

# Document Pack



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

**THURSDAY, 8 FEBRUARY 2018**

**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, CARMARTHEN AT 10.00 AM ON MONDAY, 19TH FEBRUARY, 2018** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Mark James* CBE

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
Telephone (Direct Line):	01267 224027
E-Mail:	<a href="mailto:kjthomas@carmarthenshire.gov.uk">kjthomas@carmarthenshire.gov.uk</a>
Ref:	AD016-001

# **LICENSING COMMITTEE**

**14 MEMBERS**

## **PLAID CYMRU GROUP – 7 MEMBERS**

1. Councillor Mansel Charles
2. Councillor Alun Davies
3. Councillor Ann Davies
4. Councillor Tyssul Evans
5. Councillor Ken Howell
6. Councillor Eirwyn Williams
7. Councillor Elwyn Williams [Vice-Chair]

## **LABOUR GROUP – 4 MEMBERS**

1. Councillor Fozia Akhtar
2. Councillor Penny Edwards
3. Councillor Amanda Fox
4. Councillor John Prosser

## **INDEPENDENT GROUP – 3 MEMBERS**

1. Councillor Rob Evans
2. Councillor Irfon Jones
3. Councillor Edward Thomas [Chair]

***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. MR DAFYDD WILLIAM RHYS EVANS - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 5 - 8
4. MR RUSSELL ALAN HOWE - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 9 - 12
5. MISS CLAIRE LOUISE WHITEHEAD - APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 13 - 16
6. MR JASON OWEN JENKINS - HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE 17 - 20
7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 29TH NOVEMBER 2017 21 - 26
8. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON 25TH JANUARY 2018 27 - 30
9. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 12TH DECEMBER 2017 31 - 34
10. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 7TH DECEMBER, 2017. 35 - 38

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## LICENSING COMMITTEE

19/02/18

### SUBJECT AND PURPOSE

**Mr Dafydd William Rhys Evans**

**Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence**

### 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 P.M. Hughes

Directorate: Communities  
Name of Head of Service  
Mr Jonathan Morgan

Report Author  
Mr Justin Power

Designation:

Acting Head of Homes and Safer Communities

Senior Licensing Officer

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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**19/02/18**

**SUBJECT**

**Mr Dafydd William Rhys Evans**  
**Application for the Grant of a Hackney Carriage/Private Hire Dual Drivers Licence**

**To consider an application from Mr Dafydd William Rhys Evans of 3 Maesybedw, Boncath 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 Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**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.	DD10762	Licensing Section, 3 Spilman Street, Carmarthen

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## LICENSING COMMITTEE

19/02/18

### SUBJECT AND PURPOSE

Mr Russell Alan Howe  
Hackney Carriage/Private Hire Dual Drivers Licence

### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Howe be issued 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 P.M. Hughes

Directorate: Communities  
Name of Head of Service  
Mr Jonathan Morgan

Designation:  
Acting Head of Homes and  
Safer Communities

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Report Author  
Mr Justin Power

Senior Licensing Officer

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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**19/02/18**

**SUBJECT**

**Mr Russell Alan Howe**

**Hackney Carriage/Private Hire Dual Drivers Licence**

**Mr Russell Alan Howe of 19 Ystrad Drive, Johnstown, Carmarthen is a licensed hackney carriage/private hire dual driver 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 Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**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.	DD10657	Licensing Section, 3 Spilman Street, Carmarthen

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## LICENSING COMMITTEE

19/02/18

### SUBJECT AND PURPOSE

**Miss Claire Louise Whitehead**

**Application to renew a Hackney Carriage/Private Hire Dual Drivers Licence**

### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Miss Whitehead's application be granted with a final warning as to her 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 P.M. Hughes

Directorate: Communities  
Name of Head of Service  
Mr Jonathan Morgan

Designation:  
Acting Head of Homes and  
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Report Author  
Mr Justin Power

Senior Licensing Officer

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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**19/02/18**

**SUBJECT**

**Miss Claire Louise Whitehead**

**Application to renew a Hackney Carriage/Private Hire Dual Drivers  
Licence**

To consider an application from Miss Claire Louise Whitehead of 37 Caeglas, Llanelli to renew her hackney carriage/private hire dual drivers licence.

