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**MONDAY, 6 DECEMBER 2021**

**TO: ALL MEMBERS OF LICENSING SUB-COMMITTEE "A"**

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING OF LICENSING SUB-COMMITTEE "A"** WHICH WILL BE HELD AT **2.00 PM, ON TUESDAY, 14<sup>TH</sup> DECEMBER, 2021** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

*Wendy Walters*

**CHIEF EXECUTIVE**

<b>Democratic Officer:</b>	<b>Janine Owen</b>
<b>Telephone (direct line):</b>	<b>01267 224030</b>
<b>E-Mail:</b>	<b>JanineOwen@carmarthenshire.gov.uk</b>

Wendy Walters Prif Weithredwr, *Chief Executive*,  
Neuadd y Sir, Caerfyrddin. SA31 1JP  
*County Hall, Carmarthen. SA31 1JP*

LICENSING SUB- COMMITTEE "A"  
7 MEMBERS

THREE MEMBERS OF THE SUB-COMMITTEE WILL PRESIDE OVER EACH APPLICATION. THE MEMBERS OF THE SUB-COMMITTEE WILL BE DRAWN FROM THE FOLLOWING SEVEN MEMBERS ON A ROTATIONAL BASIS AS REQUIRED.

- |                                      |                     |
|--------------------------------------|---------------------|
| 1. Councillor Suzy Curry             | (Labour Group)      |
| 2. Councillor Mansel Charles [Chair] | (Plaid Cymru Group) |
| 3. Councillor Amanda Fox             | (Labour Group)      |
| 4. Councillor Ken Howell             | (Plaid Cymru Group) |
| 5. Councillor Jim Jones              | (Independent Group) |
| 6. Councillor Dorian Phillips        | (Plaid Cymru Group) |
| 7. Councillor Elwyn Williams         | (Plaid Cymru Group) |

NOTE:

IN THE EVENT OF LESS THAN THREE OF THE ABOVE MEMBERS BEING UNABLE TO PRESIDE ON ANY APPLICATION, SUBSTITUTES WILL BE DRAWN FROM OTHER MEMBERS OF THE LICENSING COMMITTEE.

# **A G E N D A**

- 1. DECLARATIONS OF PERSONAL INTEREST.**
- 2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - 5 - 28  
SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI,  
CARMARTHENSHIRE, SA15 1NB**

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## LICENSING SUB COMMITTEE A

14<sup>TH</sup> DECEMBER 2021

### APPLICATION FOR THE REVIEW OF A PREMISES LICENCE SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI, CARMARTHENSHIRE, SA15 1NB

#### KEY DECISIONS REQUIRED:

The Sub Committee A considers the application and all the representations and evidence that have been submitted and have regard to the Authority's Licensing Policy and National Guidance.

#### REASONS:

The Committee is obliged to promote the licensing objectives which are: -

- The prevention of Crime and Disorder.
- Public Safety.
- The Prevention of Public Nuisance.
- The Protection of Children from Harm.

Relevant Scrutiny Committee Consulted: NA

Cabinet Decision Required: NA

Council Decision Required: NA

#### Cabinet Member Portfolio Holder:

Councillor P.M. Hughes (Public Protection)

Directorate: Communities Name of Head of Service Mr Jonathan Morgan	Designation:  Head of Homes and Safer Communities	Tel No. E Mail Address: 01554 899285 jmorgan@carmarthenshire.gov.uk
Report Author Mrs Kirsten Smith	Licensing Officer	01267 228801 ksmith@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY**  
**LICENSING SUB COMMITTEE A**  
**14<sup>TH</sup> DECEMBER 2021**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE.**  
**SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI,**  
**CARMARTHENSHIRE, SA15 1NB**

To consider an application from Dyfed Powys Police for the Review of a premises licence in respect of the above premises as follows: -

Further to complaints received and a visit by Dyfed Powys Police and a Covid Compliance Officer from Carmarthenshire County Council, the Police have concerns that there is a serious lack of management at the premises.

