

Document Pack



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

WEDNESDAY, 18 NOVEMBER 2015

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, 26TH NOVEMBER, 2015 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Mr. Martin S. Davies
Telephone (direct line):	01267 224059
Fax:	(01267) 224911
E-Mail:	
Ref:	AD016-001

<p style="text-align: center;">LICENSING COMMITTEE 15 MEMBERS</p>

PLAID CYMRU GROUP 7 MEMBERS

1. Councillor A. Davies
2. Councillor J.M. Charles
3. Councillor J.K. Howell
4. Councillor D.J.R. Llewellyn
5. Councillor J. Thomas
6. Councillor D.E. Williams [Vice-Chair]
7. Councillor J.S. Williams

INDEPENDENT GROUP 4 MEMBERS

1. Councillor T. Bowen
2. Councillor I.J. Jackson
3. Councillor H.I. Jones
4. Councillor T. Theophilus [Chair]

LABOUR GROUP 4 MEMBERS

1. Councillor T. Davies
2. Councillor P.M. Edwards
3. Councillor P.E.M. Jones
4. Councillor M.K. Thomas

***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.

Apologies for absence were received from Councillors T. Davies, I.J. Jackson, H.I. Jones, P.E.M. Jones and M.K. Thomas.

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor	Minute No.	Nature of Interest
D.E. Williams	5 – Hackney Carriage/Private Hire Dual Drivers Licence – Mrs. Katy Victoria Griffiths	Applicant lives in his ward.

3. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR ANDREW STUART MARLING 9 - 12

The Committee was reminded that consideration of this item had been deferred at the meeting held on 21st October, 2015 (minute 10 refers) as Mr. Marling had not attended which, it transpired, had been due to an administrative error on the Authority's behalf. The Committee was advised that this had been addressed but Mr. Marling had informed officers that he would not be able to attend today's hearing.

RESOLVED that consideration of the application by Mr Andrew Stuart Marling for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting of the Committee.

4. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MRS SARAH JENNA WYNNE 13 - 16

The Committee considered an application from Mrs. Sarah Jenna Wynne of 30 St. Non's Avenue, Carmarthen, to renew her Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mrs. Wynne with regard to her application.

The Senior Licensing Officer recommended that Mrs. Wynne's application be granted with a warning as to her future conduct.

The Committee thereupon

RESOLVED that, in line with the Council's guidelines, the application submitted by Mrs. Sarah Jenna Wynne to renew her Hackney Carriage/ Private Hire Dual Driver's Licence be granted and that she be issued with a warning as to her future conduct.

5. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MRS KATY VICTORIA GRIFFITHS 17 - 18

[NOTE: Councillor D.E. Williams having earlier declared an interest in this item, left the Chamber prior to the consideration and determination thereof.]

The Committee was informed that Mrs. Katy Victoria Griffiths of Cedars, Mount Pleasant, Llangunnor, Carmarthen, was a licensed hackney carriage/private hire dual driver with the authority and the Committee interviewed Mrs. Griffiths with regard to an issue which had arisen in relation to her licence.

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

The Committee thereupon

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mrs. Katy Victoria Griffiths be issued with a warning as to her future conduct.

6. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR CERI DAVIES 19 - 20

The Committee was informed that Mr. Ceri Davies of 43 Waterloo Road, Penygroes, Llanelli, was a licensed hackney carriage/private hire dual driver with the authority and the Committee interviewed Mr. Davies with regard to an issue which had arisen in relation to his licence.

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

The Committee thereupon

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr. Ceri Davies be issued with a warning as to his future conduct.

7. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR STUART WAYNE WILLIAMS 21 - 22

The Committee considered an application from Mr. Stuart Wayne Williams of 19 School Road, Morfa, Llanelli, for the grant of a

Hackney Carriage/Private Hire Dual Driver's Licence.

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

The Senior Licensing Officer recommended that Mr. Williams's application be granted 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, the application submitted by Mr. Stuart Wayne Williams for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted and that he be issued with a warning as to his future conduct.

8. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DAVID WILLIAM SQUIRE 23 - 24

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

UNANIMOUSLY RESOLVED that consideration of the issue arising in connection with Mr. David William Squire's Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next scheduled meeting of the Committee and that he be advised that should he fail to attend then his application may be dealt with in his absence.

9. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR BENJAMIN WILLIAM EDWARD COLLINS 25 - 26

The Committee considered an application from Mr. Benjamin William Edward Collins of Ffynnonau-Gleision to renew his Hackney Carriage/Private Hire Dual Driver's Licence. Mr. Collins was accompanied by his father. The Committee interviewed Mr. Collins with regard to his application and received a statement from his father.

The Senior Licensing Officer recommended that Mr. Collins's application be granted with a final 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, the application submitted by Mr. Benjamin William Edward Collins to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted and that he be issued with a final warning as to his future conduct.

10. LICENSING SUB-COMMITTEE MINUTES 27 - 32

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee 'B' held on the 13th October, 2015 be signed as a correct record.

11. MINUTES 33 - 40

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 21st October, 2015 be signed as a correct record.

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LICENSING COMMITTEE 26/11/15

Mr Andrew Stuart Marling

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Marling'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 T.J. Jones

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
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EXECUTIVE SUMMARY
Licensing Committee
26/11/15

Mr Andrew Stuart Marling
Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

To consider an application from Mr Andrew Stuart Marling of 54 Park Hall, Carmarthen, for the grant of a hackney carriage/private hire dual drivers licence.

This application was deferred by the Licensing Committee on the 3rd September 2015 and 21st October 2015 as Mr Marling failed to attend the meeting.

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.	DD10684	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 26/11/15

Mrs Sarah Jenna Wynne
Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mrs Wynne's application be granted 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 T.J. Jones

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
26/11/15

Mrs Sarah Jenna Wynne
Application to renew a Hackney Carriage/Private Hire Dual Drivers
Licence

To consider an application from Mrs Sarah Jenna Wynne of 30 St Nons Avenue, Carmarthen to renew her hackney carriage/private hire dual drivers licence.

This application was deferred by the Licensing Committee on the 3rd September 2015 and 21st October 2015 as Mrs Wynne 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 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.	DD10645	Licensing Section, 3 Spilman Street, Carmarthen

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LICENSING COMMITTEE 26/11/15

**Mrs Katy Victoria Griffiths
Hackney Carriage/Private Hire Dual Drivers Licence**

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mrs Griffiths 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 T.J. Jones

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
26/11/15

Mrs Katy Victoria Griffiths
Hackney Carriage/Private Hire Dual Drivers Licence

Mrs Katy Victoria Griffiths of Cedars, Mount Pleasant, Llangunnor, Carmarthen is a licensed hackney carriage/private hire dual driver with this authority.

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 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.	DD20197	Licensing Section, 3 Spilman Street, Carmarthen

LICENSING COMMITTEE 26/11/15

Mr Ceri Davies
Hackney Carriage/Private Hire Dual Drivers Licence

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Davies be issued 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 T.J. Jones

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
26/11/15

Mr Ceri Davies
Hackney Carriage/Private Hire Dual Drivers Licence

Mr Ceri Davies of 43 Waterloo Road, Penygroes, Llanelli is a licensed hackney carriage/private hire dual driver with this authority.

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 Robin Staines **Head of Housing and Public Protection**

Policy and Crime & Disorder NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Organisational Development NONE	Physical Assets NONE
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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.	DD30889	Licensing Section, 3 Spilman Street, Carmarthen

LICENSING COMMITTEE

26/11/15

Mr Stuart Wayne Williams

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Williams' 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 T.J. Jones

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
26/11/15

Mr Stuart Wayne Williams
Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence

To consider an application from Mr Stuart Wayne Williams of 19 School Road, Morfa, 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 Robin Staines

Head of Housing and Public Protection

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

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Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD30897	Licensing Section, 3 Spilman Street, Carmarthen

LICENSING COMMITTEE 26/11/15

**Mr David William Squire
Hackney Carriage/Private Hire Dual Drivers Licence**

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Squire be issued with a final 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 T.J. Jones

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
26/11/15

Mr David William Squire
Hackney Carriage/Private Hire Dual Drivers Licence

Mr David William Squire of 12 Gwendraeth Town, Kidwelly is a licensed hackney carriage/private hire dual driver with this authority.

