howe of 28 Park Hall, Carmarthen 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 Howe with regard to that issue.

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

The Committee thereupon:

**RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.**

Following the adjournment the Committee reconvened to advise of its decision.

**RESOLVED that in line with the Council's guidelines Mr Russell Alan Howe be issued with a warning as to his future conduct.**

**6. MR DAVID GEORGE HOPKINS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee considered an application from Mr David George Hopkins of 4 Dolau Bran, Llandovery for the grant of a hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Hopkins with regard to his application. In addition, the Senior Licensing Officer recited, to the Committee, 3 character references.

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

The Committee thereupon:

**RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act 1972.**

Following the adjournment the Committee reconvened to advise of its decision.

**RESOLVED that in line with the Council's guidelines, the application submitted by Mr David George Hopkins for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.**

Reasons

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

## 7. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

The Committee considered a report outlining a request that had been received from Mrs Mair Craig on behalf of Llansadwrn Reading Rooms seeking a recommendation regarding the admission of children to view two previously unclassified short films.

The applicant intended to screen two Welsh language films, “Sampli” and “Helfa’r Heli” prior to the screening of a certificated feature film at the community cinema. Furthermore, the premises intended operating the community cinema under the community premises exemptions set out in paragraph 6A of Schedule 1 of the Licensing Act 2003.

The Committee noted that in order to satisfy the requirements of the Licensing Act 2003, the films shown must have a recommendation concerning the admission of children issued by either the British Board of Film Classification (BBFC) body or relevant Licensing Authority.

In order that the Committee make the required recommendation regarding the admission of children to view the films, the Committee was afforded the opportunity of watching the two short films and took into consideration the references to imitable behaviour, language, nudity and sex.

The Committee was presented with a written representations regarding the two films from the applicant.

The Committee gave due regard to relevant paragraphs of the Licensing Authority’s Statement of Licensing policy and of Guidance issued by the British Board of Film Classification appended to the report in Appendix 1.

Having considered all the evidence before it, the committee thereupon

### **RESOLVED that:**

- 1. the film entitled “Sampli” should be classified with the rating – PG**
- 2. the film entitled “Helfa’r Heli” should be classified with the rating – 12A**

### Reasons

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

- Neither film has previously been classified by either the BBFC or another local authority.
- That the content of the film entitled “Sampli” meets the BBFC criteria for a PG rating.
- That the content of the film entitled “Helfa’r Heli” meets the BBFC criteria for a 12A rating.

Having regard to the contents of the both films, representations received from the applicant and guidance issued by the BBFC the Committee is satisfied that it is necessary to classify both films as shown above in order to promote the Licensing Objective of protecting children from harm.

The Committee is satisfied that this is a proportionate response to the specific content of each film.

**8. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 19<sup>TH</sup> FEBRUARY, 2018.**

**UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Committee held on the 19<sup>th</sup> February, 2018 be signed as a correct record.**

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**CHAIR**

\_\_\_\_\_  
**DATE**