This item was deferred by the Licensing Committee on the 7<sup>th</sup> December 2017 as Miss Whitehead was unable to attend.

**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 Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**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.	DD30463	Licensing Section, 3 Spilman Street, Carmarthen

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## LICENSING COMMITTEE

19/02/18

### SUBJECT AND PURPOSE

Mr Jason Owen Jenkins  
Hackney Carriage/Private Hire Dual Drivers Licence

### RECOMMENDATIONS / KEY DECISIONS REQUIRED:

That Mr Jenkins be issued 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 P.M. Hughes

Directorate: Communities  
Name of Head of Service  
Mr Jonathan Morgan

Designation:  
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Report Author  
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**EXECUTIVE SUMMARY**  
**Licensing Committee**  
**19/02/18**

**SUBJECT**

**Mr Jason Owen Jenkins**  
**Hackney Carriage/Private Hire Dual Drivers Licence**

**Mr Jason Owen Jenkins of 12 Llysmorfa, Llangunnor is a licensed hackney carriage/private hire dual driver 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 Jonathan Morgan

Acting Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Acting Head of Homes and Safer Communities

**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.	DD10194	Licensing Section, 3 Spilman Street, Carmarthen

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Wednesday, 29 November 2017

**PRESENT:** Councillor A. Davies (Chair)

**Councillors:**

P.M. Edwards and J.G. Prosser

**Also present as Observers:** Councillors R. Evans and H.I. Jones

**Present as Representatives of a responsible Authority:-**

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

Mr A. Morgan – Environmental Health Practitioner, Carmarthenshire County Council

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 am - 4.50 pm (Site inspection 10.00 a.m. – 11.50 a.m. Chamber County Hall 1.30 p.m. – 4.50 p.m.)**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interests.

**2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, STRADEY PARK HOTEL, FURNACE, LLANELLI, SA15 4HA**

The Sub Committee having convened at 10.00 a.m. in the Council Chamber, County Hall, Carmarthen, adjourned at 10.10 a.m. to undertake a site visit to the Stradey Park Hotel, Furnace, Llanelli in connection with a variation application received for the Hotels Premises Licence. The Sub Committee arrived on site at 11.00 a.m. and viewed the Hotels roof top lounge area, being that part of the premises subject to the variation application. It also viewed from the Hotel Balcony the location of the objectors properties, following which it proceeded to the highway fronting the properties at 'The Dell' to view the proximity of that development to the hotel. Following conclusion of the site visit at 11.20 a.m. the Sub Committee reconvened at the Council Chamber, County Hall, Carmarthen at 1.30 p.m. to consider the application

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been received from Gryphon Leisure for the grant of a variation of the premises licence in respect of the Stradey Park Hotel Furnace, Llanelli as follows:-

“Annexe 3 – 1. Only residents of the hotel will be permitted to purchase alcohol in the rooftop lounge”.

The Legal Services Manager advised that as the nature of the variation was specific to the roof top lounge area only at the Hotel, the granting of the application would enable non –residents attending the lounge to purchase alcohol. If the

application were to be granted any conditions to be imposed on that variation could only be applied to that lounge and not to the general operation of the hotel or in respect of a Late Night Refreshment Licence.

The Sub Committee noted that the following documentation was attached to the report:-

Appendix A – copy of the application

Appendix B – copy of the existing premises licence

Appendix C – representations submitted by the Licensing Authority

Appendix D – representations submitted by the Public Health Services

Appendix E – representations submitted by other persons.

