

Document Pack



Mark James LLM, DPA, DCA
Prif Weithredwr,
Chief Executive,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

TUESDAY, 6 DECEMBER 2016

TO: ALL MEMBERS OF THE LICENSING SUB COMMITTEE B

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **LICENSING SUB COMMITTEE 'B'** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 9.30 AM, ON TUESDAY, 13TH DECEMBER, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James CBE

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Martin S. Davies
Telephone (direct line):	01267 224059
E-Mail:	MSDavies@carmarthenshire.gov.uk
Ref:	AD016-001

LICENSING SUB- COMMITTEE - B 3 MEMBERS

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

- | | |
|---------------------------------|---------------------|
| 1. Councillor T. Bowen | (Independent Group) |
| 2. Councillor A. Davies [Chair] | (Plaid Cymru Group) |
| 3. Councillor D.B. Davies | (Independent Group) |
| 4. Councillor P.E.M. Jones | (Labour Group) |
| 5. Councillor J.S. 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.

AGENDA

1. DECLARATIONS OF PERSONAL INTEREST.
2. TO ADJOURN THE MEETING AND RECONVENE AT 9:45 A.M. AT THE POPLARS INN, PONDSIDE, JOHNSTOWN, CARMARTHEN IN ORDER TO UNDERTAKE A SITE INSPECTION IN CONNECTION WITH THE FOLLOWING LICENSING APPLICATION:- APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, POPLARS INN, PONDSIDE, JOHNSTOWN, CARMARTHEN. 5 - 38

FOLLOWING THE CONCLUSION OF THE ABOVE SITE INSPECTION THE MEETING WILL ADJOURN AND RECONVENE IN THE CHAMBER, COUNTY HALL, CARMARTHEN AT 10.00 A.M. IN ORDER TO RECEIVE REPRESENTATIONS AND TO DETERMINE THE ABOVE-MENTIONED APPLICATION.

3. TO DETERMINE THE LICENSING APPLICATION DETAILED IN AGENDA ITEM 2 ABOVE.

NOTE:

WHILST THE TIMINGS QUOTED ABOVE ARE APPROXIMATE, IT IS HEREBY CONFIRMED THAT THE BUSINESS TO BE TRANSACTED WILL NOT COMMENCE IN ADVANCE OF THOSE TIMINGS.

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LICENSING SUB COMMITTEE 'B'

13/12/2016

Application for the Variation of a Premises Licence.

Poplars Inn, Pondside, Johnstown, Carmarthen SA31 3HU.

KEY DECISIONS REQUIRED:

The Sub Committee 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
Exec Board Decision Required	NA
Council Decision Required	NA

Executive Board Portfolio Holder: Councillor T.J. Jones (Environmental & Public Protection)

Directorate: Communities Name of Head of Service Mr Robin Staines Report Author Andrew Rees	Designation: Head of Housing & Public Protection Licensing Officer	Tel No. 01267 228960 E Mail Address: RStaines@carmarthenshire.gov.uk Tel No. 01267 228787 rarees@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY
Licensing Sub Committee 'B'
13/12/2016

Application for the Variation of a Premises Licence.
Poplars Inn, Pondside, Johnstown, Carmarthen SA31 3HU.

To consider an application from Mr Mark Howell for the Variation of a premises licence in respect of the above premises.

To allow:-

Supply of Alcohol:- Monday to Sunday 07:00-01:30

Live Music:- Monday to Sunday 23:00-01:00

Recorded Music:- Monday to Sunday 11:00-01:00

Late Night Refreshment:- Monday to Sunday 23:00-01:00

Opening Hours:- Monday to Sunday 07:00-02:00

A copy of the application is attached as Appendix **A**.

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

Dyfed Powys Police have made representations. These are attached as Appendix **C**.

Public Health Services have made representations. These are attached as Appendix **D**.

Other persons have made representations. These are attached as Appendix **E**.

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

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: Mr Robin Staines

Head of Housing and Public Protection

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

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

Signed: Mr Robin Staines

Head of Housing and Public Protection

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.

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.	Poplars Inn. Pondside, Carmarthen SA31 3HU	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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Carmarthenshire
Application to vary a premises licence
Licensing Act 2003

For help conta
SCHLicensing@carmarthenshire.gov.uk
Telephone: 01267 228 92

* required informati

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

MARK

* Family name

HOWELL

* E-mail

MARK@HOWELLEPOSSYSTEMS.CO.UK

Main telephone number

01267 232544

Include country code.

Other telephone number

07866 871113

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☐ Yes

☒ No

* Is your business registered outside the UK?

☐ Yes

☒ No

* Business name

POPLARS INN

If your business is registered, use its registered name.

* VAT number

GB

991367874

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

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Continued from previous page...

* Your position in the business

Home country

Business Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The country where the headquarters of your business is located.

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☐ Address ☐ OS map reference ☒ Description

Address Description

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

Continued from previous page...

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To increase the licensed hour and amend the plan to show alterations.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 8 of 17

Continued from previous page...

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 01:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 11:00

End 01:00

Start

End

WEDNESDAY

Start 11:00

End 01:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 01:00

Start

End

Continued from previous page...

