

Document Pack

WEDNESDAY, 19 MAY 2021

TO: ALL MEMBERS OF THE LICENSING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A VIRTUAL MEETING OF THE **LICENSING COMMITTEE** WHICH WILL BE HELD AT **10.00 AM ON WEDNESDAY, 26TH MAY, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Martin S. Davies
Telephone (Direct Line):	01267 224059
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Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

LICENSING COMMITTEE

14 MEMBERS

PLAID CYMRU GROUP – 7 MEMBERS

- | | | |
|----|------------|-----------------------------|
| 1. | Councillor | Mansel Charles |
| 2. | Councillor | Dorian Phillips |
| 3. | Councillor | Tyssul Evans |
| 4. | Councillor | Ken Howell |
| 5. | Councillor | Susan Phillips |
| 6. | Councillor | Eirwyn Williams |
| 7. | Councillor | Elwyn Williams [Vice-Chair] |

LABOUR GROUP – 4 MEMBERS

- | | | |
|----|------------|-----------------|
| 1. | Councillor | Suzy Curry |
| 2. | Councillor | Penny Edwards |
| 3. | Councillor | Amanda Fox |
| 4. | Councillor | Andre McPherson |

INDEPENDENT GROUP – 3 MEMBERS

- | | | |
|----|------------|-----------------------|
| 1. | Councillor | Irfon Jones |
| 2. | Councillor | Edward Thomas [Chair] |
| 3. | Councillor | Jim Jones |

***MEMBERS SHOULD BE AWARE THAT THEY ARE NOT ABLE TO ASK MEMBERS FROM
WITHIN THEIR OWN GROUPS TO SUBSTITUTE FOR THEM AT MEETINGS OF THIS
COMMITTEE***

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTERESTS.
3. APPOINTMENT OF MEMBERS TO SIT ON LICENSING SUB COMMITTEES FOR THE 2021-22 MUNICIPAL YEAR. 5 - 8
4. APPOINTMENT OF CHAIRS OF LICENSING SUB-COMMITTEES FOR THE 2021-22 MUNICIPAL YEAR.
5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 11TH FEBRUARY, 2021. 9 - 12
6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON:
 - 6 .1 9TH FEBRUARY 2021; 13 - 18
 - 6 .2 28TH APRIL 2021. 19 - 22
7. EXCLUSION OF THE PUBLIC.

THE REPORTS RELATING TO THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007 AS IT CONTAINS INFORMATION RELATING TO A PARTICULAR INDIVIDUAL.

IF, FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST, THE COMMITTEE RESOLVES PURSUANT TO THE ACT TO CONSIDER THESE ITEMS IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
8. MR MICHAEL DAVID JAMES HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE. 23 - 24
9. JASON DANIEL BAKER APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE. 25 - 26
10. MR NIGEL ANDREW NOBES HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE. 27 - 28
11. MRS JEANETTE DAVIES HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE. 29 - 30

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LICENSING COMMITTEE 26TH MAY 2021

APPOINTMENT OF MEMBERS TO SIT ON LICENSING SUB-COMMITTEES 2021-22

Recommendations / Key Decisions Required:

To consider and agree the appointment of members to sit on the 2 Licensing Sub Committees for 2021/22.

Reasons:

In order to discharge the Council's Licensing functions under the provisions of the Licensing Act 2003, the Licensing Committee will need to confirm membership of its two Licensing Sub Committees for the 2021/22 Municipal year.

Relevant Scrutiny Committee Consulted	N/A
Exec Board Decision Required	NO
Council Decision Required	NO

Executive Board Member Portfolio Holder: Councillor P.M. Hughes

Directorate:
Chief Executive's

Name of Head of Service
Linda Rees Jones

Report Author
Gaynor Morgan

Designation:

Head of Administration & Law

Democratic Services Manager

Tel: 01267 224026

E-mail:
GMorgan@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY
LICENSING COMMITTEE
26TH MAY 2021**

**APPOINTMENT OF MEMBERS TO SIT ON LICENSING
SUB-COMMITTEES 2021-22**

The Committee considers the following proposed membership in respect of Licensing Sub-Committees A & B:-

Sub-Committee "A"

Councillor Suzy Curry
Councillor Mansel Charles
Councillor Dorian Philips
Councillor Amanda Fox
Councillor Ken Howell
Councillor Jim Jones
Councillor Elwyn Williams

Sub-Committee "B"

Councillor Penny Edwards
Councillor Tyssul Evans
Councillor Irfon Jones
Councillor Andre McPherson
Councillor Susan Phillips
Councillor Edward Thomas
Councillor Eirwyn Williams

