

Document Pack



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

THURSDAY, 21 JULY 2016

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 AT 10.00 AM ON THURSDAY, 28TH JULY, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Martin S. Davies
Telephone (direct line):	01267 224059
Fax:	(01267) 224911
E-Mail:	MSDavies@carmarthenshire.gov.uk
Ref:	AD016-001

**LICENSING COMMITTEE
15 MEMBERS**

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. VACANCY

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.
2. DECLARATIONS OF PERSONAL INTERESTS.
3. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DYLAN WYN EVANS. 5 - 6
4. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE MR DAVID WILLIAM SQUIRE. 7 - 8
5. HACKNEY CARRIAGE VEHICLE LICENCE. 9 - 10
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 22ND JUNE, 2016. 11 - 16

This page is intentionally left blank

LICENSING COMMITTEE

28/07/16

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DYLAN WYN EVANS

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Evans' 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
28/07/16

APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DYLAN WYN EVANS

To consider an application from Mr Dylan Wyn Evans of 47 Trewern, Saron, Llandysul for the grant of a hackney carriage/private hire dual drivers licence.

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.	DD20466	Licensing Section, 3 Spilman Street, Carmarthen

LICENSING COMMITTEE

28/07/16

APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE MR DAVID WILLIAM SQUIRE

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

1. That Mr Squire's application be granted.
2. That Mr Squire's Hackney Carriage/Private Hire Dual Drivers Licence be Suspended for 14 days.

REASONS:

Council's Guidelines.

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

Executive Board Member Portfolio Holder: Councillor 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
28/07/16

APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DAVID WILLIAM SQUIRE

To consider an application from Mr David William Squire of 12 Gwendraeth Town, Kidwelly to renew his hackney carriage/private hire dual drivers licence.

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

Legal: The legal implication of Suspending Mr Squire's licence is that he may lodge an appeal

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

28/07/16

HACKNEY CARRIAGE VEHICLE LICENCE

RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Roberts' application be refused

REASONS:

Council's Guidelines Relating to the application process.

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
28/07/16

HACKNEY CARRIAGE VEHICLE LICENCE

To consider an application from Mr Andrew Paul Roberts of 18 Swiss Valley, Llanelli to Licence a BMW 300D registration number BX11 KPK as Hackney Carriage Vehicle 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 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

LEGAL: The legal implication of refusal to grant a licence is that Mr Roberts may lodge an appeal.

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.	HC 842	Licensing Section, 3 Spilman Street, Carmarthen

Wednesday, 22 June 2016

PRESENT: Councillor T. Theophilus (Chair)

Councillors:

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

The following Officers were in attendance:

S. Watts, Public Health Services Manager;
R. Edgecombe, Legal Services Manager
J. Power, Senior Licensing Officer
P. Booth, Licensing Officer;
M.S. Davies, Democratic Services Officer.

Also present as observers:

N. James and J. Evans – Queen Elizabeth High School.

Chamber, County Hall, Carmarthen - 10.00 - 11.30 am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T. Bowen, R. Llewellyn and J.S. Williams.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interest.

3. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MRS JOSEPHINE MARY IBLE

It was reported that an application had been received from Mrs Josephine Mary Ible of Geulanfelen, Pentre-Cwrt, Llandysul, to renew her hackney carriage/private hire dual drivers licence. Mrs. Ible was 70 years of age and Condition 25 of the Council's Conditions of Licensing for Hackney Carriage and Private Hire Dual Drivers stated that "The driver shall be at least twenty one years of age and must not be older than seventy years of age".

Mrs. Ible, who was not present, had produced a medical certificate confirming that she was fit to drive a Hackney Carriage/Private Hire Vehicle.

The Committee thereupon

UNANIMOUSLY RESOLVED, in the absence of Mrs. Ible, that officers be authorised to determine the application under the delegated authority referred to in minute 9 below.

4. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MRS JANINE ORAM

The Committee considered an application from Mrs. Janine Oram of Kennel Cottage, Kings Lodge, Llandeilo, to renew her Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mrs. Oram with regard to her application.

The Public Health Services Manager recommended that Mrs. Oram's application be granted with a warning as to her future conduct.