A background to the review is provided in the original review application, which is attached as Appendix **A**.

The Licensing Authority has made representations which are attached as Appendix **B**.

Trading Standards have made representations regarding the application, which are attached as Appendix **C**.

Environmental Health have made representations regarding the application, which are attached as Appendix **D**.

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

**DETAILED REPORT ATTACHED ?**

**NO**  
**Appendices A – D as stated above**

## 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: Mr Jonathan Morgan

Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### LEGAL:

The legal implication of the review application is that the applicant may lodge an appeal.

## CONSULTATIONS

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

Signed: Mr Jonathan Morgan

Head of Homes and Safer Communities

#### 1. Local Member(s):

No local member involvement and therefore no consultation necessary.

#### 2. Community / Town Council:

No Community / Town Council involvement and therefore no consultation necessary.

#### 3. Relevant Partners:

The Responsible Authorities have been consulted regarding the application.

#### 4. Staff Side Representatives and other Organisations:

There are no other organisations involved and therefore no consultation necessary.

**CABINET MEMBER PORTFOLIO HOLDER  
AWARE/CONSULTED:**

**YES**

### Section 100D Local Government Act, 1972 – Access to Information List of Background Papers used in the preparation of this report:

#### THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Application Form and File Contents.	South Star	Licensing Section, 3 Spilman Street, Carmarthen
Licensing Policy		Licensing Section, 3 Spilman Street, Carmarthen
National Guidance		Licensing Section, 3 Spilman Street, Carmarthen

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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I The Chief Constable of Dyfed-Powys Police

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

**Postal address of premises or, if none, ordnance survey map reference or description**

The South Star  
2 Brynallt Terrace,  
Llanelli  
Carmarthenshire.

Llanelli

SA15 1NB

**Name of premises licence holder or club holding club premises certificate (if known)**

Maxico UK Limited

**Number of premises licence or club premises certificate (if known)**

OONU-PRM-00244

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

a) a person living in the vicinity of the premises

b) a body representing persons living in the vicinity of the premises

c) a person involved in business in the vicinity of the premises

Az

- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Dyfed Powys Police Carmarthenshire Division Police Station Ammanford Carmarthenshire SA18 2LS
Telephone number (if any) 101 extension 27464 (Licensing)
E-mail address (optional) David.Bizby@dyfed-powys.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review** (please read guidance note 1)**Background**

Due to the Coronavirus outbreak, Pubs, Restaurants and many other establishments were ordered to close from 20 March 2020 by the UK Government.

Since this time, the hospitality industry has faced a number of lockdowns and together with the Carmarthenshire County Council Business and Consumer Affairs section, Dyfed-Powys Police have taken a proactive role in supporting, advising and regulating the industry in a pragmatic way. Since the re-opening of hospitality venues, a large number of premises have been visited following an increase in patrols, including the South Star Public House which is situated in the middle of a residential area.

Between 5 - 12 September 2020, the Police received 3 calls regarding issues at this premises - two "999" calls were received from individuals living within the vicinity of the premises relating to anti-social behaviour and one received from the Ambulance Service regarding an on-going assault.

With regards to the assault on 12 September, Police requested a copy of the CCTV however, were informed that the CCTV system was in the process of being installed.

On 2 May 2021, there were 5 separate calls including four "999" calls made to the Police regarding anti-social behaviour and fighting at the premises. The first call was made at 20:51hrs and related to anti-social behaviour, lack of management, concern over social distancing regulations, noise, underage drinking and parking issues in the surrounding area. The four "999" calls related to a large number of people fighting

outside the premises.

A Police Officer accompanied by CCC Licensing Officer Kirsten Smith also attended the premises as part of the patrol plan during the evening. The attending Police Officer parked his marked police vehicle in the South Star car park. Whilst the Officers were at the premises, a noise was heard and it was subsequently discovered that the front, driver's side window of the Police Vehicle had been smashed by a building block thrown into the vehicle.