NOTE: Three members of the Sub-Committee will be drawn from those seven members on a rotational basis on any given day.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees-Jones

Head of Administration & Law

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees-Jones

Head of Administration & Law

1.Local Member(s):

N/A

2.Community / Town Council:

N/A

3.Relevant Partners:

N/A

4.Staff Side Representatives and other Organisations:

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection
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Thursday, 11 February 2021

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

J.M. Charles, S.A. Curry, C.A. Davies, W.T. Evans, J.K. Howell, H.I. Jones, A.S.J. McPherson, J.S. Phillips, J.E. Williams and D.E. Williams

The following Officers were in attendance:

J. Power, Senior Licensing Officer
E. Jones, Licensing Lead
R. Edgecombe, Legal Services Manager
S. Rees, Simultaneous Translator
J. Corner, Technical Officer
M. Evans Thomas, Principal Democratic Services Officer
R. Lloyd, Democratic Services Officer
E. Bryer, Democratic Services Officer
K. Thomas, Democratic Services Officer

Virtual Meeting - 10.00 - 11.30 am

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors P. Edwards, A. Fox, and T.J. Jones

2. DECLARATIONS OF PERSONAL INTERESTS.

There were no declarations of personal interest.

The Chair welcomed Councillor S Curry to the meeting following her recent appointment as a member of the Committee.

3. REVIEW OF STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)

The Committee received a report on a review undertaken of the Council's Licencing Policy which was required by legislation to be undertaken every five years. It was noted that although the last review had been undertaken in 2015, Carmarthenshire's current Licencing Policy had been adopted in January 2019 following a consultation undertaken on the adoption of a Cumulative Impact Assessment in respect of Lammas Street, Carmarthen.

The Licensing Lead reported that whilst the policy review consultation had originally been scheduled to be undertaken in March 2020, that had been paused due to the Coronavirus pandemic until a more appropriate time and also to see whether the statutory review period would be extended as a consequence of that pandemic. As the 5 year review period had not been extended, the consultations on the review of the policy had been amended to focus on the main statutory areas for consultation for a limited period only, with a more detailed consultation to be undertaken when the pandemic emergency had ended.

The Committee noted that the consultation exercise had occurred between the 14th December and 10th January 2021 with approximately 2,000 individuals and organisations receiving the consultation document, the results of which were detailed within the report for consideration.

UNANIMOUSLY RESOLVED TO RECOMMEND TO THE EXECUTIVE BOARD AND COUNCIL THAT:

- 3.1 The amended Statement of Licensing Policy be approved;
- 3.2 The existing Cumulative Impact Assessment be retained for Station Road, Llanelli and Lammas Street, Carmarthen, as detailed in Section 10 of the Policy

4. TO APPOINT COUNCILLOR S. CURRY TO SERVE ON LICENSING SUB COMMITTEE 'A'

The Committee was advised that following Councillor S. Curry's appointment onto the Licensing Committee, replacing Councillor F. Akhtar, it would need to appoint her to the subsequent vacancy on Licensing Sub Committee 'A'.

UNANIMOUSLY RESOLVED that Councillor S. Curry be appointed to serve on Licensing Sub Committee 'A'

5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 11TH DECEMBER, 2020

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 11th December, 2020 be signed as a correct record.

6. EXCLUSION OF THE PUBLIC

RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 12 of Part 4 of Schedule 12A to the Act.

7. MR MARK DAVIES APPLICATION TO RENEW A HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Mark Davies of Hideaway, Pentre Road, St Clears to renew his Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application and the issues raised by the Senior Licensing Officer

The Senior Licensing Officer recommended that Mr Davies' application be granted with a warning as to his future conduct.

RESOLVED that the application submitted by Mr Mark Davies for the renewal of his Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reason

On the evidence presented, the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

8. MR DAVID IAN ELIAS APPLICATION TO RENEW A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE

The Senior Licensing Officer advised the Committee that as a consequence of events having arisen subsequent to the despatch of the agenda for the meeting, he was seeking deferral of Mr Elias' application from its consideration that day.

UNANIMOUSLY RESOLVED that consideration of Mr David Elias' application be deferred.

9. MR. RICHARD GORDON JONES APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE / PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee considered an application from Mr Richard Gordon Jones of Glannant House, College Road, Carmarthen for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Jones with regard to his application and the issues raised by the Senior Licensing Officer

The Senior Licensing Officer recommended that Mr Jones' application be refused.

UNANIMOUSLY RESOLVED that the application submitted by Mr Richard Gordon Jones for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

Reason

On the evidence presented the Committee was satisfied that the applicant was a fit and proper person to hold a licence.

