

LICENSING SUB COMMITTEE A

Thursday, 9 May 2019

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

A.L. Fox and D.E. Williams

Also present as observer: Councillor J.K. Howell

Present as a representative of a Responsible Authority:

E. Jones, Principal Licensing Officer

A. Morgan, Environmental Health Practitioner

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

K. Smith, Licensing Officer

E. Bryer, Democratic Services Officer

Chamber, - County Hall, Carmarthen. SA31 1JP. - 10.00 am - 12.50 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE ABERGLASNEY GARDENS, LLANGATHEN, CARMARTHEN, SA32 8QH

The Sub Committee adjourned at County Hall Carmarthen at 10.05 a.m and reconvened on site at 10:30 a.m at Aberglasney Gardens, Llangathen, in order to view the property where it was afforded the opportunity of examining the facilities. Following conclusion of the site visit, the Sub Committee reconvened in the Council Chamber at County Hall, Carmarthen at 11:40 a.m. to consider the application.

The Solicitor briefed all present on the procedure for the meeting. The Sub Committee was advised that an application had been received from Aberglasney Restoration Trust for a premises licence in respect of the above premises to allow:

- Supply of Alcohol, Live Music, and Recorded Music, - Monday to Sunday 10:00-00:00.
- Late Night Refreshment – Monday to Sunday 23:00-00:00.
- Standard Opening Hours - Monday to Sunday 10:00-18:00.

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 – representation submitted by 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 proposed by the Responsible Authorities to the recommended condition (number 5 detailed on page D2) and a plan detailing the location of the objectors' property in relation to the application site.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and the Draft Proposed Licence Conditions referred to above.

All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Public Health Services representative referred to his representations as detailed within Appendix D to the report and the Draft Proposed Licence Conditions referred to above. All parties were afforded the opportunity of questioning the Public Health Services representative on the representations made.

The Sub Committee thereupon received representation from Mr Davies and Miss Davies expressing concerns and 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 applicants thereupon addressed the concerns and issues raised.

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 amended licencing conditions proposed by the by the responsible authorities and agreed by the applicant.

REASONS:

The Sub Committee had regard to the written representations made to it, as well as the evidence put before it. It also 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, and those to which it had been referred by the parties.

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

1. Aberglasney Gardens currently had the benefit of a premises licence.

2. There was no history of complaints being received by the responsible authorities in respect of the premises.
3. None of the responsible authorities objected to the granting of the application.
4. The applicant had accepted the additional licence conditions proposed by the Police and Public Health Services.
5. Mr Davies and Miss Davies had been adversely affected by patrons of the gardens driving to their premises and failing to close farm gates and noise from events at the premises.

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 it could properly take into account.

Issues of need and the availability of alcohol at other nearby premises were not matters that the Sub Committee could properly take into account.

The Sub Committee had carefully considered the representation received from Mr Davies and Miss Davies and in particular whether the matters they complained of amounted to a public nuisance and, if so, whether the granting of a licence would undermine the licensing objective of preventing public nuisance.

On the evidence before them the Sub Committee were satisfied that the matters complained of do potentially amount to a public nuisance, however they were also satisfied that the proposed licence conditions were sufficient to address these issues.

Accordingly, the Sub Committee was satisfied that it should grant the application, subject to the licence conditions proposed by the responsible authorities and accepted by the applicants and that this course of action was appropriate in order to promote the licensing objectives and proportionate to the issues raised by the parties.

The Sub Committee recommended to the Trustees of the Gardens that, in the interests of ensuring good relations with the local community (and in particular Mr Davies and Miss Davies) that in addition to the licence conditions they also take all reasonable steps minimise the impact of their activities.

CHAIR

DATE