Since the 27 May 2021, the Police have received a further 12 calls including three "999" calls regarding the premises. These calls have covered a wide range of issues including people arguing, shouting, screaming, loud noises, cars racing off and screeching noise, car horns beeping and young people outside the premises swearing at passers by. Invariably, they are calls relating to people gathering outside the premises during the late evenings and early mornings, particularly at the weekends.

Due to the high number of calls and in order to try and resolve matters amicably, a multi-agency partnership meeting was held at the premises on the 7 July 2021. Those present included Nigel Brain and Lisa Davies who manage the premises. The Dedicated Premises Supervisor, Nigel Morgan, was unable to attend. Also present were Sergeant Ben Ashton of Dyfed-Powys Police, David Bizby, DPP Licensing Officer, Kirsten Smith, Carmarthenshire County Council Licensing Officer and Ruth Thomas, Environmental Health Officer.

The meeting was organised to discuss the numerous complaints received. The reported issues were highlighted and during the meeting, Nigel Brain and Lisa Davies stated that they felt that some of the noise related complaints were not connected to their premises. The meeting concluded with Nigel Brain and Lisa Davies agreeing to close the beer garden before 23:00 hrs. In addition, the premises, which has a Licence to be open until 02:00 on Friday and Saturday would close at midnight and would only stay open longer if the customers were not rowdy. They confirmed that they now have 2 Door Supervisors on Saturday night from 19:00hrs to help control customers, and this had resulted in improvements, as well as employing additional staff and no music outside after 21:00hrs. They also stated that they would be happy to join the BOBB scheme.

Since this date, the Police have received one further call regarding the South Star from a member of staff on 27 August 2021 regarding a person who had already been ejected from the premises.

On Saturday 11 September 2021, Police Constable Brian Merrigan, a member of the Llanelli Neighbourhood Policing Team and Kerrie Collings, a Covid Compliance Officer from Carmarthenshire County Council were visiting several premises in the Carmarthenshire area.

At approximately 20:30 hours, both persons carried out a routine visit at the South Star Public House. They could see into the main bar on the right hand side and that it was reasonably full and agreed that it would be easier to have a conversation with staff in the bar to the rear as they could see that there were significantly less people in that room. Lisa Davies was behind the Bar and signalled to Kerrie Collings to come through to the side bar in the pool room.

As they entered the door, they could see that there were approximately 15-20 people there, mostly men sitting and standing around a pool table whilst a game was being played.

Constable Merrigan stood inside the door whilst Kerrie Collings spoke to Lisa Davies. The Officer was having a conversation with some of the males and the atmosphere was described as light hearted. Kerrie and Lisa spoke about the previous noise complaints and Lisa stated that she felt optimistic that things seemed to have been resolved. Covid wise, both Officers had no concerns with the premises and it was not over crowded.

It was during this time that Nigel Brain approached the Officer from his left hand side and stood close to him and said, "Can you leave my pub". He kept repeating the same sentence on a number of occasions: He was described as being rude and abrupt and the Officer initially thought that he was joking. He then said again in the same manner "Can you leave my pub there's a match going on and there's money at stake" he repeated "Leave my Pub"

Constable Merrigan tried to reason with Nigel Brain but failed, he continued to ask them to "leave my pub". Nigel Brain then stepped forward and raised his arms, once again saying " Leave my pub". He tried to usher both officers out through the door.

Constable Merrigan confirms that there was physical contact when he was pushed out of the room by Nigel Brain. He got into the hallway and told Nigel Brain to take his hands off him and that he was entitled to do his job along with his colleague. Constable Merrigan then pushed Brain's arms away and they were joined by Lisa Davies who was calm and apologised on behalf of his attitude and kept saying "I'm sorry, I'm sorry, I don't know what's wrong with him" She tried to calm him down but failed.