In addition to the above the Sub Committee received, with the consent of all parties, the following additional documentation and adjourned for a period of 10 minutes to afford all parties the opportunity of reading the material:-

- Plan detailing the location of the Stradey Park Hotel and the objectors properties
- Note dated 20<sup>th</sup> October from Gryphon Leisure in response to representations received
- Letter dated 23<sup>rd</sup> November, 2017 from Mr E. Jones, Carmarthenshire County Council to Gryphon Leisure
- Letter dated 23<sup>rd</sup> November, 2017 from Mr A. Morgan, Carmarthenshire County Council to Gryphon Leisure
- E-mail dated 28<sup>th</sup> November from Mr T Byrne, Gryphon Leisure to the Licensing Division at Carmarthenshire County Council
- E-mail dated 27<sup>th</sup> November, 2017 from Mr Morris to public protection at Carmarthenshire County Council
- Letter dated 28<sup>th</sup> November, 2017 from Nia Griffith M.P.

The Licensing Authority Representative referred to his representations, as detailed within Appendix C to the report and advised that subsequent thereto he had visited the premises on the 8<sup>th</sup> November, 2017 together with Mr A Morgan from Environmental Health to discuss the application with the applicants. As a consequence of that visit, he had on the 23<sup>rd</sup> November, 2017 written to the applicant proposing the inclusion of the following three additional conditions (page 5 of the additional documentation refers) to the premises licence should the Sub Committee be minded to grant the variation application.

- In the rooftop lounge, alcohol will only be served or sold to persons having a meal in that lounge;
- A CCTV system will be installed and maintained in the rooftop lounge area and will be operational throughout permitted hours;
- Children will only be allowed in the rooftop lounge when they are accompanied by a supervising adult.

Subsequent to that letter, confirmation had been received from Gryphon Leisure on the 28<sup>th</sup> November, 2017 accepting those additional conditions (page 9 of the additional documentation refers).

All parties present were afforded the opportunity of questioning the Licensing Authority representative on his submission.

The Public Health Services representative referred to his representations, as detailed in Appendix D to the report, and advised that they had been produced in response to some 15 complaints received by the Public Health Services on the operation of the Stradey Park Hotel since 2007. Subsequent to that representation, he had, on the 8<sup>th</sup> November, 2017, together with Mr E Jones of the Licensing Authority, met with the applicants to discuss the application. As a consequence of that visit, he had, on the 23<sup>rd</sup> November, 2017 written to the applicant proposing the inclusion of the following three additional conditions (page 7 of the additional documentation refers) to the premises licence should the Sub-Committee be minded to grant the variation application.

- Use of the rooftop lounge terrace external area will cease for all customers at 11.00p.m. Should customers require to smoke after 11pm then they will be required to use alternative areas to smoke;
- Only background music will be played at the roof top lounge. The levels of background music will be set in agreement with the Environmental Health Section;
- The upstairs roof top lounge shall have a management plan which shall be agreed in writing by the Environmental and Licensing Section prior to its use. A copy of the management plan shall be kept for reference at the roof top lounge

In addition to those conditions he had also listed within his letter of the 23<sup>rd</sup> November some 8 recommendations he considered should be included within aforementioned management plan i.e.

- The roof top lounge will be a fine dining restaurant for adults and children over 12 years of age,
- Children will only be allowed in the roof top lounge when they are accompanied by a supervising adult,
- No group bookings larger than 12 people will be accepted at the roof top lounge.
- Individuals or groups cannot “block book” the roof top lounge
- Mechanical ventilation is available at the roof top lounge. Therefore windows and doors shall not be opened for ventilation purposes. This is to minimise noise escaping from the building
- Notices advising customers of the 11.pm closure of the terrace to be displayed on terrace doors
- No Tables/Chairs to be made available on the balcony
- Notices requesting patrons to keep noise to a minimum to be placed on the balcony.

He reported that subsequent to that letter, confirmation had been received from Gryphon Leisure on the 28<sup>th</sup> November, 2017 accepting the additional conditions and bullet points, save for the bullet point relating to no tables/chairs to be made available on the balcony which they had requested should be the subject of further discussion. However, he was of the view that should be retained within the management plan.

All parties present were afforded the opportunity of questioning the Public Health Services' representative on his submission.

