

Document Pack



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

TUESDAY, 8 SEPTEMBER 2015

TO: ALL MEMBERS OF THE LICENSING SUB COMMITTEE B

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **LICENSING SUB COMMITTEE B** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 AM. ON TUESDAY, 15TH SEPTEMBER, 2015** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Michelle Evans Thomas
Telephone (direct line):	(01267) 224470
Fax:	(01267) 224911
E-Mail:	MEEvansThomas@carmarthenshire.gov.uk
Ref:	AD016-001

COMMITTEE MEMBERSHIP

5 MEMBERS

Plaid Cymru Group

Cllr. Alun Davies
Cllr. Joy Williams

Independent Group

Cllr. Theresa Bowen
Cllr. Tom Theophilus

Labour Group

Cllr. Pat Jones

A G E N D A

1. DECLARATIONS OF PERSONAL INTEREST.
2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - 1 - 44
CHILLIES DINER & MOJITOS BAR, 17-21 COWELL STREET,
LLANELLI, SA15 1YA.

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LICENSING SUB-COMMITTEE "B"

15/09/2015

SUBJECT AND PURPOSE

**Application for the Variation of a Premises Licence.
Chillies Diner & Mojitos Bar, 17-21 Cowell Street,
Llanelli SA15 1YA.**

KEY DECISIONS REQUIRED:

The Sub Committee considers the application and all the representations and evidence that have been submitted and have regard to the Authority's Licensing Policy and National Guidance.

REASONS:

1) The committee is obliged to promote the licensing objectives which are: -

- The prevention of Crime and Disorder.
- Public Safety.
- The Prevention of Public Nuisance.
- The Protection of Children from Harm.

Relevant Scrutiny Committee Consulted	NA
Exec Board Decision Required	NA
Council Decision Required	NA

Executive Board Portfolio Holder: Councillor T.J. Jones (Environmental & Public Protection)

Directorate: Communities Name of Head of Service Mr Robin Staines Report Author Andrew Rees	Designation: Head of Housing & Public Protection Licensing Officer	Tel No. 01267 228960 E Mail Address: RStaines@carmarthenshire.gov.uk Tel No. 01267 228787 rarees@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY
Licensing Sub-Committee "B"
15/09/2015

Application for the Variation of a Premises Licence.
Chillies Diner & Mojitos Bar, 17-21 Cowell Street, Llanelli
SA15 1YA.

To consider an application from Morgan & John Leisure Ltd to vary a premises licence in respect of the above premises.

To allow:-

Supply of Alcohol/Films:- Monday to Thursday 09:00-00:30.
Friday & Saturday 09:00-03:00

Live Music :- Monday to Sunday 09:00-23:30

Recorded Music:- Sunday to Thursday 09:00-00:30;
Friday & Saturday 09:00-03:00

Late Night Refreshment:- Sunday to Thursday 23:00-00:30;
Friday & Saturday 23:00-03:00

Non-Standard Timings:- to allow all the above activities, **except** Live Music on 12 occasions per year to 03:00

Opening Hours:- Sunday to Thursday 09:00-00:30;
Friday & Saturday 09:00-03:30

Non-Standard Timings:- to close at 03:30 on 12 occasions per year

The current premises licence allows:-

Supply of Alcohol/Films/Recorded Music:- Monday to Sunday 10:00-00:15;
Live Music Monday to Sunday 10:00-23:30 (limited to 24 occasions per year); Late Night Refreshment Monday to Sunday 23:00-00:15; Opening Hours Monday to Sunday 09:00-00:30.

A copy of the original application is attached as Appendix A.

The Licensing Authority has made representations. These are attached as Appendix B.

Dyfed Powys Police have made representations which have been agreed with the applicant. These are attached as Appendix C.

Other persons have made representations. These are attached as Appendix D. Other persons have made anonymous representations regarding their concerns of disturbance and ant-social behaviour, if the application is granted.

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

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 Robin Staines

Head of Housing and Public Protection

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
N/A	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

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

Signed: Mr Robin Staines

Head of Housing and Public Protection



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:

The Responsible Authorities have been consulted regarding the application.

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.	Chillies Diner & Mojitos Bar, 17-21 Cowell Street, Llanelli SA15 1YA.	Licensing Section, 3 Spilman Street, Carmarthen
Licensing Policy		Licensing Section, 3 Spilman Street, Carmarthen
National Guidance		Licensing Section, 3 Spilman Street, Carmarthen



CARMS
 22 JUL 2013
 C.S.C. CARMARTHEN
 CHIEF EXECUTIVES DEPT.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets necessary.

You may wish to keep a copy of the completed form for your records.