Kerrie Collings added that she felt that she was being pushed out of the room. "I turned around and Nigel Brain was very irate and using his arm with force to push me out of the premises". PC Merrigan intervened and stood between the two of them. Nigel Brain was aggressive and rude, stating that they were not welcome and causing issues at the premises. Nigel Brain was verbally abusive towards both officers, pushing PC Merrigan out of the premises. PC Brian Merrigan informed Nigel Brain that his behaviour was unacceptable and was trying to diffuse the situation.

Not wishing for matters to escalate, both officers informed Lisa Davies that they would be leaving and would be reporting the matters to the Licensing Department due to Mr Brain's aggressiveness and unwillingness to co-operate.

Following this incident, Sergeant Ben Ashton attended the premises on two occasions requesting a copy of the CCTV footage to review the matter as he was investigating an assault. During the first visit, he was informed by Lisa Davies that she was unable to access or operate the system.

During the second visit, Sergeant Ashton spoke with Nigel Brain who stated that the system was new and covered the outside of the premises but not the area in which the incident had occurred.

Nigel Brain also apologised for his behaviour and stated that he had "gone over the top" during the incident and that he would also be apologising to Constable Merrigan the next time that he would see him. He also stated that he would be withdrawing from the BOBB scheme.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

The actions of Nigel Brain during the joint visit made by the Local Authority and the Police on the 11 September 2021, together with the other incidents and complaints, outlined in this application, raise serious questions regarding the management of the premises. In order to address these management failings the Police believe that it is appropriate to seek the following:

The Police believe that it is necessary and proportionate to request a review of the Premises Licence in order that additional control measures may be attached to it.

The Police believe that it is appropriate to seek for the following extra conditions to be imposed on the Premises Licence:

1. A CCTV system shall be installed and maintained at the premises which gives coverage to the whole of the licensed area including entry and exit points as well as all consumption and smoking areas used by customers. There must not be any hidden or obscured areas or any other obstruction including outside Umbrellas and Canopies.
2. The system shall continually record whilst the premises are open and conducting licensable activities and if a defect arises the Licensing Authority or the Police must be informed and immediate arrangements must be made to rectify the fault.
3. Footage from the CCTV system must be capable of being recorded onto an easily downloadable format.
4. Images recorded by the CCTV system shall be retained for a period of not less than 31 days and shall be provided to the Police or an authorised Officer of the Licensing Authority upon request.
5. All images recorded by the CCTV system shall denote an accurate date and time.
6. The system must be registered with the Information Commissioner (Tel 0303 123 1113 or email [registration@ico.org.uk](mailto:registration@ico.org.uk)).
7. The challenge 25 scheme to be adopted at the premises with notices and posters to be clearly displayed in the premises, near the entrances and bar areas. This is to emphasize to customers that they will be challenged if they look 25 or under and they shall provide documented proof that they are over 18 years of age.
8. Consumption of alcohol by customers within the external areas of the premises must cease at 22:30 hrs on each day of the week.
9. Alcohol can only be sold for consumption in the external area in polycarbonate, plastic or shatterproof glasses.
10. No open containers of alcohol shall be removed from the boundary of the premises.
11. Notices shall be prominently displayed in the outdoor area requesting customers to respect the needs of local residents and use the area quietly.
12. Notices shall be prominently displayed indicating that the area is being monitored by CCTV.
13. The Designated Premises Supervisor (DPS) be the person who has day-to-day control of the premises.

I also refer to 5.6 of the Carmarthenshire Licensing Policy which states that " the Licensing Authority believes that the effective management of licensed premises by suitability experienced and trained staff is essential for the promotion of the four licensing objectives". This is especially relevant to the management of outdoor areas and to this premises.

Section 5.7 of the Carmarthenshire Licensing Policy also states - Applicants are reminded that where they wish the premises licence to include the sale or supply of alcohol that they need to appoint a Designated Premises Supervisor (DPS), who must hold a personal licence. The Licensing Authority strongly recommends to all applicants that the Designated Premises Supervisor (DPS) be the person who has day-to-day control of the premises.

