

LICENSING SUB COMMITTEE C

Tuesday, 5 April 2016

PRESENT: Councillor I.J. Jackson (Chair)

Councillors:

J.M. Charles and D.J.R. Llewellyn

Also present as an observer: Councillor P. Edwards

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

E. Jones, Principal Licensing Officer

A Morgan, Environmental Health Practitioner

A. Rees, Licensing Officer

M.S. Davies, Democratic Services Officer

Chamber, County Hall, Carmarthen: 9.30 am - 9.35 am

Site Inspection: 10.15 a.m. – 10.25 a.m.

Chamber, County Hall, Carmarthen: 11.15 a.m. – 1.15 p.m.

1. DECLARATIONS OF PERSONAL INTEREST

No declarations of personal interest were made at the meeting.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE. - ONE STOP, CWMAMMAN ROAD, GARNANT, AMMANFORD

The Sub-Committee adjourned and reconvened on site at Cwmamman Road, Garnant, Ammanford at 10.15 a.m. in order to view the location of the proposed development. Following conclusion of the site visit the Sub-Committee reconvened in the Chamber, County Hall, Carmarthen at 11.15 a.m. in order to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been received from One Stop Stores Ltd. for the grant of a premises licence to allow: -

Supply of Alcohol: Monday to Sunday 06:00-23:00

Opening Hours: 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, which had been agreed with the applicant;
- Appendix D – representations submitted by Public Health Services;
- Appendix E – representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of the application. The Sub-Committee was circulated with copies of additional documentation with the agreement of all parties.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report. He considered, in view of the amended conditions agreed between the applicant and the Police Licensing Officer, that it would be appropriate to replace all the original statements within the application that referred to CCTV and an age recognition scheme with the agreed conditions.

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. He advised that, following receipt of confirmation from the planning division that a further planning application would be required to cover the location of plant on the site, he was prepared to withdraw conditions 2, 3 and 4. He still requested, however, that conditions 1 and 5 be attached and referred to a further condition proposed by the applicant regarding litter which he was in agreement with.

All parties were afforded the opportunity of questioning the Public Health Services representative on the representations made.

The Sub-Committee thereupon received representations from interested parties 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's solicitor thereupon addressed the concerns and issues raised.

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 licence conditions agreed between the applicant and the Police and an additional condition regarding the control of litter as volunteered by the applicant.

REASONS:-

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

1. The premises was located on a busy main road;
2. There were a number of other licensed premises in the vicinity;

3. That the premises would operate as a general store and that alcohol sales would form one part of the business;
4. None of the responsible authorities objected in principle to the granting of the application;
5. The applicant has agreed to the additional licence conditions requested by the police
6. There was no history of complaints or enforcement action at the premises;
7. No compelling evidence had been presented of alcohol related anti-social behaviour or crime in the vicinity of the premises;
8. The proposed operating and license hours were at odds with those specified in the planning consent applicable to the premises.

The Sub Committee attached weight to the views of the police and public health services, and the absence of any representations from any other responsible authority.

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 they could properly take into account. Also the Sub Committee recognised that issues of need were matters that it could not take into account.

The Sub Committee found the evidence of the local residents to be credible and genuine, but was satisfied that the issues identified would be appropriately addressed by the control measures set out in the operating schedule and the additional conditions agreed between the applicant and the police.

The Sub Committee noted the discrepancy between the operating and licensable hours sought in this application and the planning conditions applicable to the property. The Sub Committee was satisfied that it should not refuse the application or limit the operating/licensable hours for this reason alone.

The Sub Committee had carefully considered the representations from Public Health services and was of the view that the proposed licence conditions were neither appropriate for the promotion of the licence objectives nor proportionate to the issues they sought to deal with because those issues were not directly related to the sale of alcohol, but rather to the general operation of a convenience store.

Therefore having regard to all the evidence the Sub Committee was satisfied that, on the balance of probabilities, that to grant the application on the terms agreed between the applicant and the police, together with the additional litter condition volunteered by the applicant would not undermine any of the licensing objectives.

CHAIR

DATE