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 Robin Staines

Head of Housing and Public Protection

Policy and Crime & Disorder NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Organisational Development NONE	Physical Assets NONE
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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.	DD30714	Licensing Section, 3 Spilman Street, Carmarthen

LICENSING COMMITTEE

26/11/15

Mr Benjamin William Edward Collins

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

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Collins be issued with a final 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 T.J. Jones

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
26/11/15

Mrs Benjamin William Edward Collins
Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence

To consider an application from Mr Benjamin William Edward Collins of Ffynnonau-Gleision, Boncath 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 Robin Staines **Head of Housing and Public Protection**

Policy and Crime & Disorder NONE	Legal NONE	Finance NONE	ICT NONE	Risk Management Issues NONE	Organisational Development NONE	Physical Assets NONE
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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:
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Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	DD10600	Licensing Section, 3 Spilman Street, Carmarthen

TUESDAY, 13 October 2015

PRESENT: Councillor A. Davies (Chair)

Councillors:

T. Theophilus and J.S. Williams

Present as observers: Councillors T. Bowen and T. Davies

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

Present as a representative of a Responsible Authority:-

Mr E. Jones – Principal Licensing Officer – Carmarthenshire County Council

Chamber, County Hall, Carmarthen - **10.00** - 11.35 am

1. DECLARATIONS OF PERSONAL INTEREST.

No declarations of personal interest were made at the meeting

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - CHILLIES DINER & MOJITOS BAR, 17-21 COWELL STREET, LLANELLI

The Sub-Committee considered an application from Morgan & John Leisure Ltd for the variation of a premises licence in respect of Chillies Diner & Mojitos Bar, 17-21 Cowell Street, Llanelli SA15 1YA as follows:-

Supply of Alcohol/Films:- Monday to Thursday 09:00 – 00:30
Friday and Saturday 09:00 – 03:00

Live Music:- Monday to Sunday 09:00 – 23:30

Recorded Music: - Sunday to Thursday 09:00 – 00:30
Friday & Saturday 09:00 – 03:00

Late Night Refreshment: - Sunday to Thursday 23:00 – 00:30
Friday & Saturday 23:00 – 03:00

Non-Standard Timings:- to allow all the above activities, except live music, on 12 occasions per year to 03.30 a.m.

The current premises licence allowed:-

Supply of Alcohol/Films/Recorded Music:- Monday to Sunday 10:00 – 00:15
Live Music Monday to Sunday 10:00 – 23:30 (limited to 24 occasions per year)
Late Night Refreshment Monday to Sunday 23:00 – 00:15

Opening Hours Monday to Sunday 09:00 – 00:30

The Legal Services Manager briefed all present on the procedure for the meeting. The Committee's attention was drawn to additional documentation circulated at the meeting from the applicant amending his application to remove those elements relating to the playing of live and recorded music.

The Licensing Authority Representative referred to the report detailing the particulars of the application, as set out above, and advised that the following documentation was also attached thereto:-

- Appendix A – A copy of the application
- Appendix B – The Licensing Authority's representations;
- Appendix C – Dyfed Powy's Police's representations, as agreed with the applicant
- Appendix D – Representations received from interested parties;

The remaining Responsible Authorities had not submitted any representations in respect of the application.

The Licensing Authority Representative referred to his representations, detailed in Appendix B to the report, and drew the Sub Committee's attention to a number of factors in relation thereto. Firstly, on point c), and the issue of the premises' planning consent, the applicant had confirmed that it would be his intention to seek a variation to that planning consent for any variation that may be granted by the Sub-Committee that day, and that the variation would not be implemented until such time as planning consent had been obtained. With regard to point f), the Licensing Authority was of the view that the wording of the operating schedule, submitted as part of the application, was not sufficiently precise to enable it to form clear enforceable licence conditions in accordance with Section 18(2)(a) of the Licensing Act. The applicant had stated in point f) that a risk assessment had been undertaken, however, there was no documentary evidence to support that claim. Accordingly, site visits had been undertaken by himself and a representative of the Public Health Division on separate weekends to assess whether there was a need for such an assessment to be formally undertaken and documented. During those occasions the level of music being played at the premises was found to be low background music only. As a result, discussions had been held with the applicant who had agreed to amend his application to remove the elements relating to the playing of live and recorded music and, therefore, no detailed documented risk assessment had been requested. Notwithstanding that amendment, the Sub Committee was requested to note that the Live Music Act still allowed for the playing of live music up to 11:00 p.m. However any background music would still have to be at a low level and would not allow for any dancing to take place

