

LICENSING SUB COMMITTEE A

Tuesday, 6 March 2018

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

R.E. Evans and C.A. Davies

Also present as Observers: Councillors F. Akhtar and K. Howell

Present as representatives of a Responsible Authority:

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

The following Officers were in attendance:

R. Edmunds, Consumer and Business Affairs Manager

K. Byrne, Assistant Solicitor

K. Smith, Licensing Officer

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 10.40 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ETTO'S COFFEE SHOP, 25 HIGH STREET, LLANDYBIE, SA18 3HX.

The Assistant Solicitor 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 Etto's Coffee Shop, 25 High Street, Llandybie, SA18 3HX to permit:-

Supply Of Alcohol	Sunday to Thursday 12:00 – 22:00 Friday and Saturday 12:00 – 23:00
Opening Hours	Sunday to Thursday 07:00 – 22:30 Friday and Saturday 07:00 – 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 Dyfed Powys Police
- Appendix D – Representations submitted by other persons

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
- Correspondence from the Dyfed Powys Police withdrawing its objections following agreement having been reached with the applicant on the

inclusion of its suggested 18 conditions to be applied to the Licence, if granted.

- Correspondence dated 17th February from the applicant accepting the Police's suggested 18 conditions.

The Licensing Authority Representative referred to his written representations, as detailed within Appendix B to the report, and confirmed that subsequent thereto the Licensing Authority had been advised by the Dyfed Powys Police that it was withdrawing its representations on the basis agreement had been reached with the applicant on the inclusion of its suggested 18 conditions to the Licence. As a result of that agreement, he suggested that should the Sub Committee be minded to grant the application, as submitted, those 18 conditions replace the conditions attached to the original operating schedule.

The Licensing Authority Representative also referred to Appendix D to the report and to the comments received from the Llandybie Community Council to the effect that whilst supporting the application, it was of the view the sale of alcohol should be restricted until after 6.00 p.m. when there was less of a likelihood of unaccompanied children being present when alcohol was sold. In light of that representation, the Licensing Authority had considered the provisions of Paragraph 91 of the Council's Licensing Policy and parts 14.46 and 14.49 of Statutory Guidance relating to access by children to licensed premises, and was of the view there was no requirement for additional conditions to be applied to the Licence.

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

A representation was received in support of the application citing the excellent manner in the way the business currently operated which had provided both jobs and increased footfall within the village of Llandybie. The concerns of Llandybie Community Council were not supported.

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

The applicant outlined to the Sub-Committee his reasons for seeking a premises licence for the purposes of enabling customers to enjoy an alcoholic drink with afternoon teas/ evening snacks etc in a coffee house environment. The premises currently operated as a coffee house catering for a wide clientele base which included families with children. As that custom was highly valued, he would not wish to jeopardise that by changing the business emphasis to another drinking establishment. In that regard, he would not tolerate any unruly behaviour and could consider raising alcohol prices to prevent such a position developing.

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

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 Etto's Coffee shop, 25 High Street, Llandybie for the sale of alcohol during the requested hours be granted subject to the licence conditions agreed between the applicant, Licensing Authority and the Dyfed Powys Police 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. None of the responsible authorities opposed the granting of a licence for the sale of alcohol, subject to the conditions agreed with the applicant
4. That only one objection had been received regarding opening hours and there was no evidence submitted to require such a restriction
5. Members were happy the licensing review process was in place to safe guard in case there were any future issues regarding the licence.

The Sub Committee had attached weight to the views of the responsible authorities and considered the licensing policy and statutory guidance

CHAIR

DATE