

# LICENSING COMMITTEE

Wednesday, 19 October 2016

**PRESENT:** Councillor I.J. Jackson (Chair)

**Councillors:**

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

**Also present as observers:** Councillor D.B. Davies and Councillor T.J. Jones (Executive Board Member for Environmental and Public Protection)

**The following Officers were in attendance:**

S.E. Watts – Public Health Services Manager  
R. Edgecombe – Legal Services Manager  
J. Power – Senior Licensing Officer  
P. Booth - Licensing Officer  
K. Thomas – Democratic Services Officer

Representing the Dyfed Powys Police: Mr M. Price

**Chamber, - County Hall - 10.00 am - 12.50 pm**

**1. APOLOGIES AND OTHER MATTERS.**

- Apologies for absence were received from Councillors T. Bowen and H.I. Jones.
- The Chair referred to Councillor H.I. Jones' recent ill health and extended his wishes for a speedy recovery.
- The Chair welcomed Councillor D.B. Davies to his first meeting following his appointment onto the Licensing Committee by Council, at its meeting held on the 12<sup>th</sup> October. It was noted that Councillor Davies was attending the meeting as an observer pending him receiving appropriate training, as required under the Council's Corporate Procedure Rules

**2. DECLARATIONS OF PERSONAL INTERESTS.**

Councillor	Minute No.	Nature of Interest
J.S. Williams	6 – Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence	Knows the applicant

**3. MR ERNEST TUDOR DAVIES - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/ PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee considered an application from Mr Ernest Tudor Davies of 62 Gors Fach, Pwlltrap, St Clears, Carmarthen for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application and was also advised of the contents of a letter support written by his partner.

The Public Health Services Manager recommended that Mr Davies' 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 Ernest Tudor Davies for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted, but that he be not issued with a warning as to his future conduct.**

#### **4. MR WAYNE SMITH RUSSELL - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

In accordance with Minute 4 of its meeting held on the 8<sup>th</sup> September, 2016 the Committee considered an application from Mr Wayne Smith Russel of 29 Pentre Doc y Gogledd, Llanelli, to renew his Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee was advised that correspondence had been received from Mr Russel, the previous day, advising that due to family circumstances he was unable to attend the Licensing Committee that day. Mr Russel had also conveyed within that correspondence an apology to the Council for not having advised it of his motoring convictions, as required under his licence conditions.

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

The Committee thereupon

#### **RESOLVED**

- 4.1 that Mr Russel's application for the renewal of his Hackney Carriage / Private Hire Dual Driver's Licence be considered in his absence**
- 4.2 that, in line with the Council's guidelines, the application submitted by Mr Wayne Smith Russell for the renewal of his Hackney Carriage / Private Hire Dual Driver's Licence be granted and that he be issued with a warning as to his future conduct.**

#### **5. MR DAVID WILLIAM DAVIES - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee was informed that Mr David William Davies of 4 Morfa Lane, Carmarthen, 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 Davies with regard to that issue

The Public Health Services Manager recommended that Mr Davies be issued 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 accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 Mr David William Davies' Hackney Carriage/Private Hire Dual Drivers Licence be granted and that he be issued with a final warning as to his future conduct.**

**6. MR NEIL ASHLEY PALMER - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

(Note: Councillor J.S. Williams, having earlier declared an interest in this item, left the Council Chamber during its determination by the Committee)

The Committee considered an application from Mr Neil Ashley Palmer of 46 Ffordd Aneurin, Pontyberem, Llanelli, to renew his Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Palmer with regard to his application.

The Public Health Services Manager advised that whilst it was considered Mr Palmer's application should be granted, it was also felt that grant should be suspended for a period of 7 days.

The Committee thereupon

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

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

**RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Neil Ashley Palmer to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted, but that the licence be also suspended for a period of twenty four hours.**

Reasons

The Committee, having regard to the evidence presented, was satisfied that the applicant was a fit and proper person to hold a licence. However, the Committee was also satisfied that a short period of suspension was necessary in this case, and reasonable in order to remind the applicant of his obligations. The Committee felt that the recommended 7 day period of suspension would be disproportionate.

**7. MR DAVID KEITH MAYNARD - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee was informed that Mr David Keith Maynard of 2 Pontgoch, Bancyfelin, Carmarthen 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 Maynard with regard to that issue. It was also advised of the contents of two letters received from the complainant in the matter together with Mr Maynard's written response.

The Public Health Services Manager recommended that Mr Maynard's Licence be suspended for a period of seven days.

The Committee thereupon:

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

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

**RESOLVED that consideration of the complaint made against Mr Maynard be deferred to the next appropriate meeting of the Committee in order for officers to undertake further investigations and to afford the complainant the opportunity of addressing the Committee in relation to the complaint.**

#### **8. MR REGINALD JOHN DAVIES - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE**

The Committee was informed that Mr Reginald John Davies of Llwyncelyn Cottage, Waun Dyrfal, Llangadog 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 Davies with regard to that issue. It also received video evidence relating to the complaint made against Mr Davies together with a character reference from County Councillor A. James.

The Public Health Services Manager recommended that Mr Davies' 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 Reginald John Davies be issued with a final warning as to his future conduct.**

Reasons:

The Committee having regard to the evidence presented accepted that the word "reidad" had different meanings and that Mr Davies meant it as a threat to overcharge the complainant if he ever used Mr Davies' taxi. However, it was understandable that the complainant would interpret the word as a threat of violence. In light of what Mr Davies meant by the words used, his exemplary

record over 39 years as a licensed driver, the Committee was satisfied there's no reasonable cause to suspend or revoke his licence. A final warning however would be appropriate in the circumstances, as such behaviour to a public servant was unacceptable.

**9. TO APPOINT A MEMBER TO SERVE ON LICENSING SUB COMMITTEE B**

The Committee was advised that following Council's decision, at its meeting held on the 12<sup>th</sup> October, 2016 to appoint Councillor D.B. Davies as a member of the Licensing Committee, it would now be necessary for the Committee to appoint a member to fill the vacancy on Licensing Sub Committee B

**RESOLVED that Councillor D.B. Davies be appointed to serve on Licensing Sub Committee B.**

**10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "C" HELD ON 31ST AUGUST, 2016.**

**RESOLVED that the minutes of the meeting of Licensing Sub Committee 'C' held on the 31<sup>st</sup> August, 2016 be signed as a correct record subject to it being noted that Councillor K. Howell had tendered his apology for the meeting.**

**11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 8TH SEPTEMBER, 2016.**

**RESOLVED that the minutes of the meeting of the meeting of the Licensing Committee held on the 8<sup>th</sup> September, 2016 be signed as a correct record.**

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**CHAIR**

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**DATE**