CHAIR

DATE

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LICENSING SUB COMMITTEE B

Tuesday, 9 February 2021

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

A.S.J. McPherson and E.G. Thomas

Also present as observers:- Councillors S. Phillips and J.E. Williams

Present as a representative of a Responsible Authority:-

D. Bizby – Dyfed Powys Police Authority

E. Jones – Licensing Lead – Carmarthenshire County Council

R. Edmunds – Consumer and Business Affairs Manager – Carmarthenshire County Council

V. Jones – Trading Standards Officer – Carmarthenshire County Council

The following Officers were in attendance:

J. Corner, Technical Officer

M.S. Davies, Democratic Services Officer

R. Edgecombe, Legal Services Manager

A. Eynon, Principal Translator

R. Lloyd, Democratic Services Officer

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

Virtual Meeting - 10.00 - 11.45 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE SANTA CLARA, ST CLEARS, CARMARTHEN, CARMARTHENSHIRE SA33 4EE

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from the Licensing Lead for Carmarthenshire County Council for the Review of a premises licence in respect of Santa Clara, St Clears, Carmarthenshire, following a visit to the premises by Police and a Council Trading Standards Officer on the 8th October 2020 where a lack of management and control at the premises had been identified.

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

Appendix A – A copy of the review application together with supporting documents;

Appendix B – Dyfed Powys Police representations;

Appendix C - Trading Standards representations

Appendix D – Other representations.

The Sub Committee also viewed body camera footage of the visit undertaken to the premises by the Police and a Trading Standards Officer on the 8th October 2020 and its attention drawn to previously circulated still photographs from the camera footage together with an additional statement from Anwen Davies

The Licensing Lead referred to his written representations, as detailed within Appendix A to the report, and outlined to the Sub Committee the events which had led to the submission of the review application, being the second submitted in respect of the premises. The first review had been considered by the Council's Licensing Sub Committee on the 18th August 2020 where a number of additional conditions had been imposed for the operation of the premises and on the Designated Premises Supervisor. He outlined the failings noted during the visit on the 8th October, as well as the breach of the existing licence conditions, which demonstrated the premises were still not being adequately managed by either the Designated Premises Supervisor or the licence holders, or that either of those persons took their responsibilities seriously. As it was considered any additional licence conditions, or removal of the DPS, were unlikely to have any effect on the operation of the premises, the Licensing Authority was of the opinion revocation of the licence was an appropriate and proportionate response to the lack of proper management and control at the premises.

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

The Police Authority representative referred to his written representations, as detailed within Appendix B to the report, and outlined to the Sub Committee the recent history of the premises' operation together with the events witnessed on the 8th October by a police officer and trading standards officer, as viewed on the webcam footage. As this was the second review application regarding serious management failures at the premises within six months, the Police considered it to be correct and proportionate to revoke the premises licence due to the lack of proper management and control displayed

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

The Trading Standards representative referred to his written representations, as detailed in Appendix C to the report, regarding the operation of the Santa Clara Public House and supported the above representations seeking the revocation of the premises licence as an appropriate and proportionate response to the lack of proper management and control displayed at the premises.

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

Councillor Tyssul Evans, having made a representation to the review application expressed his support for the licence revocation and expressed his disappointment at the way the premises was being managed and concern at the potential impact the operation could have on public health during the current pandemic.

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

Mr Reynolds, the licence holder for the Santa Clara Public House, in response to the representations received, advised the Sub-Committee that whilst he owned the premises, responsibility for its day to day management, and the two incidents in question, which had led to the two review applications lay solely with Mr Pearce, the Designated Premises Supervisor. He had visited the premises on the evening of the 8th October and noticed that appropriate social distancing and wearing of face masks were taking place and he had advised Mr Pearce of his responsibility in that regard when the evening became busier due to a football match being screened on the television that evening.

He outlined the role the public house played within the community and to the numerous organisations, clubs and charities it had supported during the 52 years in his family's ownership. Subsequent to the incident in October, four follow up visits by the Police and Licensing Officers had not revealed any further issues at the premises. He had installed c.c.t.v. as required by the Police at a cost of £3k (which he could monitor on his mobile phone) and was prepared to accept any further requirements they, or the licensing authority may have on its operation. He requested the Sub Committee to have regard to the premises' previous faultless operation over the 52 years in his family's ownership and to not revoke the licence

All parties present were afforded the opportunity of questioning Mr Reynolds the licensing holder.

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.

