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**WEDNESDAY, 14 OCTOBER 2020**

**TO: ALL MEMBERS OF THE LICENSING COMMITTEE**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING** MEETING OF THE **LICENSING COMMITTEE** WHICH WILL BE HELD AT **10.00 AM ON WEDNESDAY, 21ST OCTOBER, 2020** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Wendy Walters*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

<b>Democratic Officer:</b>	<b>Emma Bryer</b>
<b>Telephone (Direct Line):</b>	<b>01267 224029</b>
<b>E-Mail:</b>	<b>ebryer@carmarthenshire.gov.uk</b>

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

# 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. **TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 12TH AUGUST, 2020.** 5 - 8
4. **TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 18TH AUGUST, 2020.**
  - 4 .1 **18TH AUGUST, 2020 (09:30 A.M)** 9 - 12
  - 4 .2 **18TH AUGUST, 2020 (12:00 P.M)** 13 - 16
5. **EXCLUSION OF THE PUBLIC**

THE REPORTS RELATING TO THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007 AS IT CONTAINS INFORMATION RELATING TO A PARTICULAR INDIVIDUAL.

IF, FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST, THE COMMITTEE RESOLVES PURSUANT TO THE ACT TO CONSIDER THESE ITEMS IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
6. **MR GAVIN JAMES ORAM - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 17 - 20
7. **MR NICHOLAS SHAUN CRANE - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 21 - 24
8. **MR DAVID WILLIAM DAVIES - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 25 - 28
9. **MR LEE STUART JONES - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 29 - 32

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## Licensing Committee

Wednesday, 12 August 2020

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

**Councillors:**

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

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;  
J. Power, Senior Licensing Officer;  
M. Heath, Licensing Officer;  
J. Owen, Democratic Services Officer.

**Virtual Meeting - 10.00 am - 11.20 am**

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors S. Phillips and T.J. Jones.

**2. DECLARATIONS OF PERSONAL INTERESTS.**

Councillor	Minute Number	Nature of Interest
E. Thomas	5 - Mr Kenneth John Joseph Duxberry - Application to Renew of a Grant of a Hackney Carriage/ Private Hire Dual Drivers Licence	Knows the applicant.
E. Thomas	7 - Mr Thomas Peter Haynes Fuller- Hackney Carriage/ Private Hire Dual Drivers Licence	The driver lives in his ward and is known to him.

**3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 7<sup>TH</sup> JULY, 2020**

**UNANIMOUSLY RESOLVED** that the minutes of the meeting of the Licensing Committee held on the 7<sup>th</sup> July, 2020 be signed as a correct record.

**4. EXCLUSION OF THE PUBLIC**

**RESOLVED**, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 12 of Part 4 of Schedule 12A to the Act.

**5. MR KENNETH JOHN JOSEPH DUXBERRY -  
APPLICATION TO RENEW OF A GRANT OF A HACKNEY CARRIAGE/  
PRIVATE HIRE DUAL DRIVERS LICENCE**

(NOTE: Having earlier declared an interest in this item, Councillor E. Thomas left the meeting and therefore was not present during its determination or vote by the Committee. This item was presided by Vice Chair, Councillor D.E. Williams.)

The Committee considered an application from Mr Kenneth John Joseph Duxberry of 18 Cwrt Y Gloch, Peniel, Carmarthen to renew his hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Duxberry with regard to his application and issues raised by the Senior Licencing Officer.

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

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

Reason

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

**6. MR JOHN MICHAEL ELIAS -  
APPLICATION TO RENEW OF A GRANT OF A HACKNEY CARRIAGE/  
PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee considered an application from Mr John Michael Elias of 21 Cae Person, Llanddarog to renew his hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Elias with regard to his application and issues raised by the Senior Licencing Officer.

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

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

Reason

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

**7. MR THOMAS PETER HAYNES FULLER-  
HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE**

(NOTE: Having earlier declared an interest in this item, Councillor E. Thomas left the meeting and therefore was not present during its determination or vote by the Committee. This item was presided by Vice Chair, Councillor D.E. Williams.)

The Committee was informed that Mr Thomas Peter Haynes Fuller of 1 North Bank, Llandeilo is currently a licensed hackney carriage/private hire dual driver with this Authority and that an issue had arisen with his licence.

The Committee interviewed Mr Fuller with regard to the issue.

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

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

Reason

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

**8. MRS JEANETTE DAVIES -  
HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee considered an application from Mrs Jeanette Davies of 27 Heol Llwyn Bedw, Hendy for the grant of a hackney carriage/private hire dual drivers licence.

The Committee interviewed Mrs Davies with regard to her application and issues raised by the Senior Licensing Officer.

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

**UNANIMOUSLY RESOLVED that the application submitted by Mrs Jeanette Davies for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to her future conduct.**

Reason

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

**9. MR LEE CAINES-  
HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee considered an application from Mr Lee Caines of 126 Heol-y-Gors, Cwmgors, Ammanford for the grant of a hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Caines with regard to his application and issues raised by the Senior Licencing Officer.