The above conditions the police believe are necessary and appropriate to promote the Licensing Objectives.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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A8

**If you have made representations before relating to this premises please state what they were and when you made them**



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature D. C. Bizby

Date 20/10/2021

Capacity Divisional Licensing Officer.

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5) as above

Post town

Post Code

Telephone number (if any)

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



Eich cyf / Your ref: Gofynnwr am / Please ask for: Emyr Jones  
Fy nghyf / My ref: Llinell Uniongyrchol / Direct Line: (01267) 228717  
Dyddiad / Date: 17<sup>th</sup> November 2021 E-bost / E-mail: publicprotection@carmarthenshire.gov.uk

Head of Homes and Safer Communities  
Carmarthenshire County Council  
3 Spilman Street,  
Carmarthen  
SA31 1LE

Dear Sir,

**RE: Application for the review of a Premises Licence  
THE SOUTH STAR, 2 Brynallt Terrace, Llanelli, Carmarthenshire, SA15  
1NB  
Application Date 20/10/2021**

Further to the receipt of the above application, the Licensing Authority make the following representations:

a) Previous Enforcement Action / Prosecutions

The current premises licence has been in force since 2006. The licence was transferred to the current holders Maxico UK Limited on the 9<sup>th</sup> of March 2011. On the 16<sup>th</sup> of September 2011 a letter was sent to the licence holders requesting up to date contact details for the company to discuss concerns regarding the premises and to confirm that they were in contact with the DPS. On the 10<sup>th</sup> of October 2016 the company was again contacted to confirm contact addresses. In May 2018 the DPS was amended and in November 2018 a warning letter was issued to Mr Nigel Morgans for failing to have the required licence documents at the premises. A replacement licence was supplied that day. During a visit to the premises on the 2<sup>nd</sup> of April 2020 following a covid related complaint a licensing officer spoke to Mr Nigel Brain who indicated that he was a joint tenant at the property and that the DPS named on the licence was no longer associated with the business. The officer advised Mr Brain to arrange for the DPS to be amended. The premises was visited by officers on a number of occasions and on a regular basis to investigate complaints and referrals and to look at compliance with covid regulations. On the 18<sup>th</sup> of July 2020 the tenants were warned regarding a breach of the covid regulations for allowing friends to join them at the premises to watch television.

**Jonathan Morgan**

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau  
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF  
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities  
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF  
Town Hall, Iscennen Road, Ammanford, SA18 3BE



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MEWN POBL | IN PEOPLE

On the 25<sup>th</sup> of September 2020 a Premises Closure notice was served on the tenants and the licence holders, and further advice given regarding the need to update the DPS details for the premises.

Further visits were undertaken in 2021 to follow up further complaints and referrals. An application to vary the DPS to Mr Nigel Morgan was submitted by Maxico UK on the 13<sup>th</sup> of July 2021.

b) Complaints.

The majority of complaints received by the licensing authority in relation to these premises, in 2020 and 2021 were referred to us by the Police, Environmental Health and the Covid Compliance team.

c) Responsible Authority Referrals.

The licensing authority has received a number of referrals from the Police, Environmental Health and the Covid compliance team in relation to the above premises since March 2020. The complaints related to alleged breaches of Covid regulations, anti-social behaviour, noise from music as well as people noise from persons gathered outside the premises.

As outlined in section a above, officers have undertaken regular visits to the premises during the emergency period. On the 7<sup>th</sup> of July 2021 and following an increase in complaints regarding the noise and anti-social behaviour from the use of the external areas at the premises a meeting was arranged with the operators, the Police and Environmental Health to discuss the need for additional control measures. The DPS Mr Nigel Morgan was unable to attend the meeting and has frequently not been at the premises when officers have visited whilst the premises is open and trading.

d) Relevant Sections of the Statutory Guidance.

The Licensing Authority believes that the following sections of the Statutory Guidance are relevant to this licence application: - Section 1 Introduction, Section 2 relating to The Licensing Objectives, Section 5 relating to Premises licences, Section 8 relating to Applications for Premises Licences, Section 10 relating to Licence Conditions and section 11 relating to Reviews.

e) Relevant Sections of the Local Licensing Policy.