I/We MORGAN & JOHN LEISURE LTD
 (Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	00NU - PRM - 00532
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Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	CHILLIES DINER MOTTOS BAR & LOUNGE 17-23 COWELL STREET		
--	---	--	--

Post town	LLANELLI	Post code	SA15 1U4
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Telephone number at premises (if any)	01554 779106
Non-domestic rateable value of premises	£ 68500.00

Part 2 - Applicant details

Daytime contact telephone number	01554 779106
E-mail address (optional)	
Current postal address if different from premises address	

Post Town

A2

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick y

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

VARIATION TO INCREASE THE TRADING HOURS
FROM 00.30 TO 03.00 FRIDAY AND SATURDAY

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- Please tick y
- a) plays (if ticking yes, fill in box A)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A4

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 3)	Both
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mon	09.00	00.30	<u>Please give further details here</u> (please read guidance note 3)			
Tue	09.00	00.30				
Wed	09.00	00.30				
Thur	09.00	00.30	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) TO AUTHORISE THE SHOWING OF MUSIC VIDEOS AND BACKGROUND FILMS WITHOUT THE INCIDENTS TO OTHER ENTERTAINMENTS.			
Fri	09.00	03.00				
Sat	09.00	03.00				
Sun	10.00	00.30	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) TO ALLOW OPENING 09.00HR TO 03.00HR ON TWELVE OCCASIONS PER YEAR.			

A6

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur						
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

A8

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	23.30	Please give further details here (please read guidance note 3) OCCASIONAL USE OF LIVE ENTERTAINMENT	Both	<input type="checkbox"/>
Tue	09.00	23.30			
Wed	09.00	23.30		State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur	09.00	23.30			
Fri	09.00	23.30		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	09.00	23.30			
Sun	09.00	23.30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	09.00	00.30	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09.00	00.30			
Wed	09.00	00.30		<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4) TO ALLOW RECORDED MUSIC WITH OR WITHOUT D.J EITHER USING THE MANAGED MUSIC SYSTEM OR ANCILLARY SYSTEM	
Thur	09.00	00.30			
Fri	09.00	03.00			
Sat	09.00	03.00		<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) TO ALLOW OPENING 09.00 HR TO 03.00 HR ON THESE OCCASIONS PER YEAR.	
Sun	09.00	00.30			

A10

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 3)	Both
Tue				
Wed				
Thur			State any seasonal variations for the performance of dance (please read guidance note 4)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

A12

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) ANY ADDITIONAL EQUIPMENT WHICH ACCOMPANIES A DJ OR ENTERTAINER.	
Mon	09.00	00.30		
Tue	09.00	00.30		
Wed	09.00	00.30		
Thur	09.00	00.30		
Fri	09.00	03.00		
Sat	09.00	03.00		
Sun	10.00	00.30		
			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing <i>RETAIN EXISTING LIMITATION IN THE PREMISES LICENCE</i>			
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	09.00	00.30				
Tue	09.00	00.30				
Wed	09.00	00.30	State any seasonal variations for providing dancing facilities (please read guidance note 4)			
Thur	09.00	00.30				
Fri	09.00	03.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	09.00	03.00				
Sun	10.00	00.30				

A14

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	Outdoors	Both
Day	Start	Finish		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mon	23.00	00.30	Please give further details here (please read guidance note 3)			
Tue	23.00	00.30				
Wed	23.00	00.30				
Thur	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Fri	23.00	03.00				
Sat	23.00	03.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sun	23.00	00.30				

To allow opening 23.00hrs to 03.00hrs
on TWICE occasions per year.

A16

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	09.00	00.30	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both
Tue	09.00	00.30		
Wed	09.00	00.30		
Thur	09.00	00.30		Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	09.00	03.00		
Sat	09.00	03.00		
Sun	09.00	00.30		

TO ALLOW OPENING 09.00 - 03.00 HRS
TWELVE TIMES FOR YEAR.

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

Hours premises are open to the public Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	09.00	00.30
Tue	09.00	00.30
Wed	09.00	00.30
Thur	09.00	00.30
Fri	09.00	03.30
Sat	09.00	03.30
Sun	09.00	00.30

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

TO ALLOW OPENING 09.00 HRS TO 03.30 HRS
TWO TIMES PER YEAR.

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

LIVE MUSIC - TO REMOVE RESTRICTION ON
NUMBER OF PERFORMANCES AND OCCASIONS PER
YEAR.