Representations were received from a number of local residents objecting to the proposed variation re-iterating the points detailed within their written representations and including, but not exhaustive to, the following:-

1. Amplified music could be heard emanating from the roof top lounge as a consequence of it not being sound proofed
2. Noise emanating from the hotel impacted upon the human rights of local residents, particularly Article 8 and Article 1, 1<sup>st</sup> Protocol.
3. Peoples' voices could be heard on the roof top terrace until 11.00 p.m.
4. Public use of the roof top lounge was currently a frequent occurrence e.g. Baby Showers and afternoon teas etc where alcohol was supplied
5. Concern on how food would be carried to the roof top lounge from the downstairs kitchens
6. Lack of car parking at the hotel resulting in guests parking their vehicles on the street
7. Light pollution emanating from the hotel
8. Systematic failure by the hotel to adhere to its licensing conditions over the previous 10 years
9. Anti social behaviour from guests at the hotel impacting on the local community
10. General noise disturbance from other areas of the hotels operation eg brasserie as a result of windows doors being left open
11. Granting the requested variation could result in an increase in noise disturbance and disruption for local residents.

All parties present were afforded the opportunity of questioning the objectors, individually, on their respective submissions.

The applicants in response to the representations received advised that the Hotel did recognise residents' concerns and tried to alleviate those where possible. However an unfortunate side effect of the very nature of its business was that occasionally anti social behaviour could occur from its guests/operations. The proposed use of the roof top lounge would be for the provision of fine a la carte dining only. No alcohol could be purchased in the bar, and all such sales would be via waiter service provided from other bars in the premises. Any music played at lounge would be at background level only to enable normal conversations to take place. It was accepted additional car parking was required at the hotel and that, on occasions, on street parking was adversely impacting on local residents with those instances having been reported to the police. It was confirmed the roof top lounge would not be used for parties.

All parties present were afforded the opportunity of questioning the Licensing Authority representative on his submission.

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.**



Following the adjournment, the Sub-Committee reconvened to advise of its decision and, 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

**RESOLVED** that the application for a variation of the Premises Licence for the Stradey Park Hotel, Furnace, Llanelli be granted subject to the following conditions:-

1. In the rooftop lounge, alcohol will only be served or sold to persons having a meal in that lounge
2. A CCTV system will be installed and maintained in the rooftop lounge area and will be operational throughout permitted hours.
3. Children will only be allowed in the rooftop lounge when they are accompanied by a supervising adult
4. Use of the rooftop lounge terrace external area will cease for all customers at 11pm. Should customers require to smoke after 11pm then they will be required to use alternative external areas to smoke.
5. The upstairs rooftop lounge shall have a management plan which shall be agreed in writing by the environmental and licensing sections prior to alcohol being sold to non-hotel residents in the rooftop lounge. A copy of the management plan shall be kept for reference at the rooftop lounge.

The Sub Committee had not imposed the requested condition by the Public Health Services regarding the playing of background music as such a condition would be unenforceable. It instead recommended that issue be included within the management plan.

#### REASONS

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

1. Recent changes to the Licensing Act 2003 allowed the licence holder to provide live and recorded music in the rooftop lounge to anyone (whether or not a hotel resident) between 8am and 11pm
2. Nothing prevented alcohol consumption in the lounge by non-residents
3. Nothing prevented the lounge being used as a restaurant by non-residents before 11pm
4. The Premises Licence Holder had previously been cautioned in 2010 for carrying on unlicensed entertainment in the rooftop lounge.
5. That unauthorised entertainment gave rise to noise complaints from local residents
6. There was a history of noise complaints and other public nuisance relating to the premises.
7. None of the responsible authorities objected in principle to the application
8. The responsible authorities believed that any public nuisance arising from the grant of the application could be adequately dealt with by specific additional licence conditions and the use of other statutory powers by public health services.
9. The applicants agreed to the additional licence conditions put forward by the responsible authorities

The Sub Committee had attached weight to the views of the responsible authorities, as it was legally obliged to do so.

The Sub Committee found that the evidence of the local residents, although credible and compelling, was insufficient to justify it departing from the views of the responsible authorities on this point.

The Sub Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if the application were granted, where unsupported by such evidence, were not matters which it could properly take into account.

On the evidence provided the Sub Committee was satisfied that to have granted the variation on the grounds originally set out in the application would have undermined the licensing objective of preventing public nuisance.

