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

WEDNESDAY, 5 SEPTEMBER 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 AM ON THURSDAY, 13TH SEPTEMBER, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James CBE

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 Eirwyn Williams
6. Councillor Elwyn Williams [Vice-Chair]
7. Vacancy

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. MRS REBECCA LOUISE BURTON - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 5 - 8
4. MR RICHARD LEE JONES - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 9 - 12
5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 31ST JULY, 2018. 13 - 18
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 2ND AUGUST, 2018 19 - 24

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LICENSING COMMITTEE

13/09/18

SUBJECT AND PURPOSE

Mrs Rebecca Louise Burton
Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mrs Burton be issued with a warning as to her 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.

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01267 228932

JHPower@carmarthenshire.gov.uk

EXECUTIVE SUMMARY
Licensing Committee
13/09/18

SUBJECT

Mrs Rebecca Louise Burton
Hackney Carriage/Private Hire Dual Drivers Licence

Mrs Rebecca Louise Burton of The Old Mill, Dre-Fach, Felindre, Llandysul 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.	DD10763	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE

13/09/18

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, and on the 2nd August 2018 as Mr Jones 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.	DD30966	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING SUB COMMITTEE B

31ST JULY 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. 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 – 10:15am - 11:05am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. TEMPORARY EVENT NOTICE - DERWYDD MANSION, DERWYDD ROAD, AMMANFORD, CARMARTHENSHIRE, SA18 3LQ

The Sub Committee at its last meeting held on 26th June 2018 received the 3 Temporary Event Notices, however in order to gather further evidence, it was resolved to defer the decision of the 3 Temporary Event Notices to this meeting.

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 3 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 25th August 2018 - Upper Lawn, Derwydd Mansion.

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

Temporary Event Notice 2 –
Saturday 1st September 2018 - Upper Lawn, Derwydd Mansion.

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

Temporary Event Notice 3 –
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 informed the Committee that the Public Health Department had objected to all of the 3 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 received an oral representation from the Environmental Health Practitioner:-

- The Environmental Health Practitioner informed the Sub Committee that he had objected to the Temporary Event Notices due to previous history regarding noise nuisance during events at Derwydd Mansion.
- Since the last meeting, the Environmental Health Practitioner reported that he had met with Mr Ian Matthews, Mrs Dallavalle's Acoustic Consultant who had stated that whilst there no specific noise levels for such events was in existence, it was agreed that a bespoke level for this type of event would be set. It was acknowledged that a degree of trial an error may be required in order to reach an agreed acceptable level.
- The Sub Committee was afforded an opportunity to consider additional evidence, which was circulated at the start of the meeting. The evidence included graphs which exhibited the level of noise captured on the 2nd June 2018 at 22:57 and 28th July 2018 at 21:11. It was evident that the noise monitoring graph of the 28th July demonstrated that there was a significant reduction in beat/bass noise than the level on 2nd June.
- The Environmental Health Practitioner highlighted to the Sub Committee that it had been difficult to obtain a 'clean' noise recording due to the adverse weather conditions, however despite this, the noise levels displayed on the graph of the 28th July remained notably reduced by 12 decibels.

- In addition, it was understood that Mr Matthews had developed a noise management plan which had been put in place to ensure that noise reductions maintained in future events. It was acknowledged that all the management actions heavily relied upon Mrs Dallavalle to take relatively simple steps to mitigate noise. At these levels, it was satisfied that the events would not cause a public nuisance.

All parties were afforded the opportunity of questioning the Environment Health Officer on his representation and the evidence presented.

The Sub Committee thereupon received evidence from a neighbour of the property who supported the Environmental Health Services objections and stated that:-

- This issue had been ongoing for 2 years;
- the adverse weather conditions on the 28th July 2018 may have contributed to a reduction in people noise due the fact that most event participants stayed inside the marquee;
- Worried that Mrs Dallavalle would disregard the noise management plan in the future.

All parties were afforded the opportunity of questioning the witness on his representation.

- Reference was made to the noise monitoring graphs. In response to a query, the Environmental Health Practitioner confirmed that the graphs only captured the music and not the background people noise.
- In response to further a query, the Environmental Health Practitioner stated that he had seen the noise management plan which included the following practical measures:-
 - Overall noise level prescribed;
 - Reduction of access to car park;
 - Customer notices;
 - Deployment of staff in car park;
 - Restrictions on use of parts of car park;
 - Closing windows and doors for inside events;
 - Turning speakers away from properties;
 - No live/uncontrolled music.

The Sub Committee did not receive oral representations from either Mrs Dallavalle or Mr Matthews, noise consultant as they were not in attendance.

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 - 25th August 2018	No Counter-notice issued
Temporary Event Notice 2 - 1st September 2018	No Counter-notice issued
Temporary Event Notice 3 - 3rd November 2018	Defer to 26/09/18

REASONS:-

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

1. The premises are in close proximity to 2 residential premises;
2. There was a history of the occupants of 1 of those premises being disturbed by late night noise from events at the premises;
3. Noise recordings taken by Public Health Services during past events suggest that events could give rise to a nuisance to the occupants of those premises;
4. There are no other persons in the vicinity of the premises who would be likely to be affected by any events taking place;
5. The occupants of the second nearby property had not made any complaints regarding noise from the premises;
6. The noise management plan appeared to be effective, but was reliant upon Mrs Dallavalle implementing it;
7. In the absence of any assurances from Mrs Dallavalle regarding this, the Sub Committee was concerned whether this would happen.