The Licensing Authority Representative thereupon referred to the issue of licensing conditions, and suggested that should the Sub-Committee be minded to grant the variation, that the conditions numbered 1-21 of the Dyfed Powys Police's representations (Appendix C), as agreed by the applicant, be added to the variation licence, and the existing conditions numbered 1-3, 7 and 9-12 be removed from the licence for the avoidance of duplication.

All parties were afforded the opportunity of questioning the Licensing Authority on the representations made. Reference was made to patrons leaving the premises at 3.00 a.m. and a question was asked on whether that could undermine the licensing objectives, and if any steps had been undertaken to assess any potential impact. The Licensing Authority representative advised that as the suggested noise impact assessment only related to the playing of loud music, and not patrons entering / leaving the premises, no further assessments had been requested. Furthermore, the applicant's decision to remove the playing of live and recorded music from his application had negated the need for further monitoring.

The Sub-Committee thereupon received representations from two interested parties objecting to the variation of the premises licence on the following basis.

- prospective tenants frequently enquired as to the closing time of the premises. Whilst they could currently be assured of a 12.30 a.m. closure, should that be extended to 3.00 a.m., it could prove to be a disincentive to prospective tenants;
- current residents had expressed concerns at potential noise levels of people leaving the premises at 3.00 a.m. and causing anti social behaviour together with the impact of cigarette smoke rising from the pavement ground level into any open first floor windows;
- the landlords could end up losing tenants and the resultant vacant properties could be hard to let if a 3.00a.m. closure were to be granted;
- Whilst no complaints had been received by the landlords regarding the current operation of the premises, complaints had been made regarding the previous use including the playing of loud music, patrons congregating on the pavement outside, vandalism and anti social behaviour.
- Several residents had small children and found it intimidating leaving the premises ;
- The lease held by the applicant forbade any change of use without the landlord's express prior permission. No request for a change of use had been made, and neither would it be given if the premises were to remain open until 3.00 a.m. The landlords would also seek to forfeit the lease should the applicant operate under the requested variation

All parties were afforded the opportunity of questioning the objectors on their representations where they confirmed that no specific complaints had been made to the landlords regarding the operation of the current premises.

In response to the above, the applicant addressed the Sub Committee with his representations including the following:-

- The applicants, on initially opening the premises, had not intended to open beyond its permitted hours. However, following 3 months of trading it had become evident there was a need to open beyond those hours in order to enable the business to survive
- The premises mainly operated as a restaurant and cocktail bar and was aimed at attracting people aged 26 and above;
- Some patrons would like to remain in the premises longer but currently had to leave at 12.30 a.m.;
- It was not the owners' intention to attract younger patrons as dancing and loud music was catered for within other premises in the town centre.
- It was not considered a 3.00 a.m. closure would adversely impact on residents as there were other establishments in close proximity which played loud music and closed at 2.00 a.m.;
- The owners would ensure that stewards were on duty to monitor patrons entering/leaving the premises
- Currently two members of staff lived in the residential accommodation above the premises and had not experienced any noise nuisance
- With regard to the issue of cigarette smoke permeating into the first floor flats, that could be attributable to people attending the adjacent cafe's and smoking on the highway and that he had no control over that practice;
- As a business, the main objective was to be profitable. The current hours were restricting that ability with the only scope to improve being to remain open later on Friday and Saturday evenings. Accordingly, the variation application only sought a 3.00 a.m. closure for only those two days and to also be respectful of the

residents

- It was accepted there was a need for planning consent to be obtained for the later opening, should the variation be granted.
- Discussions would be held with the landlords to seek their agreement for later opening should the variation be granted;

All parties were afforded the opportunity of questioning the applicant on the representations made. In response to questions, the applicant confirmed that he would use door supervisors every Friday and Saturday after 10.00 p.m. (earlier if required on special occasions such as rugby internationals) to control entry to the premises and to request patrons to be respectful to residents when leaving. With regard to the operation of his premises in Bridgend, he confirmed that was open until 4.00 a.m. and whilst the Police had made representations regarding the general operation of the town centre in the early hours, no issues had been identified specifically to his premises and he had never received a final warning.