The Licensing Authority believes that the following sections of Carmarthenshire's Licensing Policy are relevant to this licence application:- Section 3 Fundamental principles, Section 4 Conditions of Licence, Sections 5 – 9 relating to The Licensing Objectives ,Section 11 relating to Licensing Hours and Section 18 relating to Licence Reviews. In Particular :-

*Designated Premises Supervisors*

*5.7 Applicants are reminded that where they wish the premises licence to include*

*the sale or supply of alcohol that they need to appoint a Designated Premises Supervisor (DPS), who must hold a personal licence. The Licensing Authority strongly recommends to all applicants that the Designated Premises Supervisor (DPS) be the person who has day-to-day control of the premises.*

*8.8 Applicants are advised to consider how noise arising from the use of external smoking shelters/smoking areas is controlled. Applicants are advised to locate such areas away from residential properties if possible. It is also advised that applicants consider restricting the access to such areas and the activities undertaken within the areas e.g. alcohol not to be used in the external areas beyond a particular time and carefully manage access to and use of such areas.*

*8.9 Applicants are advised not to provide entertainment such as music and televisions in the external smoking areas. Not only can the noise from the entertainment cause disturbance, but external entertainment encourages people to stay outside for prolonged periods of time and this itself can give rise to noise and disturbance*

f) Review Application.

Having considered the review application and the grounds set out by the Police along with the representations submitted by the other responsible authorities, the licensing authority believes that it would be appropriate to attach the additional licence conditions requested by the Police and numbered 1 - 13 in the review application.

Following a meeting at the premises with representatives of Maxico uk limited as well as the current tenants, to discuss the review application, the licensing authority requests that the licensing sub-committee reminds the premises licence holders of the need to provide up to date contact information for the company as well as the above section of the local licensing policy relating to the premises DPS.

These representations have been prepared on the 17<sup>th</sup> of November 2021 with the benefit of viewing the original application and representations from the responsible authorities.

I would be grateful if the applicant could contact me to discuss the above representations at the earliest opportunity and certainly prior to the application being referred to a Licensing Sub Committee hearing for determination.

If you require any further information or assistance, please do not hesitate to contact me.

Yours faithfully,

**Mr E O R Jones**  
**Licensing Lead**



Eich cyf / Your ref: Gofynner am / Please ask for: Roger Edmunds  
Fy nghyf / My ref: Llinell Uniongyrchol / Direct Line: 01554 742280  
Dyddiad / Date: 16<sup>th</sup> November 2021 E-bost / E-mail: redmunds@carmarthenshire.gov.uk

FAO: Mr Jonathan Morgan  
Head of Homes and Safer Communities

Further to the application by the Dyfed Powys Police to review the premises license in respect of the South Star 2 Brynallt Terrace, Llanelli, Carmarthenshire. I submit the following representations on behalf of the Trading Standards authority.

Since March 2020 and the advent of the coronavirus pandemic, the Trading Standards and COVID-19 Business Compliance teams of Carmarthenshire County Council have conducted over 5000 premises inspections to ensure compliance with the Health Protection (Coronavirus Restrictions) (Wales) Regulations (as amended). Breach of these regulations can give rise to criminal offences, punishable on conviction by significant fines.

Advice and guidance have been made freely available to all traders and indeed officers have attended to assist many premises to achieve compliance. Emailed guidance has also been provided to all Licensed premises and telephone advice also provided where requested.

It must be said that the vast majority of business have shown compliance or worked with the teams without the need for further action. Indeed, just a small proportion have not and, to date 66 notices have been issued including 24 closure notices and 40 improvement notices.

Regarding the South Star, unfortunately, due to a cluster of positive covid case at the premises in late September 2020, and non-compliance with the Health Protection (Coronavirus Restrictions) (Wales) Regulations (as amended) a Premises Closure Notice (PCN) was issued on 25<sup>th</sup> September 2020 (See copy of notice detailing the non-compliance and actions required to remedy the same).

