

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.

CHAIR

DATE