

LICENSING COMMITTEE

THURSDAY, 1 DECEMBER 2016

PRESENT: Councillor I.J. Jackson (Chairman)

Councillors:

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

Also present as observer: 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

M. Heath - Licensing Officer

R. Butler - Press Officer

M.S. Davies - Democratic Services Officer

C. Gadd - Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 11.45 am

Representing the Dyfed Powys Police: Mr M Price

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor H.I. Jones.

The Chair welcomed the new Democratic Services Officer to their first meeting of the Licensing Committee.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute No.	Nature of Interest
P. M. Edwards	6 – Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence	Knows the applicant

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

(Note: Councillor T. Davies withdrew from the meeting at this point).

The Committee was reminded that at its meeting held on the 19th October, 2016 (Minute 17 refers) it had resolved to defer consideration of the issue that had

arisen with regard to the Hackney Carriage/Private Hire Dual Driver's Licence of Mr David Keith Maynard of 2 Pontgoch, Bancyfelin, Carmarthen. The Committee was informed that Mr Maynard had contacted officers to advise that he was unable to attend today's meeting but was happy for his issue to be determined in his absence.

The Committee was advised of the two letters received from the complainant in the matter together with Mr Maynard's written response. The Committee had also interviewed Mr Maynard at the meeting held on 19th October, 2016. The Committee invited the complainant and her friend to comment on the evidence received.

The Public Health Services Manager recommended that Mr Maynard's License 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, in line with the Council's guidelines, that Mr David Keith Maynard's Licence be suspended for a period of seven days.

Reasons:

On the evidence presented, the Committee had no hesitation in accepting the evidence of the complainant and found that Mr Maynard did refuse to take the complainant as alleged.

The Committee also found that Mr Maynard was made aware of the complainant's health problems and that his further refusal amounted to a serious aggravating factor in this case.

In light of this aggravating factor the Committee did consider suspending Mr Maynard's licence for longer than seven days, but in light of the mitigating information put forward by Mr Maynard, and comments by the complainant that she did not wish to see him suffer hardship, it was decided to follow the recommendation of the officers.

The Committee therefore concluded that on the facts presented, there was reasonable cause to suspend Mr Maynard's licence for 7 days.

In coming to this decision the Committee recognised that to do so interfered with Mr Maynard's rights under Article 1 First protocol of the ECHR. However the Committee felt that the course of action was necessary to protect the rights of others, particularly the complainant's rights under Article 3 and 14 of the ECHR, and was a proportionate response to what had happened.

The Committee thanked the complainant for taking time to attend the meeting and answer the Committee's questions.

4. MR ANDREW PAUL MORGANS - HACKNEY CARRIAGE VEHICLE LICENCE

The Committee considered an application from Mr Andrew Paul Morgans of AJ's Taxis, 38 Park View, Llanelli, for the grant of an exemption from Condition 15(e) of the Council's Conditions of Licence for Hackney Carriage Vehicles.

The Committee interviewed Mr Morgans with regard to his application.

The Public Health Services Manager recommended that Mr Morgans's application be granted.

RESOLVED that in line with the Council's guidelines, the application submitted by Mr Andrew Paul Morgans for an exemption from Condition 15(e) of the Council's Conditions of Licence for Hackney Carriage Vehicles be granted.

5. MR PETER WILLIAM DUNKLEY - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

(Note: Councillor P.M. Edwards and Mr. M Price left the Council Chamber during the determination of this item by the Committee).

The Committee were informed that Mr Peter William Dunkley of 70 Firth Road, Llanelli, was a licensed Hackney Carriage/Private Hire Dual Drivers Licence with the authority and that an issue had arisen with regard to his licence. The Committee interviewed Mr Dunkley with regard to that issue.

The Public Health Services Manager recommended that Mr Dunkley be issued 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 Mr Peter William Dunkley not be issued with a warning as to his future conduct.

6. MR DUDLEY PETER EVANS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

(Note Councillor P.M. Edwards, 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 Dudley Peter Evans of 81 Maes yf Haf, Pwll, Llanelli for the grant of a Hackney Carriage/Private Hire Dual Drivers Licence. The Committee interviewed Mr Evans with regard to his application.

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

RESOLVED that in accordance with the provisions of Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 Mr Dudley Peter Evans's Hackney Carriage/Private Hire Dual Drivers Licence be granted and that he be issued with a warning as to his future conduct.

7. MR MATTHEW HODGON - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Matthew Hodgson of 15 Ashburnham Road, Llanelli, to renew his Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Hodgson with regard to his application.

The Public Health Services Manager recommended that Mr Hodgson'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 Matthew Hodgson 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.

8. LICENSING SUB-COMMITTEE 'A' MINUTES - 11 OCTOBER, 2016

RESOLVED that the minutes of the meeting of the Licensing Sub Committee 'A' held on the 11th October, 2016 be signed as a correct record.

9. MINUTES - 19 OCTOBER 2016

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

CHAIR

DATE