However the Sub Committee accepted the evidence of the responsible authorities that the issues of potential public nuisance arising from the sale of alcohol in the rooftop lounge to non-hotel residents could appropriately and proportionately be addressed by the imposition of the additional licence conditions agreed between the responsible authorities and the applicants and the use of separate legal powers by Public Health services to tackle statutory nuisance.

The committee was therefore satisfied that;

1. To grant the application subject to the agreed additional licence conditions was appropriate in order to promote the licensing objectives
2. That those conditions were a proportionate response to the issues identified in the evidence
3. That to grant the application on this basis would not undermine the licensing objectives.

The Sub Committee noted that the application has the potential to impact upon the human rights of the residents, particularly Article 8 and Article 1, 1<sup>st</sup> Protocol. However those were not absolute rights and the committee was satisfied, based on the evidence of the responsible authorities that the additional licence conditions imposed were sufficient to protect those rights.

Notwithstanding the above, the Sub Committee was concerned about the impact the hotel was having on local residents and would therefore urge the hotels owners to work closely with Public Health Services and local residents to address those issues.

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**CHAIR**

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**DATE**

## LICENSING SUB COMMITTEE B

Thursday, 25 January 2018

**PRESENT:** Councillor H.I. Jones (Presiding Chair).

**Councillors:** P.M. Edwards, W.T. Evans.

**Also present as an Observer:** Councillor J.G. Prosser.

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;  
K. Byrne, Assistant Solicitor;  
A. Rees, Licensing Officer;  
K. Smith, Licensing Officer;  
J. Owen, Democratic Services Officer.

**Chamber, 3 Spilman Street, Carmarthen – 10:00am - 11:25am**

**[NOTE: In the absence of Councillor A. Davies, Chair of Sub Committee B, Councillor H.I Jones was nominated and appointed as Chair].**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interest.

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CO-OP, JOB'S WELL ROAD, JOHNSTOWN, CARMARTHEN SA31 3PY**

The Legal Services Manager briefed all present on the procedure for the meeting and advised that an application had been received from Co-operative Group Food Ltd for the grant of a premises licence in respect of Co-op, Job's Well Road, Johnstown, Carmarthen to permit:

Supply of Alcohol:- Monday to Sunday 06:00 – 23:00.

The Sub-Committee noted that the following documentation was attached to the report:-

Appendix A - copy of the original application submitted by the applicant;  
Appendix B - representations submitted by the Licensing Authority;  
Appendix C - representations submitted by Dyfed Powys Police;  
Appendix D - representations submitted by other persons.

The remaining Responsible Authorities have not made representations in respect of the application.

The Sub-Committee, with the agreement of all parties, was circulated with copies of an additional documentation which comprised of a plan of the proposed site. The Sub-Committee considered the document received before hearing from the parties.

The Sub-Committee thereupon received representations from four interested parties objecting to the grant of a premises licence on the grounds detailed in Appendix D.

All parties were afforded the opportunity of questioning the objectors on their representations.

The Sub Committee thereupon received representations from the applicant for the grant of a premises licence detailed in Appendix A and addressed the concerns and issues raised.

All parties were afforded the opportunity of questioning the applicant on the representations made.

The Sub-Committee thereupon

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

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

**RESOLVED, having considered all the evidence placed before the Sub Committee, that the application should be granted, subject to the additional licence conditions agreed between the applicant and the police.**

**REASONS:-**

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

1. No evidence had been presented of any history of significant alcohol related crime and disorder in the vicinity of the proposed premises;
2. No evidence had been presented of any significant failures by the applicants to properly apply licensing laws at other premises;
3. None of the responsible authorities object to the application;
4. The police were satisfied that the licence conditions agreed with the applicant are sufficient to promote the licensing objectives.

The Sub Committee attached weight to the views of the responsible authorities and the absence of any objections from them.

The Sub Committee accepted that the local objectors were genuine in their concerns and understood why. However, the Sub Committee was restricted by law as to what it could and could not take into consideration. Furthermore, issues of need and the impact on other business were not matters that the Sub Committee could consider. Similarly the Sub Committee could not anticipate or duplicate the planning process.