The Committee thereupon

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, the application submitted by Mrs. Janine Oram 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. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR LEE JENKINS

The Committee considered an application from Mr Lee Jenkins of 89 James Street, Llanelli, to renew his Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr. Jenkins with regard to his application.

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

The Committee thereupon

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

6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DEREK BURT

The Committee considered an application from Mr Derek Burt of 14 Hengall Uchaf, New Quay, Ceredigion, for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Burt with regard to his application.

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

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

7. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR DANIEL DAVID RICHARDS

The Committee considered an application from Mr Daniel David Richards of Swn-y-Coed, 3 Llanmiloe Bach, Llanmiloe, Carmarthen, to renew his Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Richards with regard to his application.

The Public Health Services Manager recommended that Mr Richards' 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 Daniel David Richards to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reasons

The Committee, having regard to the evidence presented, was satisfied that the applicant was a fit and proper person to hold a licence.

8. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR PETER TERENCE MCSWEENEY

The Committee was informed that Mr Peter Terence McSweeney of Morfa House, Blaenffos, Boncath, 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 McSweeney with regard to that issue and received observations from the police representative. The Committee also received a character reference from Mr McSweeney's current employer.

The Public Health Services Manager recommended that Mr McSweeney's 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 accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 Mr Peter Terence McSweeney's Hackney Carriage/Private Hire Dual Drivers Licence be suspended for a period of 14 days.

Reasons:

The Committee having regard to the nature of the matters disclosed was satisfied that the suspension of the licence was a proportionate response to those matters.

9. DELEGATING AUTHORITY TO OFFICERS

In accordance with minute 6 of the meeting held on the 19th May 2016 the Committee considered a report seeking delegating authority for officers to process applications from persons over the age of 70 and applications for exemption from Condition 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles

UNANIMOUSLY RESOLVED that Delegated Authority be granted to Officers to issue the following Licenses:-

- Where applicants who are over 70 years of age have provided a Medical Certificate confirming they are fit to drive a Hackney Carriage/Private Hire Vehicle;
- Where applicants have previously produced a business case and appeared before the Licensing Committee to be granted an exemption from Condition 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles.

10. COMPOSITION OF THE LICENSING SUB-COMMITTEES FOR THE 2016/17 MUNICIPAL YEAR

The Committee considered a report detailing the proposed composition of the Licensing Sub-Committees for the 2016/17 municipal year.

UNANIMOUSLY RESOLVED that membership of the Licensing Sub-Committees for the 2016/17 municipal year be as follows:-

Licensing Sub-Committee "A"

Councillors P.M. Edwards, H.I. Jones, J. Thomas, M.K. Thomas and D.E. Williams.

Licensing Sub-Committee "B"

Councillors A. Davies, T. Bowen, P.E.M. Jones, T. Theophilus and J.S. Williams.

Licensing Sub-Committee "C"

Councillors J.M. Charles, T. Davies, J.K. Howell, I.J. Jackson and D.J.R. Llewellyn.

11. APPOINTMENT OF CHAIRS OF LICENSING SUB-COMMITTEES FOR THE 2016/17 MUNICIPAL YEAR

The Committee considered nominations received for the Chairs of the Licensing Sub-Committees for the 2016/17 municipal year and

RESOLVED that

Councillor H.I. Jones be appointed Chair of Licensing Sub-Committee "A" for the 2016/17 municipal year;

Councillor A. Davies be appointed Chair of Licensing Sub-Committee "B" for the 2016/17 municipal year;

Councillor T. Davies be appointed Chair of Licensing Sub-Committee "C" for the 2016/17 municipal year.

12. LICENSING SUB COMMITTEE MINUTES

RESOLVED that the minutes of the Licensing Sub-Committee meetings held on the following dates be signed as a correct record:-

- 12.1 Licensing Sub-Committee "A" held on 26th April, 2016;
- 12.2 Licensing Sub-Committee "B" held on 5th May, 2016;
- 12.3 Licensing Sub-Committee "C" held on 5th April, 2016.

13. **MINUTES**

RESOLVED that the minutes of the meeting of the Licensing Committee held on the 19th May, 2016 be signed as a correct record.

CHAIR

DATE

This page is intentionally left blank