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- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick y

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

I HAVE UNDERTAKEN MY OWN RISK ASSESSMENT AND NO NEW STEPS HAVE BEEN IDENTIFIED IN RELATION TO THE FOUR LICENSING OBJECTIVES SAVE AS BELOW

b) The prevention of crime and disorder

1. CURRENT MEASURES WILL BE APPLIED TO ALL HOURS THAT THE PREMISES OPERATE
2. THE PREMISES SHALL CEASE LICENSABLE ACTIVITIES AT A TIME WHICH WILL ALLOW THE SAFE CLEARANCE OF CUSTOM BY CLOSING TIME

c) Public safety

1. CURRENT MEASURES WILL BE APPLIED TO ALL HOURS PREMISES OPERATE.
2. THE PREMISES SHALL CEASE LICENSABLE ACTIVITIES AT A TIME WHICH WILL ALLOW THE SAFE CLEARANCE OF CUSTOM BY CLOSING TIME. THIS TIME SHALL BE AT DISCRETION OF MANAGEMENT

d) The prevention of public nuisance

1. CURRENT MEASURES WILL BE APPLIED TO ALL HOURS THAT THE PREMISES OPERATE
2. THE VOLUME AND NATURE OF ANY LIVE ENTERTAINMENT SHALL BE WITH REFERENCE TO THE ACOUSTIC CAPABILITIES OF THE PREMISES

e) The protection of children from harm

CURRENT MEASURES WILL BE APPLIED TO ALL HOURS THAT THE PREMISES OPERATE

A20

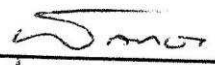
Please tick y

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	17/15
Capacity	DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town	
Post code	



Robin Staines BA (Hons.), MA, MCIH

Pennaeth Tai & Diogelu'r Cyhoedd
Adran Cymunedau

3 Heol Spilman, Caerfyrddin, Sir Gaerfyrddin, SA31 1LE

Head of Housing & Public Protection
Department for Communities

3 Spilman Street, Carmarthen, Carmarthenshire, SA31

Eich cyf / Your ref:

Gofynner am / Please ask for: **Emyr Jones**

Fy nghyf / My ref:

Llinell Uniongyrchol / Direct Line: **(01267) 228717**

Dyddiad / Date:

19th August 2015

Ffacs / Fax: **01267 229141**

E-bost / E-mail: **publicprotection@carmarthens**

Head of Housing and Public Protection
Carmarthenshire County Council
3 Spilman Street,
Carmarthen
SA31 1LE

Dear Sir,

**RE: Application to vary a Premises Licence
Chillies Diner and Mojitos Bar, Ground Floor, 17-21 Cowell Street,
Llanelli.
Application Date 22/07/15**

Further to the receipt of the above application, the Licensing Authority make the following representations:

a) Previous Enforcement Action / Prosecutions

The premises has been licensed by the authority since 2005. The file indicates one warning letter issued in 2010 to a previous licence holder regarding a failure to comply with a door supervisor condition attached to the licence.

b) Complaints.

There have been no other complaints received by the licensing authority in relation to these premises.

c) Responsible Authority Referrals.

The licensing authority has received a referral from the Police in 2010 relating to the matter outlined in section a) above. Following receipt of this application, the authority has received correspondence from planning services, which is

B2

d) Relevant Sections of the Statutory Guidance.

The Licensing Authority believes that the following sections of the Statutory Guidance are relevant to this licence application: - Section 1 Introduction, Section 2 relating to The Licensing Objectives, Section 5 relating to Premises licences, Section 8 relating to Applications for Premises Licences and Section 10 relating to Licence Conditions.

e) Relevant Sections of the Local Licensing Policy.

The Licensing Authority believes that the following sections of Carmarthenshire's Licensing Policy are relevant to this licence application:- Section 3 Fundamental principles, Section 4 Conditions of Licence, Sections 5 – 9 relating to The Licensing Objectives and Section 11 relating to Licensing Hours.

f) Proposed Operating Schedule.

The operating schedule submitted as part of the application indicates that the applicant proposes to operate in accordance with the conditions attached to the existing licence.

Having considered the other statements contained in the operating schedule put forward by the applicants, the Licensing Authority believes that, if the application were granted, the wording set out in the operating schedule, is not sufficiently precise to enable it to form clear enforceable licence conditions in accordance with section 18(2)(a) of the Licensing Act .

I note that a number of letters of representation, opposing the grant of the variation have been received from local residents and their representatives. These letters raise concerns regarding the promotion of the licence objectives if the variation is granted and some letters state that residents of the adjacent residential units are already affected by noise and disturbance as a result of the premises operating in accordance with its existing permitted hours. The subcommittee will have to be satisfied that granting the variation application will not undermine the licensing objectives, including the prevention of public nuisance.