The Sub Committee recognised that its decision had to be based upon real evidence, and that concerns and fears about what might happen if a licence were granted, where unsupported by such evidence, were not matters which it could properly take into account. Equally, issues of need or the availability of other sources of alcohol in the area were not matters which the Sub Committee could take into account.

On the evidence presented, the Sub Committee could find no lawful basis to refuse the application. The Sub Committee was therefore, satisfied that to grant the application on the terms agreed by the applicant and the police, it was appropriate to promote the licensing objectives and that the agreed additional conditions were proportionate.

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**CHAIR**

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**DATE**

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Tuesday, 12 December 2017

**PRESENT:** Councillor J.M. Charles (Chair)

**Councillors:**

A.L. Fox and D.E. Williams

**Also present as Observers:** Councillors F. Akhtar and J. Prosser

**Present as representatives of a Responsible Authority:-**

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

Mr A. Morgan – Environmental Health Practitioner, Carmarthenshire County Council

Mr M. Price – Dyfed Powys Police Force

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 - 10.50 am**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interests

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BOLEYN'S BISTRO, 13 OLD CASTLE ROAD, LLANELLI SA15 2SL.**

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been received for the grant of a Premises Licence in respect of Boleyn's Bistro, 13 Old Castle Road, Llanelli, SA15 2SL to permit:-

Supply of Alcohol / Recorded Music	Monday to Saturday 12:00 – 00:00 Sunday 12:00 – 23:00
Opening Hours	Monday to Saturday 12:00 – 00:30 Sunday 12:00 – 23:30

The Sub-Committee noted that the following documentation was attached to the report:-

- Appendix A – Copy of the application
- Appendix B – Representations submitted by the Licensing Authority
- Appendix C – Representations submitted by the Public Health Services
- Appendix D – Representations submitted by the Dyfed Powys Police

In addition to the above, the Sub Committee received, with the consent of all parties, the following additional documentation:

- Plan detailing the location of the premises

- Letter dated 11<sup>th</sup> December, 2017 from Mr A Morgan, Carmarthenshire County Council to the Applicant
- Two E-mails dated 11<sup>th</sup> December, 2017 from the applicant to the Licensing Authority.

The Licensing Authority Representative referred to his written representations, as detailed within Appendix B to the report, and advised that subsequent thereto he had, together with Mr A Morgan from Environmental Health, visited the premises on the 28<sup>th</sup> November, 2017 to discuss the application with the applicant. As a consequence of that visit, Mr Morgan had written to the applicant proposing the inclusion of the following two conditions to be added to the Premises Licence, should the Sub Committee be minded to grant the application:-

- Customers will only use the rear court yard area as the outside smoking area,
- No amplified music will be played in any external areas.

In addition to the above conditions, Mr Morgan had also referred to the element of the application seeking consent for the playing of recorded music and had suggested to the applicant that she withdraw that element from the application on the basis the playing of background music was permitted under the deregulations afforded to licensed premises under the Licensing Act 2003. The applicant had, in an e-mail dated 11<sup>th</sup> December, confirmed her agreement to the proposed conditions and withdrawn the playing of recorded music from her application.

The Licensing Authority representative reported that the applicant, in an e-mail dated 11<sup>th</sup> December, had also confirmed her acceptance of the 20 licence conditions suggested by the Dyfed Powys Police.

The Licensing Authority representative, in concluding, advised that whilst he was recommending the inclusion of the suggested conditions proposed by both the Public Health Services and the Dyfed Powys Police in the Premises Licence, the Sub-Committee in considering the application should have regard to an anonymous representation received objecting to the application on the basis of noise and disruption caused by loud music and inebriated customers.

All parties present were afforded the opportunity of questioning the Licensing Authority representative on his submission.

The Dyfed Powys Police representative referred to his representations detailed in Appendix D to the report and confirmed that the applicant had agreed to the inclusion of his suggested conditions numbered 1-20 therein.

All parties present were afforded the opportunity of questioning the Police representative on his submission.

