

LICENSING SUB-COMMITTEE A

THURSDAY, 20 APRIL 2023

PRESENT: (In Person) Councillor J.M. Charles (Chair)

Councillor (In Person):

P. Cooper

Councillor (Virtually):

S.A. Curry

Observers (Virtually):

Councillor A. Evans

Councillor W.T. Evans

Present as representatives of a Responsible Authority (In Person):

Sgt. B. Ashton, Dyfed Powys Police Authority Representative;

Temp. Insp. D. Fencott-Price, Dyfed Powys Police Authority Representative;

Also Present (In Person):

R. Edgecombe, Legal Services Manager;

E. Jones, Licensing Lead;

K. Smith, Licensing Officer;

S. Rees, Translator;

S. Daniel, Legal Student [as an observer];

M. Runeckles, Members Support Officer;

M.S. Davies, Democratic Services Officer;

Also Present (Virtually):

S. Hendy, Member Support Officer.

Chamber, County Hall, Carmarthen and remotely: 2.00 pm - 3.10 pm

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION TO TRANSFER A PREMISES LICENCE AND VARY THE DESIGNATED PREMISES SUPERVISOR. STAMPS, 69 STEPNEY STREET, LLANELLI SA15 1AA

The Legal Services Manager briefed all present on the procedure for the meeting.

The Sub Committee was advised that an application had been received from Aaron Lee Coelho to transfer a premises licence and vary the designated premises supervisor at 'Stamps', 69 Stepney Street, Llanelli.

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 Dyfed Powys Police.

The Sub Committee also noted a further representation by Dyfed Powys Police dated 18th April 2022 which had been circulated to all parties and published on the Council's website since the despatch of the agenda.

The Sub Committee received oral representation from Sgt. Ben Ashton on behalf of Dyfed Powys Police who referred to his written representations. Sgt Ashton confirmed that the police objected to the application as submitted on the grounds referred to in the written representations.

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

The Sub Committee received oral representations from Mr. E. Smith, the leaseholder of the premises, and Mr. A.L. Coelho, the applicant in support of the application and in response to the police representation.

All parties present were afforded the opportunity of questioning Messrs. Smith and Coelho regarding the representations made.

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.

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:

FURTHER UNANIMOUSLY 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 made the following findings;

1. Mr Coelho has a criminal conviction in 2015 for affray.
2. Jordan Parry has a number of criminal convictions, including convictions for drug related offences and offences of violence. Some of these convictions relate to organised crime.
3. Mr Coelho's sister was involved in the same drugs related crimes as Mr Parry.
4. The premises opened on the 31st March and since then there have been several incidents of crime and disorder at the premises.
5. The premises is located in an area identified in the Council's Statement of Licensing Policy as a Crime and Disorder hotspot.
6. Jordan Dale Parry is a friend of Mr Ethan Smith the leaseholder.

The Sub Committee attached weight to the views expressed by the police.

The Sub Committee noted that concerns and fears about what might happen if an application was granted were not relevant considerations unless supported by real evidence. The Sub Committee considered that the recent incidents at the premises and the criminal convictions outlined did amount to real evidence which supported the concerns that the police had about the applicant and his associates.

The Sub Committee paid particular regard to Chapter 4 (Paragraphs 4.69 to 4.71) and Chapter 8 (Paragraphs 8.99 to 8.102) of the statutory guidance and noted that a refusal of the application should only occur where there were exceptional circumstances which suggested that the crime prevention objective would be undermined.

The Sub Committee noted that the police rarely objected to such applications and that the convictions outlined in the police evidence were both serious and numerous. There were clear connections between the applicant and those linked with organised crime. This, combined with the recent incidents at the premises suggests to the Sub Committee that exceptional circumstances did exist in this case.

Therefore the Sub Committee was satisfied that it was appropriate to refuse these applications in order to promote the crime prevention objective set out in the Licensing Act 2003 and that this was a proportionate response to the issues identified.

CHAIR

DATE