The applicant has indicated on page nineteen of the application form that a risk assessment has been undertaken in relation to the effect of the variation application and are satisfied that no new steps have been identified as necessary to promote the licensing objectives. In view of the representations received, I would request that the applicant provides a copy of the risk assessment as suggested in section 5.4 of the Licensing Policy. In addition I would request that the applicant sets out in detail the control measures they intend to put in place to deal with the matters raised in the letters of representation as suggested in paragraph 5.5 of the Licensing Policy.

It would also be appropriate to remove existing conditions b) 1-3,7,9-12 to avoid duplication.

These representations have been prepared on the 19th of August 2015 with the benefit of viewing the original application and representations from the Police, local residents and their representatives.

I would be grateful if the applicant could contact me to discuss the above representations at the earliest opportunity and certainly prior to the application being referred to a Licensing Sub Committee hearing for determination.

If you require any further information or assistance, please do not hesitate to contact me.

Yours faithfully,



Mr E O R Jones
Principal Licensing Officer



(C1)

Heddlu·Police DYFED-POWYS

Diogelu ein Cymuned - Safeguarding our Community

Eich cyf. / Your ref.

Ein cyf. / Our ref.

Gofynnwch am:/Please ask for:

PRG01//MP/vary

Mr EOR Jones
Principal Licensing Officer
Carmarthenshire County Council
3 Spilman Street
Carmarthen
SA31 1LE

Morgan and John Leisure Ltd
19 Murray Street,
Llanelli,
Carmarthenshire
SA15 1AQ

Tuesday 4th. August 2015

Dear Sir,

**Re: Variation of Premises Licence – Chillies Diner & Mojitos Bar, Ground Floor, 17-21
Cowell Street Llanelli, Carmarthenshire SA15 1YA**

Applicant – Morgan and John Ltd.

Date completed application received –22/07/15

With reference to the above application for the variation of Premises Licence the following Licensing Activities are applied for.

Films and Recorded Music both indoors only.

Monday to Thursday 09.00 to 00.30
Friday and Saturday 09.00 to 03.00
Sunday 10.00 to 00.30

Page 28 Live Music

Monday to Sunday 09.00 to 23.30

Gorsaf yr Heddlu Rhydaman Ammanford Police Station

Heol Ffowndri, Rhydaman, Sir Gaerfyrddin, SA18 2LS.
Foundry Road, Ammanford, Carmarthenshire, SA18 2LS.

- Ffôn/Tel : **101 - Rhydaman/Ammanford**
01267 222020 y tu allan i ardal Dyfed-Powys
if outside the Dyfed-Powys area
- Ffacs/Fax : **01269 591892**
- Wefan/Web : **www.dyfed-powys.police.uk**

888
Calder

Mike Price
Divisional Licensing Officer
01269 5905
Email mike.price@dyfed-powys.pnn.police

Supply of Alcohol both on and off the premises.

Monday to Thursday 09.00 to 00.30
Friday and Saturday 09.00 to 03.00
Sunday 10.00 to 00.30

Late Night Refreshment

Sunday to Thursday 23.00 to 00.30
Friday and Saturday 23.00 to 03.00

With the premises open to the public.

Sunday to Thursday 09.00 to 00.30
Friday and Saturday 09.00 to 03.30

No Seasonal Variations.

Non Standard Timings.

Films, Recorded Music, Supply of Alcohol and Late night Refreshment until 03.00 on twelve occasions a year, with the premises open for a further 30 minutes

With reference to the above application the Carmarthenshire Division of the Dyfed Powys Police will make the following representations.

1. A CCTV system installed at the premises, to be fitted in accordance with the Operational Requirement Guidance document issued by the Carmarthenshire Division of the Dyfed Powys Police.
2. The system shall be recording whenever the premises are open for licensable activities.
3. The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any Windows compatible computer.
4. The system must produce images, which are watermarked as part of the original recording process.
5. The system must be capable of recording and retaining 31 days of images before over-recording.
6. Recording equipment must record date and time information as part of the image file. The date/time must be accurate.
7. All users must be fully trained in the operation of the system and be made aware of their general legal responsibilities.

(C3)

8. There must be a competent person present on the premises capable of replay and export of recordings quickly onto a removable storage medium at all times when the premises are open to the public.
9. Any fault to the system must be reported to the Local Authority and the Police the next working day.
10. The system must be registered with the Information Commissioner

If you require further information in respect of CCTV please contact Pc. Rob Chapman at the Community Safety Office Ammanford Police Station telephone number 01269 590580 as a matter of urgency to discuss the above CCTV conditions prior to any agreement being reached. To ensure that any system installed complies with the requirements of the proposed licence conditions.