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 and having had 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

RESOLVED that the application for the variation of the Premises Licence in respect of Chillies Diner and Mojitos Bar, 17-21 Cowell Street, Llanelli be granted subject to following:-

1. To permit the sale of alcohol and late night refreshment until 1am on Fridays and Saturdays and the closing time to 1.30am
2. the conditions numbered 1-21 agreed between the applicant and the police being added to the licence, save condition 15 being amended to read 'Door Supervisors to be on duty every Friday and Saturday after 11pm'
3. the existing licence conditions numbered 1-3,7 and 9-12 being removed to avoid duplication

REASONS

In coming to its decision, the sub-committee had made the following findings of fact;

1. There had been no history of complaints at the premises to the licensing authority
2. The Applicant had agreed to the additional licence conditions requested by the police and had withdrawn his request for extended regulated entertainment.
3. No representations had been received from Public Health Services
4. The premises were immediately below a large number of residential flats
5. That local residents and their representatives had objected to the

- application on public nuisance grounds
6. Local residents had suffered nuisance from licensable activities at the premises in the past, but there had been no complaints to the Landlords or their agents since the applicants took over the running of the premises.
 7. There were a number of licensed premises nearby which closed prior to the terminal hour sought by the applicants
 8. That neither planning conditions nor the terms of the applicants lease permitted operating the extended hours sought.

The Sub -Committee had attached weight to the views of the police and the absence of any representations from public health services.

The Sub-Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if the application were granted, where unsupported by such evidence, were not matters which it could properly take into account.

The Sub-Committee found the evidence of the local residents and their representatives to be credible and compelling and was satisfied that in the past a public nuisance had occurred as a result of licensable activities at the premises (although the Sub-Committee recognised that was not when the applicants were in occupation).

On the evidence presented, the Sub-Committee was satisfied that to grant the application on the terms sought would be likely to change the clientele of the premises and the nature of its operation. At the very least, it would attract patrons from other nearby premises which had an earlier closing hour. Whilst the Sub-Committee noted the applicant's assurances regarding the use of door staff to regulate the situation, the Sub-Committee considered it likely that, at the very least, to grant the application would result in persons congregating outside the premises between 2am and 3am and attempting to gain access. The Sub-Committee considered that would be highly likely to cause a public nuisance to persons living in the building.

The Sub-Committee carefully considered whether the issues identified could be adequately addressed by additional control measures. The Sub-Committee considered that could only be achieved by restricting the terminal hour of the premises so that it closed prior to the nearby premises referred to above.

On the balance of probabilities the Sub-Committee was satisfied that it was appropriate to refuse the application as sought but instead vary the terminal hour to 1.30 am on Fridays and Saturdays. The committee was satisfied that this was appropriate in order to promote the licensing objective of preventing public nuisance, and was a proportionate response to the issues identified.

CHAIR

DATE

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WEDNESDAY, 21ST OCTOBER, 2015

PRESENT: Councillor T. Theophilus [Chair]

Councillors:

T. Bowen, J.M. Charles, A. Davies, P.M. Edwards, J.K. Howell, I.J. Jackson, H.I. Jones, P.E.M. Jones, D.J.R. Llewellyn, J. Thomas, M.K. Thomas, D.E. Williams and J.S. Williams.

The following Officers were in attendance:

Mrs S. Watts	Public Health Services Manager
Mr R. Edgecombe	Legal Services Manager
Mr J. Power	Senior Licensing Officer
Mr P. Booth	Licensing Officer
Mrs M. Evans Thomas	Democratic Services Officer

Representing the Police Authority: Mr M. Price

Chamber, County Hall, Carmarthen : 10.00 a.m. - 12.15 p.m.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor T. Davies.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute No.	Nature of Interest
A. Davies	7 – Application to Renew a HC/PH Dual Driver’s Licence – Mr Emyr Glyn Davies	Applicant is known to him.
J.K. Howell	9 – Application for the Grant of a HC/PH Dual Driver’s Licence – Mr Daniel Simon Lawrence	Applicant lives in his ward.
J.K. Howell	12 – Application for the Grant of a HC/PH Dual Driver’s Licence – Mr David Timothy Jones	Applicant lives in his ward.
I.J. Jackson	8 – Application to Renew a HC/PH Dual Driver’s Licence – Mr Anthony John Wathan	Applicant is known to him.

