

LICENSING SUB COMMITTEE A

Tuesday, 12 December 2017

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

A.L. Fox and D.E. Williams

Also present as Observers: Councillors F. Akhtar and J. Prosser

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

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 10.50 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BOLEYN'S BISTRO, 13 OLD CASTLE ROAD, LLANELLI SA15 2SL.

The Legal Services Manager 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 Boleyn's Bistro, 13 Old Castle Road, Llanelli, SA15 2SL to permit:-

Supply of Alcohol / Recorded Music	Monday to Saturday 12:00 – 00:00 Sunday 12:00 – 23:00
Opening Hours	Monday to Saturday 12:00 – 00:30 Sunday 12:00 – 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 Public Health Services
- Appendix D – Representations submitted by the Dyfed Powys Police

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

- Letter dated 11th December, 2017 from Mr A Morgan, Carmarthenshire County Council to the Applicant
- Two E-mails dated 11th December, 2017 from the applicant to the Licensing Authority.

The Licensing Authority Representative referred to his written representations, as detailed within Appendix B to the report, and advised that subsequent thereto he had, together with Mr A Morgan from Environmental Health, visited the premises on the 28th November, 2017 to discuss the application with the applicant. As a consequence of that visit, Mr Morgan had written to the applicant proposing the inclusion of the following two conditions to be added to the Premises Licence, should the Sub Committee be minded to grant the application:-

- Customers will only use the rear court yard area as the outside smoking area,
- No amplified music will be played in any external areas.

In addition to the above conditions, Mr Morgan had also referred to the element of the application seeking consent for the playing of recorded music and had suggested to the applicant that she withdraw that element from the application on the basis the playing of background music was permitted under the deregulations afforded to licensed premises under the Licensing Act 2003. The applicant had, in an e-mail dated 11th December, confirmed her agreement to the proposed conditions and withdrawn the playing of recorded music from her application.

The Licensing Authority representative reported that the applicant, in an e-mail dated 11th December, had also confirmed her acceptance of the 20 licence conditions suggested by the Dyfed Powys Police.

The Licensing Authority representative, in concluding, advised that whilst he was recommending the inclusion of the suggested conditions proposed by both the Public Health Services and the Dyfed Powys Police in the Premises Licence, the Sub-Committee in considering the application should have regard to an anonymous representation received objecting to the application on the basis of noise and disruption caused by loud music and inebriated customers.

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

The Dyfed Powys Police representative referred to his representations detailed in Appendix D to the report and confirmed that the applicant had agreed to the inclusion of his suggested conditions numbered 1-20 therein.

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

The Public Health Services representative referred to his written representations detailed in both Appendix C, and his supplementary letter of the 23rd November, and confirmed that, as a consequence of previous unsubstantiated complaints received against the premises, he was recommending the inclusion of the two above mentioned conditions within the Premises Licence. He also confirmed that as the playing of background music between the hours of 8:00 a.m. to 11:00 p.m. was permitted under the Deregulation of the Licensing Act 2003 the applicant had

agreed to withdraw that element of her application. The applicant had also agreed to the inclusion of the two suggested licensing conditions.

All parties present were afforded the opportunity of questioning the Public Health Services representative on his submission.

The applicant, in response to the third party representation advised that one of the issues arising therefrom was her allowing patrons to bring their own alcohol to the premises. As that practice resulted in her having no control over the amount of alcohol consumed, it was felt the application for a Premises Licence would rectify that position. She confirmed her intention to provide a quality bistro experience with the premises only opening on days when bookings had been received. With regard to the public health services representations, she confirmed her agreement to the suggested conditions and had withdrawn the playing of recorded music from her application

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

The Sub Committee thereupon

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 Boleyn's Bistro, 13 Old Castle Road, Llanelli for the sale of alcohol during the requested hours be granted subject to the licence conditions agreed between the applicant, police and public health services 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. There had been previous noise complaints relating to the premises from 1 person which had not been substantiated
4. None of the responsible authorities opposed the granting of a licence for the sale of alcohol
5. Public Health Services had made representations that the premises was not a suitable venue for a licence to play recorded music
6. That the applicant had withdrawn her application to play recorded music at the premises.
7. That one anonymous representation had been received from another member of the public

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 they could properly take into account.

Having regard to all the evidence placed before it, the Sub-Committee found no reason to depart from the views of the responsible authorities in this case. Accordingly it was satisfied that;

1. It was appropriate, in order to promote the licensing objectives, to grant the licence for the sale of alcohol subject to the additional licence conditions agreed by the Applicant, Police and Public Health Services
2. Those conditions were a proportionate response to the issues identified in the evidence

CHAIR

DATE