11. No open glass or glass vessels to be removed from the boundary of the premises.
12. The challenge 21 scheme to be adopted at the premises with notices and posters to be clearly displayed in the premises, near the entrances and bar areas. To emphasise to customers that they will be challenged if they look 21 and under.
13. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.
14. No children under the age of 16 years to remain on the premises after 22:00 unless they are attending a pre-booked event or function and in the company of a parent or responsible adult.
15. Door supervisors to be on duty whenever Regulated Entertainment is provided after 11pm.

The applicant to also risk assess the use of door supervisors at all other times for Regulated Entertainment, if provided before 11pm. especially on Bank Holiday weekends, Christmas Eve, Boxing Day and New Year's Eve and major televised sporting events.

When employed Door Supervisors must be registered with the SIA, to be on duty until the time that all members of the public have left the premises.

The Licence Holder shall supply an appropriate number of Door Supervisors for the maximum occupancy figure stated in the licence and the appropriate number shall be 2 in respect of the first 100 persons and one for each additional 100 persons or part of 100 persons comprised in the maximum occupancy figure.

Door Supervisors shall not be permitted to consume intoxicating liquor or other Intoxicants during any period of duty at the Premises. A Door Supervisor shall

The Designated Premises Supervisor or Premises Licence Holder shall nominate for each and every exit door a Door Supervisor whose duty it shall be to ensure that the exit door is opened immediately in the event of a Fire or other Emergency and if practicable no more than one door shall be designated to each Door Supervisor.

No Door Supervisors shall be engaged in any duty that would otherwise prevent him, carrying out his duty as a Door Supervisor or exercising general supervision and control of persons attending the Premises.

Door supervisors to remain on duty after Regulated Entertainment ends until permitted hours in respect of the supply of alcohol finishes.

As per paragraph 6.1 within the Licensing Policy.

16. That there is a terminal hour of 23.00 in any outside location within the boundaries of the premises, for the consumption of alcohol.

As per paragraph 6.4 within the Licensing Policy

17. No Children's disco's unless they are pre booked and are well supervised by parents and responsible adults.
18. The consumption of alcohol by customers at the premises must cease at or before the end of opening hours as specified in the premises licence. Staff are required to collect all alcoholic drinks prior to the end of the opening hours as set out in the licence.

19. The DPS to become a member of the local Pub Watch scheme and to support the BOBB scheme, 'Behave or be Banned'.

As per paragraph 6.7 within the Licensing Policy

20. Neighbour courtesy notices to be displayed at the premises.
21. In respect of the 12 additional occasions a year that the premises will be open until 03.00 in respect of Recorded Music, Supply of Alcohol and Late Night Refreshment The DPS to give 7 days notice in writing to the Police Licensing Officer and Licensing Authority. If the Police object and give 48 hours notice (from receipt of the notification) to the Premises Licence holder then the event will not take place.

The above conditions the police believe are necessary and appropriate to promote the Licensing Objectives.

I would be grateful if you could contact me to discuss the above representations at your earliest convenience.

C5

I submit the above for your consideration and comment.

Yours Sincerely

Mike Price

Divisional Licensing Officer

Andrew Rees

From: Price Mike [mike.price@Dyfed-Powys.pnn.police.uk]
Sent: 24 August 2015 14:03
To: SCH Licensing
Subject: FW: Re:variation of premises licence - Chillies diner & Mojitos bar, 17- 21 Cowell Street Llanelli Carmarthenshire SA15 1YA

Andrew,
Agreement reached with the applicant, will therefore withdraw my representations.

Mike Price

From: JOHN-M3 [mailto:JOHN-M3@SKY.COM]
Sent: 24 August 2015 13:09
To: Price Mike
Subject: Re:variation of premises licence - Chillies diner & Mojitos bar, 17- 21 Cowell Street Llanelli Carmarthenshire SA15 1YA

☺

Dear Sir,

With reference to the above application we agree to the representations made by yourselves in your Letter dated the 4th August 2015,

Yours sincerely
Michael John.
Morgan and John Leisure Ltd.

Sent from Samsung tablet

E-MAIL CONFIDENTIALITY STATEMENT

This e-mail and any files transmitted with it are not necessarily the view of Dyfed-Powys Police. It is intended only for the person or entity named above. If you have received this e-mail in error please notify the originator and erase this e-mail from your system. If you are not the intended recipient or the employer or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, review, dissemination, distribution or copying of the e-mail is strictly prohibited. This e-mail and any files transmitted within it have been checked for all known viruses. The recipient should still check the e-mail and any attachments for the presence of viruses, as Dyfed-Powys Police accepts no liability for any damage caused by any virus transmitted by this e-mail.

