

# LICENSING SUB COMMITTEE A

17 JANUARY 2019

**PRESENT:** Councillor J.M. Charles (Chair)

**Councillors:** R.E. Evans and A.L. Fox

**Also present as Observers:**

Councillors C. A Davies and D.E. Williams

**Present as representatives of a Responsible Authority:-**

Mr M. Price – Dyfed Powys Police Force;

E. Jones, Licensing Lead, Carmarthenshire County Council.

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;

A. Rees, Licensing Officer;

K. Smith, Licensing Officer;

J. Owen, Democratic Services Officer.

**Chamber, County Hall, Carmarthen – 10:00am - 12:05pm**

**1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**2. APPLICATION FOR A PREMISES LICENCE - DISCOVERY CENTRE, LLANELLI**

The Legal Services Manger 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 The Discovery Centre, North Dock, Llanelli SA15 2LF to permit:-

- Supply of Alcohol - Monday to Sunday 09:00-23:00;
- Opening Hours - Monday to Sunday 08:00-00:00

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

1. Appendix A – Copy of the application
2. Appendix B – Representations submitted by the Dyfed Powys Police
3. Appendix C – Representations submitted by other persons

The remaining Responsible Authorities had not made representations in respect of the application.

The Sub-Committee considered the documents submitted, and all relevant written representations received before the hearing from the parties.

The Sub-Committee was advised that Dyfed Powys Police had made representations in relation to the application, however, agreement had since been reached between both parties.

At this point the Sub-Committee and applicant were afforded the opportunity of asking questions.

The applicant thereupon addressed the Sub-Committee and advised that:-

- The reasons for seeking a premises licence were for the purposes of providing customers with a relaxed environment to enjoy an alcoholic beverage with champagne breakfasts/afternoon teas/ evening snacks etc within an up market location. The premises would be operated on a family friendly basis catering for a wide clientele. As that custom was highly valued, she would not wish to jeopardise that by changing the business emphasis to another drinking establishment. In that regard, she would not tolerate any unruly behaviour and alcohol prices would be at a premium price to prevent such a position developing.
- In addition, their plans would be for the premises to be available for celebrations and other special functions with alcohol only being supplied with food.
- It was explained to the Sub-Committee that if they were unable to sell alcohol it would make the business less viable.
- The applicant explained that when they took over Llangland Brasserie there was an improvement in the area and that they rarely have any problems in last 9 years. Therefore, believed that the objector was unrealistic in his objections.
- In addition, the applicant strongly believed that by taking over the premises would improve that part of Llanelli.
- The applicant confirmed that she accepted and would implement the police licence conditions.

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

- In response to a query regarding the capacity of the premises, the applicant stated that the premises had a total maximum capacity of 200 people at any one time. This included a capacity of 80 on the ground floor, 1<sup>st</sup> floor capacity of 70, and the function room on the top floor a capacity of 40-50.
- The applicant, in response to a query stated that the business would offer premium alcoholic beverages by providing a nice environment for all clientele including families. In addition, they would manage the serving of alcohol in a professional manner.

- In respect of the nearby cycle path, the applicant stated that the business would be open to cyclists and other path users and would provide a safe location for the storage of bikes as customers.

The Sub-Committee received an oral representation from a neighbour of the applicants business 'Langland Brasserie' in support of the application:

- The supporter explained that the Langland Brasserie was a popular establishment and was professionally managed by the applicant. He also confirmed that he had never seen the police be in attendance at the premises.

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

The Sub-Committee did not receive any oral representation from the objector as they were not in attendance.

**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 having considered all the evidence before it, the sub-committee finds that the application should be granted subject to the licence conditions agreed between the applicant and police.**

#### REASONS

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

1. No evidence has been presented of alcohol related crime and disorder at, or in the vicinity of, the premises.
2. The applicants were experienced in operating this type of premises as they run a similar business in Swansea.
3. No evidence had been presented to suggest that the running of that business undermines the licensing objectives.
4. The applicant and police have agreed a set of conditions which they consider appropriate to add to the licence in order to promote the licensing objectives.
5. None of the responsible authorities have objected to the granting of the licence.

The Sub-Committee has attached weight to the views of the responsible authorities.

The Sub-Committee recognises 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, are not matters which they can properly take into account.

Whilst the Sub-Committee does not doubt that Mr Powles concerns were genuine, the Sub-Committee had not been presented, either by Mr Powles or any other person, with real evidence that supports those concerns. Similarly, issues relating to the 'need' for alcohol premises were not matters that the Sub-Committee could take into account.

The Sub-Committee had not been presented with any evidence which suggested that the professional view of the police regarding this application was incorrect or should be departed from.

Accordingly the Sub-Committee found that it was appropriate to grant the application, subject to the licence conditions agreed between the applicant and police and that this course of action was a proportionate one bearing in mind all the facts of the case.

#### • **APPLICATION FOR A PREMISES LICENCE - KUBUS LLANELLI**

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 Kubus, 29 Station Road, Llanelli, SA15 1AW to permit:-

- Supply of Alcohol Monday to Sunday 09:00-21:00;
- Opening Hours Monday to Sunday 09:00-21:00.

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

4. Appendix A – Copy of the application
5. Appendix B – Representations submitted by the Dyfed Powys Police
6. Appendix C – Representations made by the Licensing Authority

The remaining Responsible Authorities had not made representations in respect of the application.

In addition to the above, the Sub-Committee received, with the consent of all parties, the following additional documentation:

- Police statement (restricted)
- Cumulative Impact Area Premises – Llanelli Station Road

The Sub-Committee considered the documents submitted, and all relevant written representations received before the hearing from the parties.