Officers worked closely with the tenants Mr Morgan, Mr Brain and Miss Davies, in the days after the PCN was issued to ensure that he had an appropriate covid risk assessment and prevention measures in place so that the notice was terminated on 30<sup>th</sup> September 2020.

#### Cartrefi a Chymunedau Mwy Diogel Adran Cymunedau

3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF  
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

#### Homes and Safer Communities Department for Communities

3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF  
Town Hall, Iscennen Road, Ammanford, SA18 3BE



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Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg

You are welcome to contact me in Welsh or English

Following the PCN, further non-compliance was observed by officers during routine inspections on 2<sup>nd</sup> October 2020 and 14<sup>th</sup> November 2020 when customers were found to be on the premises at 22:20pm, contrary to the closure requirements for licensed premises at the time. Shortly after this, all licensed premises were closed as required by the Alert Level 4 restrictions implemented on 19<sup>th</sup> December, 2020.

Since licensed premises reopened on 26<sup>th</sup> April 2021 there have been several complaints of non-compliance concerning a lack of social distancing, no face coverings worn by customers and staff, customers standing/moving around the premises (when not permitted to do so under the regulations in force at the time), and loud music and shouting at the premises (during periods when the regulations required music to be played at 'background' level). Some of these complaints (two on 3<sup>rd</sup> May 2021, one on 6<sup>th</sup> May 2021 and 7<sup>th</sup> May 2021) refer to a lack of control or effort by the 'landlord' to ensure compliance with regulations, anti-social behaviour displayed by customers, including fighting with the police and allegations of 'lock-ins'.

Consequently, the premises has received a visit from officers on 6<sup>th</sup> May 2021 during which the tenants were provided with advice and guidance on Covid regulations and anti-social behaviour. In subsequent routine inspections, officers observed poor management of covid risk-mitigation measures including lack of social distancing due to customers moving tables closer together and moving around the premises, customers not wearing face coverings (30<sup>th</sup> May 2021, 12<sup>th</sup> June 2021 and 26<sup>th</sup> June 2021). Despite having provided extensive advice and trying to work closely with the tenants to ensure compliance, it was disappointing that during a routine inspection on 11<sup>th</sup> September 2021 that Mr. Brain become confrontational with enforcement officers and attempted to forcibly remove them from the premises.

Carmarthenshire County Council Trading Standards section submit the above information as part of our representations in support of the review application and to demonstrate that it is appropriate and proportionate to attach additional conditions to the premises license.



R P Edmunds  
Business and Consumer Affairs Manager



Eich cyf / Your ref: Gofynner am / Please ask for: Ruth Thomas  
Fy nghyf / My ref: HRS/178834 Llinell Uniongyrchol / Direct Line: 01269 598208  
Dyddiad / Date: 17<sup>th</sup> November 2021 E-bost / E-mail: publicprotection@carmarthenshire.gov.uk

Head of Homes and Safer Communities  
Carmarthenshire County Council  
3 Spilman Street,  
Carmarthen  
SA31 1LE

Dear Sir/Madam,

**Re: Review of Premises License  
The South Star, 2 Brynallt Terrace, Llanelli, SA15 1NB  
Application Date: 20/10/2021**

Following receipt of the completed application on 22<sup>nd</sup> October 2021, as a Responsible Authority, Carmarthenshire County Council's Environmental Health Section have reviewed complaints received regarding The South Star Inn, Llanelli from 26<sup>th</sup> April 2021 when pubs reopened as part of the easing of Covid-19 lockdown restrictions to the 22<sup>nd</sup> October 2021.

During this period, 3 individual complaints were received from residents living in close proximity to the South Star with respect to excessive noise from people using raised voices in the external areas of the premises and displaying general anti-social behaviour.

The local authority have powers under the Environmental Protection Act 1990 to investigate complaints of noise nuisance. Complaints are investigated in accordance with a designated procedure.