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Nid yw'r e-bost hwn nag unrhyw ffeiliau a drosglwyddir gydag ef o angenrheidrwydd yn adlewyrchu barn Heddlu Dyfed-Powys. Bwriedir yr e-bost ar gyfer y person neu'r sefydliad a enwir uchod. Os derbyniwyd yr e-bost hwn trwy gamgymeriad, dylid hysbysu'r anfonydd a dileu'r e-bost oddi ar eich system os gwelwch yn dda. Os na'i fwriadwyd ar eich cyfer chi ac nid chi yw'r cyflogwr na'r asiant sy'n gyfrifol am roi'r e-bost i'r derbynnydd bwriadedig, fe'ch hysbysir gan hyn na chaniateir i chi ddefnyddio adolygu, lledaenu, dosbarthu na chopio'r e-bost ar unrhyw gyfrif. Archwiliwyd yr e-bost hwn a unrhyw ffeiliau a drosglwyddir gydag ef am firws. Serch hynny, dylai'r derbynnydd hefyd archwilio'r e-bost a'r ffeiliau sydd ynghlwm am firws oherwydd nid Heddlu Dyfed Powys yn derbyn cyfrifoldeb am unrhyw ddifrod a achosir gan unrhyw firws a drosglwyddir trwy gyfrwng yr e-bost hwn.



BUDDSODDMYR | INVESTORS
MEWN POBL | IN PEOPLE



PCU15808

Sent: 17 August 2015 18:32
To: Public Protection
Subject: Pugh buildings

I would like to formally lodge my objection to the 3am license proposed to the public house on Cowel St next to Pugh buildings Llanelli As an owner of a number of apartments in this building I feel it would have a detrimental effect to the area , with increase noise disturbance , potential anti social behaviour so close to a residential building totally unacceptable .

Awaiting your response

Regards

Deborah Fox-James

Sent from my iPhone

Sent: 17 August 2015 17:22
To: Public Protection
Cc: Victoria Lewis
Subject: Pugh Buildings

Dear Mr Davies,

I've been made aware that Chilies Bar and Mojito Bar have made an application for a 3 A licence.

I wish to lodge a formal objection to this as legal owner of flat 4,5,6 29 and 30 Pugh Buildings.

This will greatly affect the residents and resale value.

Yours sincerely

BJ Cornelius

Sent from my iPhone

(DB)

Dear Sirs,
we are aware (Chillies Diner & Mojito Bar) on the ground floor of Pugh Buildings, Cowell Street Llanelli has made an application for a 3am license.
please accept this email as a formal complaint and protest against the issue of this licence on the bases of noise pollution and the massive social impact this will have on the quality of living in the apartment above of unit 10 pugh buildings. I feel the social impact will be devastating if such a licence is issued. We strongly protest the issue of such.

kind Regards
Jeff & Emma Davies

Landlords of
10 Pugh Buildings
Cowell Street
Llanelli

Subject: Opposition to Extended Hours License Application for Chillies Diner & Mojitos Bar - FAO Mr. Andrew Kee

Hello,

I am writing to voice my opposition to the proposed extended hours license application for Chillies Diner and Mojitos Bar. I am a resident of the Pugh Building, living on the first floor, and if this goes ahead my quality of life will suffer as a result. I work flexible shifts, so regularly work Saturday and Sunday Mornings and to have loud music playing downstairs until 3am is ludicrous, it is supposed to be a restaurant and bar and not a nightclub. I am a young person myself, and understand people like to go out on the weekend, but having what is essentially a nightclub, below residential flats, with no soundproofing is unacceptable. I don't mind live music or recorded music being played until 11pm, as like when the Bidding was below, but what is being proposed is ridiculous.

It was bad enough when Rendezvous was downstairs, and loud music was being played below until 1am on the weekend. It got so bad at times I had to resort to wearing ear plugs in my own flat, and using sleeping pills to be able to get to sleep. I am blind in one eye, and losing sight in the other, so my hearing is of the utmost importance, and it is unfair if I have to listen to unacceptably loud music into the early hours.

On top of this also comes antisocial behaviour. When Rendezvous was downstairs, I would often open the front door to get out of the building to be confronted by excrement and vomit, people going outside for cigarette breaks also use the alcove right below my window, and the smell of stale cigarette smoke coming into my flat is unacceptable.

If this goes ahead I will have to seek legal advice as believe this will be an infringement on my human rights.

DS

Sent: 20 August 2015 11:32
To: Public Protection
Subject: FAO MR ANDREW REES

Dear Mr Rees,

I am writing with reference to the application for an extended licence by Morgan & John Leisure Ltd at Cowell Street, Llanelli.

As an owner of one of the flats in Pugh Buildings I would strongly object to having a licence granted to Chilies Diner and Mojitos Bar for 3am as it would definitely have a negative impact on the tenants in the building due to the disturbance with the noise that this would generate.

