

LICENSING SUB-COMMITTEE B

WEDNESDAY, 4 OCTOBER 2023

PRESENT: Councillor D.E. Williams (Chair) (In Person)

Councillors (In Person):

B.D.J Phillips

Councillors (Virtually):

M.J.A. Lewis

Observers (Virtually):

Councillor D. Jones Councillor K. Madge

Also in attendance (Virtually):

D. Paffett, Dyfed Powys Police Authority Representative

Also Present (In Person):

R. Edgecombe, Legal Services Manager

E. Jones, Licensing Lead

K. Smith, Licensing Officer

E. Evans, Principal Democratic Services Officer

J. Owens, Democratic Services Officer

Also Present (Virtually):

M. Runeckles, Members Support Officer

S. Rees, Simultaneous Translator

Chamber, County Hall, Carmarthen, SA31 1JP - County Hall, Carmarthen. SA31 1JP. - 2.00 - 2.43 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of Personal Interest.

2. MR ALEXANDER DANIELS - PERSONAL LICENCE HOLDER

It was reported that Mr Alexander Daniels of 27 Brynawelon, Llanelli, SA14 8PU, held a Personal Licence with the Authority, and had been convicted of a relevant offence which required consideration by the Sub-Committee.

The Sub-Committee considered the documents submitted, and all relevant written representations received from the parties.

The Licensing Lead advised the Sub-Committee of the issues that had arisen in respect of Mr Daniels' personal licence. Oral representations were also received from the Dyfed Powys Police representative and Mr Daniels.

Note: These minutes are subject to confirmation at the next meeting.

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

The Licensing Lead recommended that consideration be given to suspend or revoke Mr Daniels' personal licence.

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 the guidance issued by the DCMS and the Home Office, it was:

FURTHER UNANIMOUSLY RESOLVED, having considered all the evidence before it, that Mr Daniels' personal licence be suspended for a period of 15 days.

Reasons

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

- That Mr Daniels has held a personal licence since October 2019.
- Mr Daniels was convicted of an offence of driving under the influence of alcohol on 01/02/2023. He was banned from driving for 14th months.
- Mr Daniels was unable to give a breath sample at the roadside. Instead, he gave a blood sample at police station. There was 125mg alcohol in blood sample. The limit is 80mg. He was stopped by the police as he was speeding.
- Mr Daniels did not notify the Licensing authority of his conviction.
- The conviction only came to light because of an application to vary the DPS for a premises in June 2023.
- Mr Daniels has not previously been convicted of a qualifying criminal offence.
- Mr Daniels has not previously had a personal licence suspended or revoked.
- Suspension or revocation would adversely impact Mr Daniels' livelihood.
- The Sub-Committee notes it has a discretion to suspend or revoke Mr Daniels' licence.

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- The Sub-Committee attached weight to the views of the police.

Having regard to all the evidence and representations the Sub-Committee is satisfied on the balance of probabilities that it is appropriate for Mr Daniels' personal licence to be suspended for 15 days in order to promote the crime prevention objective in the Licensing Act 2003. This is because as a personal licence holder Mr Daniels has a responsibility to help prevent others committing alcohol related offences, including drink driving and his commission of this offence is therefore of grave concern.

The Sub-Committee considers this to be a proportionate response to the facts put before it. The Sub-Committee felt that revocation or a longer period of suspension would disproportionately impact upon Mr Daniels, but also that not imposing a period of suspension would be a failure on the part of the Sub-Committee to promote the licensing objectives.

CHAIR

DATE

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