The Sub Committee had 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 these events were to take place where unsupported by such evidence, are not matters which they can properly take into account.

The Sub Committee found the evidence of the local residents credible and accepts that the occupants of one property have been disturbed by events at the premises in the past.

In coming to its decision the Sub Committee was required to take such steps as appropriate to promote the licensing objective of preventing Public Nuisance.

In light of Mr Morgan's evidence, the Sub Committee was satisfied that if the noise management plan was implemented, no public nuisance would occur from these events. However in light of Mrs Dallavelle's non-attendance the Sub Committee required further evidence of the implementation and effectiveness of the plan before making a decision on the Temporary Event Notice for 3rd November 2018.

CHAIR

DATE

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THURSDAY, 2ND AUGUST, 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, J.G. Prosser, D.E. Williams and J.E. Williams

The following Officers were in attendance:

Mr E. Jones	-	Licensing Lead
Mr R. Edgecombe	-	Legal Services Manager
Mr J. Power	-	Senior Licensing Officer
Mr M. Heath	-	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. - 12.25 p.m.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors F. Akhtar and C.A. Davies.

The Chair extended sympathy, on behalf of the Committee, to Councillor Akhtar on the sad loss of her father recently.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DERRICK LEWIS

The Committee was informed that Mr Derrick Lewis of 26 Ralph Terrace, Llanelli was a licensed Hackney Carriage/Private Hire Dual Driver with the Authority and that an issue had arisen with regard to his licence.

The Committee interviewed Mr Lewis with regard to that issue.

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

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Derrick Lewis be issued 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 MICHAEL LEE HOPKINS

The Committee considered an application from Mr Michael Lee Hopkins of 59 Chemical Road, Morryston, Swansea for the grant of a hackney carriage/ private hire dual driver's licence.

The Committee interviewed Mr Hopkins with regard to his application. A character reference from a prospective employer was read out for the Committee's information.

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

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Michael Lee 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.

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

The Committee was reminded that this application was deferred at the meeting held on 27th June as Mr Jones was unable to be present. Mr Jones had again contacted officers with regard to today's meeting to explain that he was unable to attend as he had a funeral and to ask for consideration of his application to be deferred to the next meeting.

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

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

The Committee considered an application from Mr Ian Barrie Vinson of 16 Tan y Bryn, Burry Port, Llanelli to renew his hackney carriage/private hire dual driver's licence.

The Committee interviewed Mr Vinson with regard to his application.

The Senior Licensing Officer recommended that Mr Vinson's application be granted with a final warning 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, the application submitted by Mr Ian Barrie Vinson to renew his Hackney Carriage/ Private Hire Dual Driver's Licence be granted with 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.

7. PERSONAL LICENCE HOLDER - CHARLENE LINDA MCKENZIE

The Committee was informed that Miss Charlene Linda McKenzie of Awelon, Blaenwaun, Whitland was a Personal Licence holder with the Authority and that an issue had arisen with regard to her licence.

The Committee interviewed Miss McKenzie with regard to that issue and received observations from the police representative.

The Licensing Lead recommended that Miss McKenzie's Personal Licence be revoked.

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 Personal Licence held by Miss Charlene Linda McKenzie be suspended for a period of one month.

Reasons

In coming to its decision, the Committee attached weight to the views of the responsible authorities.

The Committee recognised that its decision must be based upon real evidence and that concerns and fears about what might happen if it did not revoke Miss McKenzie's personal licence, where unsupported by such evidence, were not matters which they could properly take into account.

Personal Licence holders are a key element of the licensing regime with responsibility for ensuring that the sale of alcohol is properly managed and that the

licensing objectives are promoted. In particular they have a responsibility to ensure that the sale of alcohol does not lead to crime and disorder.

In the circumstances the Committee felt that it would be disproportionate (and therefore inappropriate) to revoke Miss McKenzie's personal licence. It did, however, believe that some form of action, (in this case a short period of suspension) was appropriate in order to promote the licensing objective of preventing crime and disorder.

The Committee considered that this period of suspension was a proportionate response to the issues identified.

[NOTE: The Committee stood adjourned at 11:40 a.m. to enable officers to set up the equipment for the next agenda item. The Committee reconvened at 11:50 a.m.]

8. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

The Committee considered a request received from Mrs Mair Craig, on behalf of Llansadwrn Reading Rooms, seeking a recommendation regarding the admission of children to view four previously unclassified short films.

The applicant intended 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. 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 Body (BBFC) or relevant Licensing Authority.

To enable the Committee to make the required recommendations regarding the admission of children to view the films, it was afforded the opportunity of viewing the four short films and took into consideration the guidelines in relation to age ratings produced by the BBFC.

Having considered all the evidence before it, the Committee

RESOLVED that

- 1. the film entitled "A Good Bitch" be classified with a U rating;**
- 2. the film entitled "The Man Who Was Afraid of Falling" be classified with a U rating;**
- 3. the film entitled "Boris-Noris" be classified with a PG rating;**
- 4. the film entitled "Elen" be classified with a 12A rating.**

9. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 19TH JUNE, 2018

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee “A” held on the 19th June, 2018 be signed as a correct record.

- 10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 26TH JUNE, 2018**

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

- 11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 27TH JUNE, 2018**

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 27th June, 2018 be signed as a correct record.

CHAIR

DATE

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