The Licensing Authority Representative referred to his written representations, as detailed within Appendix C to the report, and referred to the written representation that was contained in the agenda bundle.

The Licensing Authority Representative explained that:

- The area of Station road was subject to the Cumulative Impact Policy and that this premises/Policy created a presumption against the granting of a premises licence.
- Cumulative Impact Policies/Assessments now have a statutory basis.
- The exceptions to the policy outlined in Appendix C did not appear to apply in this case.
- Should the Sub-Committee be minded to grant a licence, the applicant supports the licence conditions proposed.
- Confirmation was provided that 1 licence had been surrendered since 2016.
- The Licensing section receives regular reports of problems in the Station Road area of Llanelli and those problems have not diminished.

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

Mr Price, the Dyfed Powys Police representative thereupon referred to his written representations and statement of evidence and advised:

- The Police objected to the application due to the Cumulative Impact Policy and the Drinking in Public Places Order (DPPO) covering Station Road and surrounding area.
- Station Road, Llanelli was identified as a crime and disorder hot spot.
- If Sub-Committee departs from its Cumulative Impact Policy the police would ask for specified conditions to be added to the licence. He believes the applicant has accepted the conditions.
- The background in relation to the socially deprived nature of the area and number of licensed premises in Station Road.
- During the period between April 2017 and March 2018 there had been 164 anti-social behaviour incidents recorded in Station Road with 26% of these incidents having occurred within licensed premises.
- A fifth of all related crime and 13% of all alcohol related ASB incidents recorded in Llanelli town occurred in Station Road. Furthermore, 41 alcohol related crimes of Violence against Persons were recorded in Station Road during same period.
- While there had been a decrease in the number of premises for the sale of alcohol the statistics show that there was a high level of alcohol related crime and disorder in Station Road.

- There were 2 other off licences in very close proximity to this premises.
- With the statistical evidence the police were of the opinion an additional premises with the benefit of off sales of alcohol would add to the existing issues within Station Road.

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

Mr Price, in response to a query, provided a further information in relation to the crime in Llanelli town and Station Road:

- 17/18 – 3,299 with 244 recorded in Station Road
- 16/17 – 2,523 with 142 recorded in Station Road
- 15/16 – 2484 with 162 recorded in Station Road

In addition, he explained that due to the nature of parts of Station Road meant that a large police presence was required. Whilst Station Road was on a par with other areas in the County, there was a constant level of alcohol related crime and anti-social behaviour.

Mr Price reported that 51% of all alcohol related crime and anti-social behaviour took place between 10pm and 6am and 49% between 6am and 10pm.

Mr Lewis thereupon addressed the Sub-Committee on behalf of the applicant (present) and advised that:

- The applicant was a family man who had run the shop for 5 years. He also has a personal licence and has run a licenced shop in past.
- The shop sells food, many unique and unusual products but mainly Polish and European. The shop trades between the hours of 9:00am to 9:00pm and its main customers are families. In addition, he felt that the supply of these speciality products would help integrate the Polish community.
- The Polish community enjoy family parties and therefore the applicant would like to be in a position to supply his customers with speciality Polish alcoholic beverages. However, the applicant views alcoholic beverages as ancillary to his food business and did not want to become or labelled a general off licence.
- Relevant CCTV system had been ordered and assurance was provided that the management of the alcohol would be well controlled by staff.
- The premises was previously licenced as a pub/nightclub
- In the applicants' experience the culture of social drinking had changed with people now mainly drinking at home. He does not believe that his family orientated customers would cause problems.
- There was one other Polish shop selling Polish goods (inc alcohol) in Station Road.

All parties present were afforded the opportunity of questioning the applicant and Mr Lewis on his submission.

**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 having considered all the evidence before it, the Sub-Committee finds that the application should be refused.**

### REASONS

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

1. The Council's Statement of Licensing Policy applies a Cumulative Impact Policy to this part of Station Road.
2. The premises was located in an area designated by the Statement of Licensing Policy as a crime and disorder 'hotspot'.
3. The premises was located in an area covered by a Designated Public Place Order (DPPO).
4. A previous application for a premises licence in respect of this premises was refused in 2013
5. No evidence had been presented of alcohol related crime and disorder at this premises.
6. There was a significant volume of alcohol related crime and disorder in the vicinity of the premises.
7. The Police opposed the granting of the application in principle on the grounds that it undermined the crime prevention objective.
8. The premises was not currently licensed.

The Sub-Committee had attached weight to the views of the responsible authorities and had not received any evidence which suggested that those views were wrong or unjustified.

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.

In this case, the Sub-Committee was satisfied that there was real evidence to support the police concerns about the impact of granting this application.

The Sub-Committee noted the terms of the Cumulative Impact Policy and in particular that;

1. It creates a rebuttable presumption that the application should not be granted.
2. The burden for rebutting the presumption rests upon the applicant.
3. It should only be departed from in 'exceptional circumstances'.

The applicant had not presented any evidence which, in the view of the Sub-Committee would amount to 'exceptional circumstances' justifying departure from the above policy.

As such, in light of the significant level of alcohol related crime and disorder that continued to occur in Station Road, Llanelli, and the Sub-Committee was satisfied that it was appropriate to refuse this application in order to promote the licensing objective of preventing crime and disorder. In addition, this decision was a proportionate response to the alcohol related crime and disorder that continues to occur in that locality.

---

**CHAIR**

---

**DATE**