

LICENSING SUB COMMITTEE A”

TUESDAY, 26 APRIL 2016

PRESENT: Councillor H.I. Jones [Chair]

Councillors: M.K. Thomas and D.E. Williams

Also present as an observer: Councillor P.M. Edwards

The following officers were in attendance:

Mr R. Edgecombe - Legal Services Manager
Mr A. Rees - Licensing Officer
Mrs M. Evans Thomas - Democratic Services Officer

Present as representatives of a Responsible Authority:

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council
Mr M. Price – Dyfed Dyfed Powys Police Authority

Chamber, County Hall, Carmarthen : 10.30 a.m. – 12.20 p.m.

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - DROVERS ARMS HOTEL, 106 LAMMAS STREET, CARMARTHEN

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been submitted by the Felinfoel Brewery Co. Ltd. to vary the premises licence in respect of the Drovers Arms, 106 Lammas Street, Carmarthen to allow:-

Supply of Alcohol:	Sunday to Thursday	08:00 – 01:00
	Friday & Saturday	08:00 – 02:00
	Bank Holiday Sundays & Mondays, Christmas Eve & Boxing Day	08:00 – 02:00

Late Night Refreshment:	Sunday to Thursday	23:00 – 01:00
	Friday & Saturday	23:00 – 02:00
	Bank Holiday Sundays & Mondays, Christmas Eve & Boxing Day	23:00 – 02:00

Opening Hours:	Sunday to Thursday	08:00 – 01:30
	Friday & Saturday	08:00 – 02:30
	Bank Holiday Sundays & Mondays, Christmas Eve & Boxing Day	08:00 – 02:30

The Sub-Committee noted that the following documentation was attached to the report:-

- Appendix A – copy of the application;
- Appendix B – copy of the current premises licence;
- Appendix C – representations submitted by the Licensing Authority;
- Appendix D – representations submitted by Dyfed Powys Police;
- Appendix E – representations submitted by other persons in support of the application.

Copies of the following items of additional documentation were circulated at the meeting, with the agreement of all parties:-

- e-mail dated 14th April, 2016 from the Clerk of Carmarthen Town Council to the Dyfed Powys Police advising that the Town Council had decided to support the police in its opposition to the application;
- e-mail dated 19th April, 2016 from Councillor Alan Speake including his representations;
- e-mail dated 22nd April, 2016 from the Clerk of Carmarthen Town Council to Dyfed Powys Police detailing the reasons for the Town Council's opposition to the application;
- letter dated 25th April, 2016 from Felinfoel Brewery Co. Ltd. to the Authority's Licensing Division regarding risk assessments undertaken at the Drovers Arms.

The Licensing Authority representative referred to his representations as detailed within Appendix C to the report. All parties were afforded the opportunity of questioning the Licensing Authority representative on his representation.

The Dyfed Powys Police representative outlined his representations as detailed within Appendix D to the report. He referred to the fact that Lammas Street was identified as a hotspot for anti-social behaviour in 2007 and it has remained a hotspot since that time. Lammas Street became busier in 2013/14 and following concerns regarding crime and disorder and anti-social behaviour an incident report was undertaken on Lammas Street. One of the main findings was that there was a noticeable increase in crime and disorder and anti-social behaviour in 2014. And between May 2013 and July 2015 there was a definitive correlation between crime and disorder and late night entertainment on Fridays and Saturdays. He stated that, whilst there were no crime and disorder incidents recorded against the premises, their concerns related to the location of the premises and the levels of anti-social behaviour and crime and disorder in the area. In view of the problems being experienced, the Police have asked for a cumulative impact policy to be adopted for the area. He requested that, should the Sub-Committee be minded to approve the application, suitable conditions be imposed like those imposed on other establishments with similar hours.

All parties were afforded the opportunity of questioning the Police representative on his representation.