The Public Health Services representative referred to his written representations detailed in both Appendix C, and his supplementary letter of the 23<sup>rd</sup> November, and confirmed that, as a consequence of previous unsubstantiated complaints received against the premises, he was recommending the inclusion of the two above mentioned conditions within the Premises Licence. He also confirmed that as the playing of background music between the hours of 8:00 a.m. to 11:00 p.m. was permitted under the Deregulation of the Licensing Act 2003 the applicant had



agreed to withdraw that element of her application. The applicant had also agreed to the inclusion of the two suggested licensing conditions.

All parties present were afforded the opportunity of questioning the Public Health Services representative on his submission.

The applicant, in response to the third party representation advised that one of the issues arising therefrom was her allowing patrons to bring their own alcohol to the premises. As that practice resulted in her having no control over the amount of alcohol consumed, it was felt the application for a Premises Licence would rectify that position. She confirmed her intention to provide a quality bistro experience with the premises only opening on days when bookings had been received. With regard to the public health services representations, she confirmed her agreement to the suggested conditions and had withdrawn the playing of recorded music from her application

All parties present were afforded the opportunity of questioning the applicant on her submission.

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.**

**Following the adjournment, the Sub Committee reconvened to advise of its decision and, 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**

**RESOLVED that the application for a Premises Licence for Boleyn's Bistro, 13 Old Castle Road, Llanelli for the sale of alcohol during the requested hours be granted subject to the licence conditions agreed between the applicant, police and public health services being attached to the licence.**

#### REASONS

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

1. The premises had not previously been licensed under the 2003 Act
2. There was no history of licensing enforcement action relating to the premises
3. There had been previous noise complaints relating to the premises from 1 person which had not been substantiated
4. None of the responsible authorities opposed the granting of a licence for the sale of alcohol
5. Public Health Services had made representations that the premises was not a suitable venue for a licence to play recorded music
6. That the applicant had withdrawn her application to play recorded music at the premises.
7. That one anonymous representation had been received from another member of the public

The Sub-Committee had attached weight to the views of the responsible authorities.

The Sub-Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if a licence were granted, where unsupported by such evidence, were not matters which they could properly take into account.

Having regard to all the evidence placed before it, the Sub-Committee found no reason to depart from the views of the responsible authorities in this case. Accordingly it was satisfied that;

1. It was appropriate, in order to promote the licensing objectives, to grant the licence for the sale of alcohol subject to the additional licence conditions agreed by the Applicant, Police and Public Health Services
2. Those conditions were a proportionate response to the issues identified in the evidence

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**CHAIR**

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**DATE**

THURSDAY, 7<sup>TH</sup> DECEMBER, 2017

**PRESENT:** Councillor E.G. Thomas [Chair]

**Councillors:**

J.M. Charles, A. Davies, C.A. Davies, P.M. Edwards, R.E. Evans, W.T. Evans, A.L. Fox, J.K. Howell, H.I. Jones and D.E. Williams

**The following Officers were in attendance:-**

Mr J. Power - Senior Licensing Officer  
 Mr R. Edgecombe - Legal Services Manager  
 Mr M. Heath - Licensing Officer  
 Mrs M. Evans Thomas - Principal Democratic Services Officer

Representing the Police Authority: Mr M. Price

**Chamber, County Hall, Carmarthen : 10.00 a.m. - 10.35 a.m.**

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors F. Akhtar, J. Prosser and J.E. Williams.

**2. DECLARATIONS OF PERSONAL INTERESTS**

Councillor	Minute No.	Nature of Interest
E.G. Thomas	6 – Application for the Grant of a Hackney Carriage/Private Hire Dual Driver’s Licence – Miss Tracy Louise Davies	The applicant lives in his ward.

**3. PRIVATE HIRE VEHICLE LICENCE**

The Committee considered an application from Mrs Jacqueline Elizabeth Clarke of 4 Clos Parc Bigyn, Llanelli to be granted an exemption from conditions 5a and 5b of the Council’s Licence Conditions for Private Hire Vehicles for her Private Hire Vehicle PH580, a Renault Trafic registration number YK61 DDZ.