3. PRIVATE HIRE VEHICLE LICENCE

The Committee considered an application from Mr Hywel Douglas Price Thomas of 2 Pryce Street, Llanelli to be granted an exemption from conditions 5a and 5b of the Council’s Licence Conditions for Private Hire Vehicles for his Mercedes Vito registration number WV65 UTH.

Mr Thomas had requested that, as he intended to operate the vehicle for executive and airport hire only, he be granted an exemption from conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles, namely that he be not required to display door stickers and a licence plate on the rear bumper of his licensed vehicle. Mr Thomas had been previously granted this exemption for other vehicles operated by him.

The Public Health Services Manager advised that should the Licensing Committee agree to grant an exemption from conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles, then the following licence conditions would be attached to the licence:-

- That the licensed Mercedes Vito registration WV65 UTH be exempt from licence conditions 5a and 5b whilst being used for executive and airport hire purposes as outlined in the application by Mr Thomas;
- That, should the vehicle be used for private hire other than executive hire, then the applicant shall immediately notify the Licensing Authority and the exemption shall cease in relation to such hiring;
- That the vehicle displays an identification disc on the front and rear windscreens, as specified by the Licensing Authority.

RESOLVED that the application be granted in accordance with the conditions detailed within the report.

4. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR LEONARD ERIC SUMMERS

The Committee considered an application from Mr Leonard Eric Summers of 20 Rhos Las, Tregunnor, Carmathen to renew his Hackney Carriage/Private Hire Dual Driver's Licence.

Mr Summers was 70 years of age and Condition 25 of the Council's Conditions of Licensing for Hackney Carriage and Private Hire Dual Drivers states that "The driver shall be at least twenty one years of age and must not be older than seventy years of age".

Mr Summers had produced a medical certificate confirming that he was fit to drive a Hackney Carriage/Private Hire Vehicle.

The Committee thereupon

RESOLVED that the application by Mr Leonard Eric Summers to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted.

5. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MRS SARAH JENNA WYNNE

The Committee was reminded that consideration of this item was deferred at the meeting held on 3rd September, 2015 (minute 5 refers) as Mrs Wynne was unable to attend.

The Committee was advised that Mrs Wynne had contacted the Licensing Section to advise that she would be unable to attend today's meeting as she would be

away on holiday and had requested that the Committee consider her application in her absence.

The Committee duly considered an application from Mrs Sarah Jenna Wynne of 30 St. Non's Avenue, Carmarthen to renew her Hackney Carriage/Private Hire Dual Driver's licence.

Concern was expressed that insufficient information was available to enable the Committee to make an informed decision, as the applicant was not in attendance to provide clarification and in view of the fact that the Committee was considering suspension or revocation, it was therefore

RESOLVED that consideration of the application by Mrs Sarah Jenna Wynne to renew her Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting of the Committee and that she be advised that the Committee was considering suspending or revoking her licence and that should she fail to attend then her application may be dealt with in her absence.

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

The Committee considered an application from Mr Christopher Wayne Price of 11 Carway Street, Burry Port, Llanelli for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Price with regard to his application.

The Public Health Services Manager recommended that Mr Price's application be granted with a warning as to his future conduct.

The Committee thereupon

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Christopher Wayne Price for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted and that he be issued with a warning as to his future conduct.

7. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR EMYR GLYN DAVIES

[NOTE: Councillor A. Davies, having earlier declared an interest in this item, left the Chamber prior to the consideration and determination thereof.]

The Committee considered an application from Mr Emyr Glyn Davies of 13 Banc y Ddraenen, Capel Hendre, Ammanford to renew his Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Davies with regard to his application.