The applicant's representative thereupon addressed the concerns and issues raised and advised that the company and their tenant wholeheartedly support any effort to reduce crime and disorder in the area. He stressed that the problems

referred to by the police occurred at the far end of Lammas Street and were due mainly to the late opening of the fast food outlets. He pointed out that good management has shown that the Drivers can operate successfully in Lammas Street. With regard to imposing conditions on the licence, he did not believe that this was necessary and if the police were concerned about that then they would have raised it previously. He asked the Sub-Committee to judge the application on the performance of the premises. There have been no issues or complaints and they have proved that they can operate responsibly and they will continue to do so. They were not asking for parity with other establishments in the area who are open until 4.00 a.m.

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 it was

RESOLVED that, as the Sub-Committee was minded to grant approval subject to conditions, the meeting stand adjourned until 12.15 p.m. to all parties time to agree on appropriate conditions to be imposed on the licence.

At 12.15 p.m. the meeting re-convened.

The Legal Services Manager advised the Sub-Committee that agreement had not been reached in relation to the conditions to be applied to the licence.

FURTHER RESOLVED that the meeting stand adjourned until 10.00 a.m. on Tuesday, 17th May, 2016 to enable further discussion to take place between all parties in relation to appropriate conditions to be applied to the licence.

reconvened meeting 17th may 2016

PRESENT: Councillor H.I. Jones [Chair]

Councillors: M.K. Thomas and D.E. Williams

Also present as an observer: Councillor P.M. Edwards

The following officers were in attendance:

Mr R. Edgecombe	-	Legal Services Manager
Mr A. Rees	-	Licensing Officer
Mr M. S. Davies	-	Democratic Services Officer

Present as representatives of a Responsible Authority:

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council
Mr M. Price – Dyfed Dyfed Powys Police Authority

Chamber, County Hall, Carmarthen : 10.00 a.m. – 10.15 a.m.

The Legal Services Manager reminded all present that the meeting on the 26th April 2016 had been adjourned to enable further discussion to take place between all parties in relation to appropriate conditions to be applied to the licence. The Principal Licensing Officer circulated details of the conditions which had subsequently been agreed.

All parties were afforded the opportunity to ask questions.

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 that the application be approved subject to the conditions agreed by all parties.

REASONS

In coming to its decision, the sub-committee made the following findings of fact;

1. The premises was located in a street identified in the Council's statement of licensing policy as a hot spot of alcohol related crime and disorder.
2. The Police object in principle to the application on crime and disorder grounds.
3. No evidence was presented of any alcohol related crime and disorder at or directly related to the premises
4. There was only 1 recorded incident of defective management practice at the premises, which had resulted in a warning to the previous DPS.
5. The increased hours sought were less than terminal hour of licensed premises in the vicinity
6. The applicant had put in place CCTV, SIA registered door staff and staff training.

The sub committee attached weight to the views of the police and licensing authority and the absence of any representations from the other responsible authorities. It also took into account issues of crime and disorder in the vicinity of the premises, but not directly attributable to it.

The sub committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if the application were granted, where unsupported by such evidence, were not matters which they could properly take into account.

The subcommittee accepted the evidence of the police as to the level of crime and disorder currently present in Lammas Street. The sub committee accepted that the

premises had been well run and there was no history of crime and disorder at or related to the premises.

Whilst the sub committee acknowledged the concerns of the police that granting the application would risk increasing current problems in the street it noted that the extended hours sought were still significantly less than those enjoyed by other nearby premises.

The sub committee accepted the evidence of the police that increased migration to and retention of drinkers in Lamma Street was likely to result from granting this application and that this would impact upon the overall level of alcohol related crime and disorder in the street.

On the balance of probabilities the sub committee therefore found that to grant the application as requested would be likely to undermine the licensing objective of preventing crime and disorder.

However the sub committee was satisfied that this could be addressed by the adding of additional conditions to the premises licence rather than refusing the application outright.

On the balance of probabilities the sub committee was satisfied that the conditions agreed between the parties are proportionate, and appropriate for the promotion of the licensing objectives.

CHAIR

DATE