A usual licence for 11pm is acceptable but there is great objection and concern to the planned application from many of the residents in the building and area in general. I would hope that this application is declined for the good of the area and the people who reside there along with the local property investors like myself.

Yours sincerely,

Lesley James

DRAGON ESTATE MANAGEMENT LIMITED

22 Market Street, Llanelli, Carmarthenshire. SA15 1YD

19th August 2015

Mr Andrew Rees
Licensing Section
Housing & Public Protection Division,
Carmarthenshire County Council,
3 Spilman Street, Carmarthen,
Carmarthenshire, SA31 1LE

Dear Mr Rees

Re: Licensing Act 2003 – Premises Licence Variation

Chillies Diner & Mojito Bar – 17 – 21 Cowell Street, Llanelli. SA15 1YA.

Notice of Objection.

I am the appointed Managing Agent for the building known as Pughs Building 17-25 Cowell Street, Llanelli, which includes the above named licensed premises in addition to Ladbrokes Betting Shop and the 30 Residential flats known as Pughs Loft Apartments, situated immediately above the two commercial premises on the ground floor of the building. These flats are owned by the leaseholders company PB Residential Limited which is wholly responsible for the communal areas of the building and for which I am the appointed Company Secretary.

I wish to have my objection to the Licensed hours extension for the premises known as Chillies Diner & Mojito Bar noted. The grounds for my objection are as detailed below.

The area is adequately served with late night entertainment venues, with the MET bar, Mayhem Night Club (previously Kandy Bar) and Storm Night Club (previously Tom Peppers) all within 100 metres (Mayhem and MET) of the premises application.

The lease on this premises which commenced on 31st July 2015, as signed by Morgan and John Leisure Limited (the applicants for License variation) and Greenday Properties Limited (The Landlord) clearly specifies the use of the premises as a Public House and/or Restaurant within the use Class 3 of the Town and Country Planning Order 1987 – or such other use as the Landlord may confirm in writing. In this case the applicants have made no request of the Landlords to change the specified use of the building to one of Late Night Refreshment House, which had they done so would not have been permitted due to the close proximity to the residential units where a number of families, some with young children, are living. Our objections to any hours extensions were clearly voiced to the new tenants prior to their acceptance of the lease on this premises.

(D7)

nuisance, annoyance, disturbance, inconvenience, injury or damage to the Landlord or their respective tenants or the owners or occupiers of any property in the neighbourhood.

Clause 3.10.2 States in part that they may not use the Premises or any part thereof for any noxious , noisy or offensive trade or business..... nor for any public exhibition or show.

Clause 3.11 - Use. At all times during the term of the lease to use the premises for the Specified Use and not to use same for any other purpose. (I note the request to show films which would be at variance to the lease and prohibited). The specified purpose being a Public House and Restaurant and not a Late Night Refreshment House, Karaoke Bar, Night Club or any other such use.

Clause 3.14.1. Not to do anything on the Premises which may render any increased premium payable for the insurance of the premises or nearby premises, or which may make void any such insurance policy. – Clearly operating as a late night club will increase the Insurance risk and thus would invalidate the lease.

The above points clearly point to the applicants being in Breach of the terms of their Lease which they had duly signed some four weeks ago.

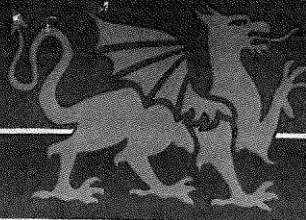
Whilst researching the applicants and their proposal for increasing the hours until 3am, certain information has become apparent in relation to The Railway Inn, Derwen Road, Bridgend CF31 1LE, this being a premises operated by Michael John, one of the applicants in Morgan & John Leisure. The operating hours of that licensed premises were extended and a licence issued on 22nd December 2009. From that time it became apparent that a number of incidences of drunkenness, disorder and violence were apparently recorded at or very close to The Railway Inn, including GBH, ABH, Damage, Drunkenness, Drugs, Fighting and Riotous behaviour, Indecent Assault, Overcrowding and many alcohol related incidents, mainly occurring after midnight up to and including the 3 am extended licence closure times. It is alleged that Mr John was actually in receipt of a Final Warning with regard to alcohol sales during the period after the variance of his operating hours.

Given the above facts I believe that the public in Llanelli would not be best served by the granting of the variance to the hours of operation of Chillies Diner & Mojito Bar. In fact refusal to grant this application would serve to prevent increased crime and disorder in the town centre, an area which is central for the control of Public Safety, for the prevention of public nuisance and to prevent and protect children from being exposed to harm.

I am prepared to attend any mediation meeting or any other such determining meeting to state my objections as outlined.