As she intends to operate this vehicle for air and sea port travel and executive hire only, Mrs Clarke had requested that she be granted an exemption from conditions 5a and 5b of the Council’s Licence Conditions, namely that she be not required to display door stickers and a licence plate on the rear bumper of her vehicle.

Should the Licensing Committee agree to grant Mrs Clarke an exemption then the following conditions would be attached to the Licence:-

- That the licensed Renault Trafic PH580 registration number YK61 DDZ be exempt from licence conditions 5a and 5b whilst being used for air and sea

port travel and executive hire purposes, as outlined in the application by Mrs Clarke;

- That, should the vehicle be used for Private Hire other than air and sea port travel and executive hire, then the applicant shall immediately notify the Licensing Authority and the exemption shall cease in relation to such hiring;
- That the vehicle displays an identification disc on the front and rear windscreens, as specified by the Licensing Authority.

**RESOLVED that the application submitted by Mrs Jacqueline Elizabeth Clarke for an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for her Renault Trafic PH580, registration number YK61 DDZ be granted.**

**4. APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MISS CLAIRE LOUISE WHITEHEAD**

The Senior Licensing Officer advised the Committee that Miss Whitehead had contacted officers to explain that she was unable to attend today's meeting and to request that consideration of her application be deferred to the next meeting to enable her to attend.

**RESOLVED that consideration of the application submitted by Miss Claire Louise Whitehead to renew her Hackney Carriage/Private Hire Dual Driver's Licence be deferred to the next meeting.**

**5. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR WILLIAM HUGH RUDLAND**

The Committee was informed that Mr William Hugh Rudland of 90 Heol Bryngwili, Crosshands, Llanelli 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 Rudland with regard to that issue and received observations from the police representative.

The Senior Licensing Officer recommended that Mr Rudland be issued with a warning as to his future conduct.

**RESOLVED that, in line with the Council's guidelines, Mr William Hugh Rudland be issued with a warning as to his future conduct.**

Reasons

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

**6. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MISS TRACY LOUISE DAVIES**

[NOTE: Councillor E.G. Thomas, having earlier declared an interest in this item, left the Chamber prior to the consideration and determination thereof. Councillor D.E. Williams, Vice-Chair, presided over the meeting in the absence of the Chair.]

The Committee considered an application from Miss Tracy Louise Davies of 1 North Bank, Llandeilo for the grant of a hackney carriage/private hire dual driver's licence.

The Committee interviewed Miss Davies with regard to her application.

The Senior Licensing Officer recommended that Miss Davies' application be granted with a warning to her future conduct.

**RESOLVED that, in line with the Council's guidelines, the application submitted by Miss Tracy Louise Davies for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to her future conduct.**

#### Reasons

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

The Chair thereupon rejoined the meeting.

#### **7. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR JAMES NEIL HAUGHEY**

The Committee considered an application from Mr James Neil Haughey of Rhodfa Glyndwr, Carmarthen for the grant of a hackney carriage/private hire dual driver's licence.

The Committee interviewed Mr Haughey with regard to his application. Mr Haughey was accompanied by his sister who addressed the Committee providing a character reference in support of her brother's application.

The Senior Licensing Officer recommended that Mr Haughey's application be granted with a warning to his future conduct.

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

#### Reasons

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

#### **8. MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 17TH OCTOBER, 2017**

**RESOLVED that the minutes of the meeting of Licensing Sub-Committee 'A' held on the 17<sup>th</sup> October, 2017 be signed as a correct record.**

#### **9. MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 25TH OCTOBER, 2017**

Reference was made to the fact that the name of Mrs K. Byrne, Assistant Solicitor, was missing from the list of officers in attendance at the meeting.

It was pointed out that in minute number three the applicant's name should read Mr John Charles Griffiths throughout.

**RESOLVED** that the minutes of the meeting of the Licensing Committee held on the 25<sup>th</sup> October, 2017 be signed as a correct record, subject to the above-mentioned amendments.

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CHAIR

\_\_\_\_\_  
DATE