

# LICENSING SUB COMMITTEE B

Thursday, 19 April 2018

**PRESENT:** Councillor E.G. Thomas (Chair)

**Councillors:**

H.I. Jones and J.G. Prosser

**Also present as an observer:** Councillor E. Williams

**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

M.S. Davies, Democratic Services Officer

**Chamber & Ante Room, Spilman Street, Carmarthen 10.00 am - 1.25 pm**

**[NOTE: In the absence of Councillor A. Davies, Chair of Sub Committee B, Councillor E.G. Thomas 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 - JACKSONS WINE BAR, JACKSONS LANE, CARMARTHEN SA31 1QD**

The Sub Committee adjourned at Spilman Street, Carmarthen at 10.05 a.m. and reconvened on site at 10.10 a.m., in order to view the premises where it was afforded the opportunity of examining both the internal and external facilities and the location of objectors' properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, Spilman Street, Carmarthen, at 10.50 a.m. to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting.

The Sub Committee was advised that an application had been received from Jasmine Louise Thomas for a premises licence in respect of the above premises to allow.

Supply of Alcohol Sunday to Wednesday 12:00-23:00, Thursday to Saturday 12:00-01:00

Opening Hours Sunday to Wednesday 12:00-23:30, Thursday to Saturday 12:00-01:30

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 Dyfed Powys Police

Appendix D - representations submitted by the Public Health Services

Appendix E - representations submitted by other persons.

The Sub-Committee, with the agreement of all parties, was circulated with copies of additional documentation which included amendments to the conditions proposed by the Responsible Authorities – potential conditions- and a plan detailing the location of objectors’ properties in relation to the application premises/site.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representative referred to his representations as detailed within Appendix C to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Dyfed Powys Police representative on the representations made.

The Public Health Services representative referred to his representations as detailed within Appendix D to the report and the potential conditions circulated. All parties were afforded the opportunity of questioning the Public Health Services representative on the representations made.

The Sub-Committee thereupon received representations from some of the other persons expressing concerns and/or objecting to the grant of a premises licence on the grounds detailed in Appendix E.

All parties were afforded the opportunity of questioning the evidence submitted.

The applicant thereupon addressed the concerns and issues raised and stated that in light of the concerns of nearby businesses and property owners she was withdrawing her application for Mondays, Tuesdays and Wednesdays and would look to open on these days on a seasonal basis only.

All parties were afforded the opportunity of questioning the evidence submitted.

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 the evidence placed before the Sub Committee, that the application be granted, subject to the additional licence conditions agreed between the applicant and the responsible authorities.**

**REASONS:-**

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

1. The Premises had previously had the benefit of a Premises Licence from 2005 until September 2017. No enforcement action had been taken by the licensing authority, nor were any complaints or referrals received during this period.
2. Public Health services had no recent records of complaints regarding the premises when it had previously been licenced.

3. None of the responsible authorities objected in principle to the granting of the licence
4. No representations had been received from the Fire authority
5. There was a past history of crime and disorder and public nuisance at, associated with, and in the vicinity, of the premises both whilst previously licenced and since September 2017.
6. The premises was located in a narrow lane in close proximity to residential and commercial premises
7. The premises was in the vicinity of Queen Street and King Street Carmarthen, both of which were identified in the statement of Licensing Policy as crime and disorder 'hotspots'
8. The applicant accepted the control measures proposed by the Police as amended.
9. The applicant and Responsible authorities had agreed a set of 'potential conditions' as amended designed to prevent public nuisance.
10. The applicant wished to withdraw her application for Mondays, Tuesdays and Wednesdays.
11. There was no application for regulated entertainment.

In the absence of any representations from the Fire Authority the Sub Committee had not considered any issues of Fire Safety.

The Sub Committee took into account issues of the Crime and disorder in the vicinity of the premises but not attributable to it.

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 they could properly take into account.

The Sub Committee found the evidence of the local residents to be credible and compelling and accepted that what they said was real evidence of crime and disorder and public nuisance associated with and in the vicinity of the premises.

The Sub Committee had attached weight to the views of the responsible authorities as it was legally obliged to do so. The Sub Committee did not believe that the evidence presented was sufficient to justify the Sub Committee departing from its views.

On the basis of the evidence put before it the Sub Committee was satisfied that to grant the application subject to the amended conditions agreed between the applicants and the responsible authorities would not undermine the licensing objectives of preventing crime and disorder and preventing public nuisance.

The Sub Committee believed that these conditions were appropriate to promote the Licensing Objectives and a proportionate response to the problems identified. In light of the views of the responsible authorities the Sub Committee did not believe that it would be appropriate or proportionate to refuse the application outright.

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**CHAIR**

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**DATE**