Please acknowledge the receipt of this letter (Emailed).

Yours sincerely



Mr Andrew Rees
Housing & Public Protection Division
Carmarthenshire County Council
3 Spilman Street
Carmarthen SA31 1LE

12th August 2015

Dear Mr Rees,

Re: Extended hours License Application
Chillies Diner and Mojitos Bar, 17-21 Cowell Street Llanelli SA15 1YA

We write to lodge a formal objection to the proposed extension of licensing hours (in respect of Supply of Alcohol, Films, Live Music, Recorded Music and Late night refreshment) at the Chillies diner and Mojitos Bar in Cowell Street, Llanelli.

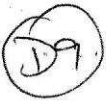
As a property management company, we have been requested to write on behalf of the individual leaseholders of the 22 Pugh Building flats managed by our company who strongly object to the proposed licensing extensions. They are as follows:

Flat 1	Ms S. Roffey
Flat 2	Mr N. Hodgson
Flat 4	Mr B.J. Cornelius & Mr J. Jones
Flat 5, 6 & 29	Mr B.J. Cornelius
Flat 7 & 22	Mr M. Andrews
Flat 10	Mr J. Davies
Flat 8 & 11	Mr C. S. Evans
Flat 12 & 19	Mr S. Baston
Flat 13 & 14	Mr I.K. James & Mrs D. Fox James
Flat 16	Mr M. Evans
Flat 17	Mr D.M. Uzzell
Flat 20 & 24	Mr J.P.B. Evans
Flat 23	Mr D. Stephens
Flat 27	Mr D. Gravell
Flat 30	Mr B.J. Cornelius & Mr J. Stocking

It is of direct concern to the above flat owners that extended licensing hours for the pub premises would seriously affect the ongoing letting (and similarly any potential sale) of their properties.

Our sister company, Dragon Estate Management acts as block manager for PB Residential Limited, representing the group of owners of 30 apartments situated directly above the premises.

The fact that the apartments are situated above a public house already has a negative effect on their appeal to prospective tenants. However, following the proposed extension of licensing hours, the negative effect will be exacerbated.



The main reasons for objection are as follows:

1. A level of continual nuisance noise from people congregating to smoke or gather in front of the pub premises is already experienced until midnight by the residents. At least 18 apartment windows (many of which are bedroom windows) face the front of the building (some just 10ft above the pub main doors) and are subject to late night noise on a regular basis. To extend pub opening hours would be damaging to the wellbeing of the current residents and ultimately to the prospects of these flats being occupied.
2. Regular occurrences of late night revellers leaving bottles of alcohol and unfortunate incidents of vomit on the Pugh Building apartment doorstep have been an unpleasant consequence of the close proximity of the pub and apartment entrances over the years. These incidents will inevitably increase with extended hours for supply of alcohol.
3. Further to Point 2 above, the serving of alcohol until 3am is also highly likely to increase the levels of anti-social behaviour due to excessive drinking, disturbance and general intimidation faced by residents entering or leaving the apartments. Bearing in mind that the Pugh Building apartments are now primarily occupied by professionals and young families, this would be an extremely damaging situation if permitted by the council.
4. The pub unit has a number of large air conditioning units affixed to the back of the building which create a low level noise and vibration audible inside the rear facing flats. Residents are used to experiencing this until approximately midnight at the latest.
5. Pub staff regularly use the rear doors of the unit whilst on smoking breaks, putting out waste / bottles etc. This area (including their trade waste bins) lies just below the flat windows, it would be unfair to subject residents to such noise at unsociable hours when they would expect to benefit from at least 6 hours of uninterrupted quiet before morning.
6. It is a fact that the vibrations and bass notes of live music played in the pub unit can be felt strongly through the floors of the 9 first floor flats at Pugh Building. It is therefore imperative that live music is not played beyond reasonable hours of 11pm and on weekends only.

If the owners of the Pugh Building apartments are no longer able to let their properties to appropriately employed tenants and families then this will create a situation of vacant flats appealing to a very limited market of tenants whose lifestyle is conducive to late night revelling, and by default a very negative social balance in a prominent town centre building. In conjunction with Dragon Estate Management, Carmarthenshire Council and Dyfed Powys Police and have worked hard to avoid this exact situation over the past 7 years.

Given the above points it is our strong belief that midnight is sufficiently late for the venue to be serving alcohol and providing late night refreshments when it is located in such close proximity to 30 tenanted apartments. We trust that the Council will carefully consider the extremely negative implications of granting any extended licensing hours to Chillies Diner & Mojito Bar.

We give our consent to disclosure of this objection to the Licensee applicant if requested. Should you require any further information please contact me on 01554 824100.

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