

LICENSING COMMITTEE

Tuesday, 5 January 2016

PRESENT: Councillor T. Theophilus (Chair)

Councillors:

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

The following Officers were in attendance:

K. Byrne, Assistant Solicitor
A. Evans, Assistant Solicitor
M Heath, Licensing Officer
J Power, Senior Licensing Officer
K. Thomas, Democratic Services Officer
S.E. Watts, Public Health Services Manager

Chamber, - County Hall - 10.00 am - 12.40 pm

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors T. Bowen and P.E.M. Jones

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor	Minute No.	Nature of Interest
J.M. Charles	3. Application to renew a Hackney Carriage/Private Hire Dual Driver's Licence – Mr David Austin Norman Davies	Applicant is a Neighbour.
A Davies	7. Hackney Carriage / Private Hire Dual Driver's Licence – Mr Aled Stephen Williams	Knows Mr Williams
J.S. Williams	7. Hackney Carriage / Private Hire Dual Driver's Licence – Mr Aled Stephen Williams	Knows Mr Williams
A Davies Mr A. Evans (Assistant Solicitor)	9. D.M. Cabs 10. Application for the Grant of a Hackney Carriage / Private Hire Dual Driver's Licence – Mr Nicholas Marc Jones	Legal Advice Lives near the applicant.

3. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DAVID AUSTIN NORMAN DAVIES

(NOTE: Councillor J.M. Charles, having earlier declared an interest in this item, left the meeting during its consideration).

The Committee considered an application from Mr David Austin Norman Davies of Penycoed, Dryslwyn, Carmathen to renew his Hackney Carriage/Private Hire Dual Driver's Licence.

Mr Davies was 71 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".

Mr Davies had produced a medical certificate confirming that he was fit to drive a Hackney Carriage/Private Hire Vehicle.

The Committee thereupon

RESOLVED that the application by Mr David Austin Norman Davies to renew his Hackney Carriage/Private Hire Dual Driver's Licence be granted.

4. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE - MR ANDREW STUART MARLING

The Committee was reminded that at its meeting held on the 26th November, 2015 (Minute 3 refers) it had resolved to defer consideration of the application for a Hackney Carriage/Private Hire Dual Driver's Licence submitted by Mr Andrew Stuart Marling of 54 Park Hall, Carmarthen to its next meeting. It was advised that whilst Mr Marling had been notified of, and invited to attend, the meeting he was not in attendance and had not advised officers of any reason for his non-attendance.

RESOLVED that consideration of the application by Mr Andrew Stuart Marling for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be further deferred to the next meeting of the Committee, and Mr Marling be advised that should he not attend that meeting his application would be determined in his absence.

5. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE - MR ALAN LEE PATTERSON

The Committee considered an application from Mr Alan Lee Patterson of 30B Llandeilo Road, Cross Hands, Llanelli for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Patterson with regard to his application.

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

The Committee thereupon

RESOLVED that, in line with the Council's guidelines, the application submitted by Mr Alan Lee Patterson for the grant of a 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 ANDREW PAUL JONES

The Committee considered an application from Mr Andrew Paul Jones of 48 Squirrel Walk, Fforest, Pontarddulais for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Jones with regard to his application.

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

The Committee thereupon

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

7. HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE - MR ALED STEPHEN WILLIAMS

(NOTE: Councillors A. Davies and J.S. Williams, on recognising Mr Williams, declared an interest in this item and left the meeting during its consideration).

The Committee was informed that Mr Aled Stephen Williams of 11 Bryn Seilo, Carway, Kidwelly 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 Williams with regard to that issue.

The Public Health Services Manager recommended that Mr Williams be issued with a final warning as to his future conduct.

The Committee having regard to the Public Health Service Manager's recommendation and Mr Williams' record as a licenced driver since 1993 felt that on this occasion whilst he should be issued with a warning as to his future conduct, that should not be a final warning

RESOLVED that, in line with the Council's guidelines, Mr Aled Stephen Williams be issued with a warning as to his future conduct.

8. HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE - MR DAVID WILLIAM SQUIRE

Further to Minute 8 of the meeting held on the 26th November, 2015 the Committee was informed that Mr David William Squire of 12 Gwendraeth Town, Kidwelly 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 Squire with regard to that issue.

The Public Health Services Manager recommended that Mr Squire 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 Squire's Hackney Carriage/Private Hire Dual Drivers Licence be suspended for a period of 7 days with immediate effect.

Reasons:

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

9. D.M. CABS, LLANELLI

(NOTE: Councillor A. Davies, having earlier declared an interest in this item, left the meeting during its consideration).

The Committee was informed that Mr David Harold Mathias was the proprietor of D.M. Cabs, Llanelli and that on the 30th October, 2015 the Council had prosecuted one of his employees, Mr Adrian Ricky Parry, for driving a Licensed Hackney Carriage, owned by Mr Mathias, without having the required Hackney Carriage/Private Hire Dual Drivers Licence.

The Committee received representations from Mr Mathias's legal representative with regard to the above incident and also interviewed Mr Mathias with regard thereto.

The Public Health Services Manager recommended that Mr Mathias 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, in line with the Council's guidelines, Mr Mathias be issued with a warning as to his future conduct.

Reason:

Mr Mathias was the proprietor of Hackney Carriage HC 983 and that on the 4th March 2015 it was used by an unlicensed driver contrary to Mr Mathias' Licence. The Committee considered that, as the proprietor of the vehicle, it was Mr Mathias'

responsibility to ensure it was not used by an unlicensed driver. On that basis, the committee considered a warning as to future conduct should be issued.

10. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE - MR NICHOLAS MARC JONES

(NOTE: Mr A. Evans, having earlier declared an interest in this item, left the meeting during its consideration. Ms K. Burn (Assistant Solicitor) attended in his absence.

The Committee considered an application from Mr Nicholas Marc Jones of 2 Glan yr Afon, Ostrey Hill, St Clears for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence. The Committee interviewed Mr Jones with regard to his application.

The Public Health Services Manager recommended that Mr Jones' application be refused.

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, Mr Nicholas Marc Jones' application for the grant of a Hackney Carriage/Private Hire Dual Drivers Licence be refused on the basis that he was not a fit and proper person.

Reason:

On the evidence placed before it, the Committee was satisfied that the applicant was not a fit and proper person to drive a Hackney Carriage/Private Hire vehicle.

11. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE - MR JAMIE LEE GOODIER

The Committee was advised Mr Goodier had informed the Authority that he would not be able to attend the meeting that day due to work commitments.

UNANIMOUSLY RESOLVED that consideration of the application from Mr Jamie Lee Goodier for the grant of a Hackney Carriage/Private Hire Dual Drivers Licence be deferred to the next meeting of the Committee.

12. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 16TH DECEMBER 2015

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 16th December, 2015 be signed as a correct record.

CHAIR

DATE