The Sub Committee had regard to the relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and of guidance issued by the DCMS and Home Office, and those referred to by the responsible authorities. In particular, the Sub Committee had regard to paragraphs 11.21, 11.22 and 11.28 in the statutory guidance relating to the review of premises licences.

FURTHER RESOLVED that having regard to all the evidence before it, the Sub Committee found that the Premises Licence for the Santa Clara Public House should be revoked.

REASONS

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

1. On the 18th August 2020 the Premises Licence of the Santa Clara was reviewed because of criminal offences that had been committed by the Designated Premises Supervisor (DPS) Richard Pearce, contrary to the Coronavirus Regulations then in force.
2. This review resulted in additional conditions being added to the premises licence with the agreement of the premises licence holder Mr Reynolds. Those were intended to improve the management of the premises by Mr Pearce and Mr Reynolds to promote the crime prevention objective.

3. On the 8th October 2020 Officers visited the premises and noted that the following criminal offences were being committed.
 - (a) The premises were open in breach of licence conditions imposed on the 18th August (Section 136 Licensing Act 2003)
 - (b) Breaches of Regulations 12B, and 14 of the Coronavirus Regulations in force at that time relating to social distancing and the wearing of face masks
4. Mr Pearce (DPS) was present at the time and was himself committing these offences as well as aiding and abetting others to do so by not exercising his authority as DPS to require compliance by his customers.
5. When challenged by officers Mr Pearce stated that it was 'hard to control all the COVID stuff when the football is on'
6. In August 2020 the premises was used to operate an illegal unlicensed lottery
7. Mr Reynolds was not present at the premises on either the 18th August or 8th October when officers attended
8. Mr Pearce is the tenant of the premises and DPS. However, there is no written lease or tenancy agreement in force.
9. There is no previous history of crime or disorder at the premises.

The Sub Committee attached weight to the views of the responsible authorities and in particular notes that the Licensing Authority, Police and Trading Standards were of the view that it is appropriate and proportionate to revoke the Premises Licence in order to promote the crime prevention objective

The Sub Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen, where unsupported by such evidence, were not matters which they can properly take into account.

Based upon the evidence placed before it the Sub Committee had determined that the management of the premises by Mr Pearce was directly undermining the licensing objective of preventing crime and disorder as the result of the commission of criminal offences under the Licensing Act 2003 and the Coronavirus Regulations by both Mr Pearce and his customers. The Sub Committee further determined that the failure of Mr Reynolds as Premises Licence holder to ensure the proper running of the premises also undermines that objective and had contributed to the commission of those offences.

The Sub Committee had no faith that Mr Pearce will properly fulfil his role as DPS and run the premises in accordance with the law. It was also of the view that Mr Reynolds was unlikely to be able to ensure that the premises, for which he was responsible as premises licence holder, was run properly and in accordance with the law.

The Sub Committee had considered the following alternatives to revocation of the licence and believed that they will not be sufficient to promote the crime prevention objective for the following reasons

1. Adding further conditions to the licence – no evidence had been presented to the Sub Committee that any particular additional licence conditions would be an appropriate course of action to promote the crime prevention objective

2. Removing Mr Pearce as DPS – This would require a new DPS to be appointed. However, Mr Pearce would still be in day-to-day control of the premises and there is no requirement that a DPS actually be present at a premises when it is open. The Sub Committee feels that this would not therefore be effective unless the new DPS was in actual day to day control of the premises
3. Suspend the licence – The premises are currently closed due to the Coronavirus pandemic. The Sub Committee considers therefore that a suspension of the premises licence would do nothing to promote the crime prevention objective

The Sub Committee therefore considers that the only options open to it are to do nothing or to revoke the premises licence. The Sub Committee believed that to do nothing would amount to a failure on its part to promote the licensing objective of preventing crime and disorder. As such it would not be an appropriate response to what has occurred

The Sub Committee recognised that revocation of the premises licence was a significant step and was not one that it takes lightly. However, given the evidence presented to it regarding the criminal offences that have been committed at the premises, all of which are directly connected with the poor management of the premises by the DPS and premises licence holder, the Sub Committee feels that revocation is something that it must seriously consider.

Considering the findings outlined above that the alternative courses of action would not promote the licensing objective of preventing crime and disorder, the Sub Committee was satisfied that in this instance revocation of the premises licence was an appropriate step to promote the licensing objective of preventing crime and disorder and a proportionate response to the issues that have been identified during the course of the hearing.