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

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

Reason

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

**10. MR BUPHINDER MALLEY-  
HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE**

(Note: Due to another work commitment, Councillor M. Charles was not present during the consideration of this item.)

The Committee considered an application from Mr Bhupinder Malley of 16 Y Bwthyn, Llanelli for the grant of a hackney carriage/private hire dual drivers licence.

The Committee interviewed Mr Malley with regard to his application and issues raised by the Senior Licencing Officer.

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

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

Reason

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

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**CHAIR**

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**DATE**



Licensing Sub Committee A

Tuesday, 18 August 2020

**PRESENT:** Councillor J.M. Charles (Chair)

**Councillors:**

C.A. Davies and J.K. Howell.

**Also present as observer:** Councillor D.E. Williams

**Present as a representative of a Responsible Authority:**

D. Bizby, Dyfed Powys Police Authority Representative

E. Jones, Licensing Lead

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Smith, Licensing Officer

E. Bryer, Democratic Services Officer

**Virtual Meeting - 9.45 am - 11.10 am**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interest.

**2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE SANTA CLARA, ST CLEARS, CARMARTHEN, CARMARTHESHIRE, SA33 4EE**

The Chair briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been received from Dyfed-Powys Police for the Review of a premises licence in respect of Santa Clara, St Clears, Carmarthenshire, following a visit to the premises by Police and the Council's Licensing Officer, as well as complaints submitted, which had identified a lack of management and control at the premises

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

Appendix A – Background to the review and copy of the application;

Appendix B – Licensing Authority representations;

Appendix C – Other representations.

The Police Authority Representative referred to his representations, as detailed within Appendix A to the report, and advised that subsequent thereto he had spoken with the Designated Premises Supervisor and the Premises Licence holder to discuss the application. As a consequence of the discussions, Mr. Pearce had volunteered to cease to be the Designated Premises Supervisor and the additional conditions listed in Appendix A had been accepted subject to condition 18 being amended, at the request of the Police Authority to require the

Level 2 Personal Licence Holders Qualification Certificate to be obtained within a period of one month.

He also advised that following those discussions, the police were rescinding their recommendations seeking both the suspension of the premises licence for a period of three months and the removal of Mr Pearce as the Designated Premises Supervisor

All parties present were afforded the opportunity of questioning the Police Authority representative on his submission.

The Licensing Authority Representative referred to his representations, as detailed within Appendix B to the report and advised that the Licensing Authority supported the amended measures proposed by the police and considered that these measures were appropriate and proportionate.

All parties present were afforded the opportunity of questioning the Licensing Authority representative on his submission.

Mr Reynolds the licence holder in response to the representations received advised the Sub-Committee that he was not aware of what happens at the premises at all times and had not experienced any previous issues at the premises.

All parties present were afforded the opportunity of questioning Mr Reynolds the licensing holder.

Mr Richard Pearce the Designated Premises Supervisor was called on to address the Sub-Committee as a witness in support of the licence holders. Mr Pearce referred to his representations as detailed within the report.

All parties present were afforded the opportunity of questioning Mr Pearce.

The Sub Committee thereupon

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

**Having regard to the relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and of guidance issued by the DCMS and Home Office, it was**

**FURTHER RESOLVED that:**

- 2.1 The additional licence conditions agreed between the Police and the Premises licence holders be added to the licence and be complied with within 3 months (save for condition 18) of the date of this decision;**
- 2.2 That condition 18 be complied within 1 month of this decision;**
- 2.3 That the DPS (Mr Pearce) should NOT be removed**

**from the licence;**  
**2.4 That the premises licence should NOT be suspended.**

**REASONS**

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

1. On the 23<sup>rd</sup> March 2020 Licensing officers attended at the premises following a complaint of a breach of the Coronavirus Regulations and gave advice to the DPS regarding compliance.
2. On the 29<sup>th</sup> March 2020 at approximately 4pm Police Officers attended at the premises in response to a complaint from a member of the public and witnessed a breach of the Coronavirus Regulations. A warning was given to Mr Pearce the DPS.
3. At 4.40pm the same day officers returned to the premises and again witnessed a breach of the Coronavirus Regulations. A fixed Penalty Notice was issued to Mr Pearce.
4. Mr & Mrs Reynolds have no day to day involvement in the running of the premises, and were not at the premises on the above occasions.
5. Day to day management of the premises is instead undertaken by Mr Pearce the DPS.
6. Prior to the Coronavirus pandemic there was no previous history of complaints or enforcement action at the premises.
7. That the Police and Licence Holders have agreed a set of additional licence conditions aimed at improving management of the premises.
8. The Police no longer consider removal of the DPS or suspension of the premises licence to be an appropriate or proportionate course of action.

The Sub Committee has attached weight to the views of the responsible authorities particularly the Police.