The Public Health Services Manager recommended that Mr Davies' application be granted with a warning as to his future conduct.

The Committee thereupon

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Emyr Glyn Davies to renew his Hackney Carriage/ Private Hire Dual Driver's Licence be granted and that he be issued with a warning as to his future conduct.

8. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR ANTHONY JOHN WATHAN

[NOTE: Councillor I.J. Jackson, having earlier declared an interest in this item, left the meeting prior to the consideration and determination thereof.]

The Committee considered an application from Mr Anthony John Wathan of 22 Towy Avenue, Llandovery to renew his Hackney Carriage/Private Hire Dual Driver's Licence.

Mr Wathan was accompanied by his wife and his solicitor, Mr David Williams. The Committee interviewed Mr Wathan with regard to his application and received statements from Mr Williams and Mrs Wathan. Mr Williams read out three letters providing character references in support of Mr Wathan's application.

The Public Health Services Manager recommended that Mr Wathan's application be granted with a warning as to his future conduct.

The Committee thereupon

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Mr Anthony John Wathan to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted and that he be issued with a warning as to his future conduct.

9. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DANIEL SIMON LAWRENCE

[NOTE: Councillor J.K. Howell, having earlier declared an interest in this item, left the meeting prior to the consideration and determination thereof.]

The Committee considered an application from Mr Daniel Simon Lawrence of Penwaun, Rhos, Llandysul for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

Mr Lawrence was accompanied by his mother, Mrs Phillips. The Committee interviewed Mr Lawrence with regard to his application, received a character reference from Mrs Phillips and observations from the police representative.

The Public Health Services Manager had originally recommended that Mr Lawrence's application be granted with a warning as to his future conduct. However, she advised the Committee that subsequent to the despatch of the agenda further information had been received and officers were now recommending that the 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 Daniel Simon Lawrence for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be refused.

Reasons

The Committee, having regard to the evidence presented, believed that the applicant was not a fit and proper person to hold a licence.

10. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR ANDREW STUART MARLING

The Committee was reminded that consideration of this item was deferred at the meeting held on 3rd September, 2015 (minute 8 refers) as Mr Marling was unable to attend.

The Committee was advised that Mr Marling was not in attendance, however, he had been advised that should he fail to attend then his application may be dealt with in his absence.

The Committee duly considered an application from Mr Andrew Stuart Marling of 54 Park Hall, Carmathen for the grant of a Hackney Carriage/Private Hire Dual Driver's licence.

Concern was expressed that insufficient information was available to enable the Committee to make an informed decision, as the applicant was not in attendance to provide clarification and it was therefore

RESOLVED that consideration of the application by Mr Andrew Stuart Marling for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting of the Committee and that he be advised that should he fail to attend then his application may be refused.

11. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MRS PATRICIA MARY BOTTOMLEY

The Committee was informed that Mrs Bottomley had contacted officers requesting that consideration of her application be postponed as she was unable to attend today's meeting due to unforeseen circumstances.

UNANIMOUSLY RESOLVED that consideration of the application from Mrs Patricia Mary Bottomley for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting of the Committee.

12. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DAVID TIMOTHY JONES

[NOTE: Councillor J.K. Howell, having earlier declared an interest in this item, left the meeting prior to the consideration and determination thereof.]

The Committee considered an application from Mr David Timothy Jones of Green Hill Cottage, Saron, Llandysul for the grant of a Hackney Carriage/ Private Hire Dual Driver's Licence.

The Committee interviewed Mr Jones with regard to his application and received observations from the police representative. The Public Health Services Manager read out a letter providing a character reference in support of Mr Jones' application.

The Public Health Services Manager recommended that Mr Lawrence's application be granted 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, the application submitted by Mr Daniel Simon Lawrence for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be refused.

Reasons

The Committee, having regard to the evidence presented, believed that the applicant was not a fit and proper person to hold a licence.

13. LICENSING SUB-COMMITTEE MINUTES

UNANIMOUSLY RESOLVED that the minutes of the meeting of Licensing Sub-Committee 'A' held on the 26th August, 2015 be signed as a correct record.

14. MINUTES

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 3rd September, 2015 be signed as a correct record.

CHAIR

DATE