CHAIR

DATE

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Licensing Sub Committee 'B'

Wednesday, 28 April 2021

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

J.S. Phillips and J.E. Williams*

Also present as observers

Councillors W.T. Evans and E.G. Thomas*

[*Due to technical difficulties experienced by Cllr. J.E. Williams later in the meeting Cllr. E.G. Thomas, who was present throughout the meeting as a potential 'substitute', substituted for Cllr. Williams]

Present as a representative of a Responsible Authority:-

D. Bizby, Dyfed Powys Police Authority;

Police Constable B. Ashton, Dyfed Powys Police Authority;

E. Jones, Licensing Lead, Carmarthenshire County Council;

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;

K. Smith, Licensing Officer;

J. Corner, Technical Officer;

S. Rees, Simultaneous Translator;

J. Owen, Democratic Services Officer;

M.S. Davies, Democratic Services Officer.

Virtual Meeting: 10.30 am - 12.30 pm

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - KUBUS, 29 STATION ROAD, LLANELLI, SA15 1AW

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 Mr Aram Mahmood for a premises licence in respect of Kubus, 29 Station Road, Llanelli, to permit:-

Supply of Alcohol, off the premises - 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:

- Appendix A - Copy of the application;
- Appendix B - Representations submitted by the Licensing Authority;
- Appendix C - Representations submitted by the Dyfed Powys Police;
- Appendix D - Representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of the application. Reference was made to the additional documentation which had been circulated on behalf of the police and applicant's representative and there were no objections thereto. The Sub-Committee thereupon received representations from the interested parties

The Licensing Authority representative referred to his representations as detailed within Appendix B. Attention, in particular, was drawn to the Cumulative Impact Policy relating to a portion of Station Road, Llanelli, which had first been adopted by the Authority in March 2012 and the fact that the premises was also situated within an area subject to a Public Spaces Protection Order (PSPO). All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representatives referred to their representations as detailed within Appendix C to the report, which included potential conditions, and the additional documents circulated. All parties were afforded the opportunity of questioning the Dyfed Powys Police representatives on the representations made.

The Applicant's representative was then afforded the opportunity of submitting representations on behalf of the applicant, who was present, and, in particular, referred to the reconstruction of the shop's operating schedule to reduce the risks of crime and public nuisance and protect children. All parties present were afforded the opportunity of questioning the applicant's representative on her 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.

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, having considered all the evidence before it, that 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. No.29 Station Road Llanelli is in an area identified in the Council's statement of Licensing policy as a crime and disorder hotspot and is subject to a Cumulative Impact Assessment (Renewed in 2021)
2. There are 21 licensed premises within the single street that forms the cumulative impact assessment area (reduced from 24 in 2012)
3. The property is also within an area covered by a Public Spaces Protection Order relating to street drinking. (Renewed in 2020)
4. Levels of alcohol related crime and disorder remain high in Station Road despite the slight reduction in the number of licensed premises
5. There is a particular problem of large groups of intoxicated people gathering in the street, shouting, and swearing and intimidating local residents.

6. There is evidence that this alcohol related crime and disorder is linked to the concentration of licensed premises in that street.
7. There is currently no premises licence in force at the premises. Previous applications were refused in 2013 and 2019 (the latter decision upheld on appeal)

The Sub Committee attached weight to the views of the responsible authorities that to grant the application would undermine the licensing objective of preventing crime and disorder.

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.

The Sub Committee noted that the Council's statement of licensing policy created a rebuttable presumption that this application should not be granted and provided that the policy should only be overridden in exceptional circumstances. The Sub Committee further noted that the policy also stated that claims that a licensed premise would be well managed were unlikely to justify departing from the policy.

The onus was therefore upon the applicant to demonstrate why the granting of a licence for this premises would not undermine the licensing objective of preventing crime and disorder.

The key question was whether adding another licensed premise to the existing concentration in Station Road would undermine the licensing objective of preventing crime and disorder. The presumption in the licensing policy was that it would undermine that objective. On the evidence put before it the applicant had failed to demonstrate to the satisfaction of the Sub Committee that exceptional circumstances existed to override that presumption and depart from the policy

The Sub Committee had considered whether the additional licensing conditions proposed by the applicant would adequately promote the licensing objective of preventing crime and disorder. Having regard to the evidence presented about alcohol related crime and disorder in Station Road and surrounding streets the Sub Committee was satisfied that such conditions would not be sufficient to promote that licensing objective, were a licence to be granted.

Accordingly, the Sub Committee was satisfied that to grant the application would be likely to undermine the licensing objective of preventing crime and disorder and therefore refused the application.

The Sub Committee was satisfied that the refusal of the application was an appropriate and proportionate response to the problems of alcohol related crime and disorder in Station Road and surrounding streets.

CHAIR

DATE

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Agenda Item 8

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 9

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 10

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 11

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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