The Sub Committee is extremely concerned that the premises should have breached the Coronavirus regulations in such a flagrant manner, despite having been given clear advice by licensing officers on the 23<sup>rd</sup> March. This selfish action put the lives of members of the public at risk and clearly undermined the licensing objective of preventing crime and disorder as breach of the Coronavirus Regulations was (and still is) a criminal offence.

The Sub Committee acknowledges that Mr & Mrs Reynolds are not involved in the day to day running of the premises and were not present on the occasions referred to above. However, as licence holders they are ultimately responsible for what happens at the premises and cannot simply pass that responsibility to the DPS. The incidents that occurred demonstrate a lack of proper management of the premises at the time both by Mr Pearce and Mr & Mrs Reynolds

The Sub Committee takes the view that Mr Pearce is primarily responsible for what happened in March and has doubts about his fitness to act as DPS. The Sub Committee does not accept that what happened was the result of inexperience or a lack of licensing training. The restriction brought about by the Coronavirus pandemic at that time were simple and well publicised. There was simply no excuse for Mr Pearce acting the way he did. Given that the Police application was

made in June it is disappointing that Mr Pearce has not already completed the personal licence course.

However, the Sub Committee is legally obliged to attach weight to the views of the Police and should only depart from them if there is clear evidence that the Police views are wrong. In this regard the Sub Committee is reminded that the purpose of this review is NOT to punish Mr Pearce or Mr & Mrs Reynolds for what has happened in the past. This was dealt with by the issue of the fixed Penalty Notice to Mr Pearce in March.

Rather the purpose of this review is to try and ensure the future running of the premises promotes the licensing objectives, in particular the objective of preventing crime and disorder.

Based on the evidence before it the Sub Committee is satisfied that the additional licence conditions agreed between the Police and Premises Licence holders are an appropriate and proportionate response to what has happened and will promote the licensing objective of preventing crime and disorder. The Sub Committee is also satisfied that it would NOT be appropriate or proportionate to suspend the premises licence or remove Mr Pearce as DPS.

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**CHAIR**

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**DATE**

Licensing Sub Committee A

Tuesday, 18 August 2020

**PRESENT:** Councillor J.M. Charles (Chair)

**Councillors:**

C.A. Davies and J.K. Howell.

**Also present as observer:** Councillor D.E. Williams

**Present as a representative of a Responsible Authority:**

E. Jones, Licensing Lead

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

K. Smith, Licensing Officer

A. Rees, Licensing Officer

E. Bryer, Democratic Services Officer

**Virtual Meeting - 12.05 pm - 1.00 pm**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interest.

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE., 11 COWELL STREET, LLANELLI, SA15 1UU**

The Chair briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been received from Mr Aran Baker for the grant of a Premises Licence in respect of 11 Cowell Street, Llanelli, SA15 1UU to permit:-

- Supply of Alcohol – Monday to Sunday 08:00-01:00,
- Opening Hours – Monday to Sunday 08:00-01:00

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 the Dyfed Powys Police
- Appendix D – Representations submitted by Public Health Services
- Appendix E – Representations submitted by other persons

The Licensing Authority representative referred to his representations as detailed within Appendix B and also to the representations received from Dyfed Powys Police (Appendix C) and the Public Health Services (Appendix D). The Sub Committee was advised that the applicant had amended the proposed operating hours to now terminate at 11.00 p.m. and had accepted the conditions proposed by the responsible authorities

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

The Sub Committee received oral representations from the objectors re-iterating the information detailed in Appendix E of the report.

All parties present were afforded the opportunity of questioning the objectors regarding the representations made.

Mr Baker (the Applicant) was then afforded the opportunity of presenting his representations and respond to the comments made by the objectors. He confirmed that he had accepted the representations made by the Police and Public Health Authorities regarding the reduction of opening hours.

All parties present were afforded the opportunity of questioning the applicant on his submission.

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

Having regard to the relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was:

**RESOLVED that having considered all the evidence before it, the Sub Committee finds that the application should be granted subject to the agreed licence conditions.**

**REASONS:**

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

1. The premises has not previously had a premises licence.
2. There is no history of complaints or enforcement action at the premises.
3. None of the responsible authorities object in principle to the grant of the licence.
4. The applicant has agreed to the licence conditions requested by the responsible authorities.

The Sub Committee had attached weight to the views of the responsible authorities particularly the Police.

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, are not matters which they can properly take into account.

The Sub Committee noted the concerns raised by those local people who had made representations and did not doubt that these concerns were genuine. However only limited evidence had been presented to support those concerns.

Therefore, the Sub Committee did not feel it had any justification for departing from the views of the responsible authorities in this case.

Accordingly, the Sub Committee was satisfied on the evidence presented that it was appropriate to grant the licence subject to the conditions agreed between the applicant and responsible authorities, in order to promote the licensing objectives. The Sub Committee was further satisfied that it was a proportionate response to the issues identified.

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**CHAIR**

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**DATE**

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# Agenda Item 6

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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# Agenda Item 7

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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# Agenda Item 8

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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# Agenda Item 9

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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