In response to the complaints received, I undertook an evening visit on the Friday 25<sup>th</sup> June 2021 to the South Star and monitored for noise and anti-social behaviour arising from The South Star Inn, Llanelli. During my visit the following observations were made;

*I arrived at the South Star Hotel, Brynallt Rd, Llanelli at 23.40. I parked directly opposite the premises and observed the following;*

#### Jonathan Morgan

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau  
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF  
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities  
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF  
Town Hall, Iscennen Road, Ammanford, SA18 3BE



BUDDSODDWYR | INVESTORS  
MEWN POBL | IN PEOPLE

Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg

You are welcome to contact me in Welsh or English

*Approximately 15 people located in the external area at the front of the pub. People walking in and out of the pub. I did not see any customer within the pub wearing a face mask. No staff on the door to control customer numbers.*

*Customers in the external area were talking amongst themselves with the occasional raised voice. No effort made by staff members to control the number of people outside or to manage noise levels*

*At 23:46 a male member of staff came to the front door to shout "last orders, in other words fuck off". At 23.50 all customers inside the premises are encouraged by bar staff to leave and they proceed to congregate in the external area. Raised voices are clearly heard. Bar staff shout out for the glasses to be returned.*

*I remained at this location until midnight, the situation remained the same throughout my visit.*

The observations made during my visit were shared with the Licensing Section of the local authority and Dyfed Powys Police. Due to the high number of calls and in order to try and resolve matters informally, a multi-agency partnership meeting was held at the premises on the 7 July 2021. Those present included Nigel Brain and Lisa Davies who manage the premises. The Designated Premises Supervisor, Nigel Morgan, was unable to attend. Also present were Sergeant Ben Ashton of Dyfed-Powys Police, David Bizby, DPP Licensing Officer, Kirsten Smith, Carmarthenshire County Council Licensing Officer and myself.

The meeting was organised to discuss the numerous complaints received. The reported issues were highlighted and during the meeting, Nigel Brain and Lisa Davies stated that they felt that some of the noise related complaints were not connected to their premises. The meeting concluded with Nigel Brain and Lisa Davies agreeing to close the beer garden before 23:00 hrs. In addition, the premises, which has a Licence to be open until 02:00 on Friday and Saturday would close at midnight and would only stay open longer if the customers were not rowdy. They confirmed that they now have 2 Door Supervisors on Saturday night from 19:00hrs to help control customers, and this had resulted in improvements, as well as employing additional staff and no music outside after 21:00hrs. They also stated that they would be happy to join the BOBB scheme.

Since this date, Environmental Health have not received any further complaints of noise and/or anti-social behaviour arising from The South Star.

In response to the 3 individual complaints we received with respect to excessive noise from people using raised voices in the external areas of the premises and displaying general anti-social behaviour, none of the complainants returned their noise diary sheets or submitted Noise App recordings. Therefore their complaints were not investigated further as per Noise Complaint procedure.

I am mindful of the correspondence submitted by Mr David Bizby, Divisional Licensing Officer of Dyfed Powys Police to Carmarthenshire County Council Licensing Department requesting a review of the above Premises Licence.

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The aim of the review process would be to attach some conditions to the Premises Licence, these in my opinion would better promote the Licensing objectives of the Licensing Act 2003.

The conditions proposed would be based on the points below - :

8. Consumption of alcohol by customers within the external areas of the premises must cease at 22:30 hrs on each day of the week.
11. Notices shall be prominently displayed in the outdoor area requesting customers to respect the needs of local residents and use the area quietly.

Having considered the complaints listed above and my observations on site on the 25<sup>th</sup> June 2021, Environmental Health supports the request for a review of the Premises License and the conditions proposed above.

Yours faithfully,



Mrs Ruth Thomas  
**Environmental Health Practitioner**  
**Homes and Safer Communities**

cc. Mr EOR Jones,  
Principal Licensing Officer,  
Carmarthenshire County Council,  
3 Spilman Street,  
Carmarthen,  
SA31 1LE