SATURDAY

Start 11:00

End 01:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 01:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 23:00

End 01:00

Start

End

WEDNESDAY

Start 23:00

End 01:00

Start

End

THURSDAY

Start 23:00

End 01:00

Start

End

FRIDAY

Start 23:00

End 01:00

Start

End

SATURDAY

Start 23:00

End 01:00

Start

End

SUNDAY

Start 23:00

End 01:00

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- ☐ Indoors
- ☐ Outdoors
- ☒ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- ☒ Yes
- ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 07:00

End 01:30

Start

End

THURSDAY

Start 07:00

End 01:30

Start

End

FRIDAY

Start 07:00

End 01:30

Start

End

SATURDAY

Start 07:00

End 01:30

Start

End

SUNDAY

Start 07:00

End 01:30

Start

End

Will the sale of alcohol be for consumption?

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

as existing - New Year's Eve

(A10)

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

TWO GAMBLING MACHINES

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 07:00

End 02:00

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start 07:00

End 02:00

Start

End

WEDNESDAY

Start 07:00

End 02:00

Start

End

THURSDAY

Start 07:00

End 02:00

Start

End

FRIDAY

Start 07:00

End 02:00

Start

End

SATURDAY

Start 07:00

End 02:00

Start

End

SUNDAY

Start 07:00

End 02:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

As existing - New Year's Eve

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove all embedded conditions

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

WILL HAND IN TO LICENCING OFFICER

Section 16 of 17

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

see attached

b) The prevention of crime and disorder

see attached

c) Public safety

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Continued from previous page...

see attached

d) The prevention of public nuisance

see attached

e) The protection of children from harm

see attached

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

For detailed guidance on the fee structure, please refer to the table on Page 4, 5 and 6 of the guidance document.

* Fee amount (£)

180.00

DECLARATION

* I understand it is an offence, liable on summary conviction to a fine not exceeding 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.

* I understand that I must now advertise my application.

* I understand that if I do not comply with the requirements my application will be rejected.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

MARK HOWELL

* Capacity

LANDLORD

* Date

18 / 10 / 2016
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/carmarthenshire/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 Next >

Eich cyf / Your ref:

Fy nghyf / My ref:

Dyddiad / Date: 17th November
2015

Gofynner am / Please ask for:

Llinell Unlonyrchol / Direct Line:

E-bost / E-mail:

Emyr Jones

(01267) 228717

publicprotection@carmarthenshire.gov.uk

Head of Housing and Public Protection
Carmarthenshire County Council
3 Spilman Street,
Carmarthen
SA31 1LE

Dear Sir,

RE: Application for a Premises Licence
The Poplars Inn, 1 Pondsides, Johnstown, Carmarthen,
Carmarthenshire, SA31 3HU
Application Date 20/10/2016

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

a) Previous Enforcement Action / Prosecutions

There has been previous enforcement action taken by the licensing authority in relation to these premises, when it was being operated by former licence holders. The licence holder received a warning letter in 2009 for failing to correctly display licence documents and in 2010 a further warning letter was issued this time for exceeding the permitted hours of operation on the 23rd of November 2009.

b) Complaints.

Complaints were received from a local resident in December 2012 and January 2013. The first complaint relation to noise disturbance experienced as a result of an event which took place in a marquee in the car park of the premises in December 2012. The second complaint in January related to noise from music being played at the premises up to 1am whilst doors and windows were left open as well as noise from people outside in the car park. These complaints were also reported to the Dyfed Powys Police and Public Health Services by the complainant. The premises closed in early 2013 and the premises licence was transferred in September 2013.

c) Responsible Authority Referrals.

Robin Staines BA (Hons.), MA, MCIH

Pennaeth Tai & Ddogelu'r Cyhoedd
Adran Cymunedau

3 Heol Spilman, Caerfyrddin, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE.

Head of Housing & Public Protection
Department for Communities

3 Spilman Street, Carmarthen, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Town Hall, Iscennen Road, Ammanford, SA18 3BE.



The licensing authority received a referral from the Dyfed Powys Police in December 2009 following a visit to the premises in November 2009 when the premises was found to be open beyond its permitted hours.

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 and Section 10 relating to Licence Conditions.

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 and Section 11 relating to Licensing Hours.

f) Proposed Operating Schedule.

The licence variation application does not include any proposed conditions and seeks to remove all the conditions attached to the current converted premises licence. In view of the hours applied for in the variation application, the previous complaints regarding the premises and the location of the premises in a residential area, the licensing authority believes that in this particular case it would be appropriate to request that the applicant provides a written assessment in accordance with paragraphs 11.2 and 5.2-5.5 of the Council's Licensing Policy. (Copy attached)

I would request that the assessment sets out in detail the control measures they intend to put in place to deal with the issues which gave rise to the noise complaints outlined overleaf.

The Dyfed Powys Police have submitted a letter of representation requesting that additional conditions be attached to the licence should the application be granted. Public Health Services have also submitted representations in which they outline details of previous complaints in relation to the premises. As a consequence, they have requested that the permitted hours sought in the application be reduced and have also identified some appropriate control measures that they believe should be attached as conditions if the application is granted.

A representation has been received from Carmarthen Town Council, which sets out their concerns regarding the application and a further representation from a local councillor, supporting the application has also been received. The subcommittee will have to be satisfied that granting the application will not undermine the licensing objectives.

If the application is granted, the licensing authority believes it would be appropriate to amend the application and attach the conditions numbered 1- 6 requested by Public Health Services in their letter of the 17th November 2016.

B3

addition, it would also be appropriate to attach the conditions numbered 1 to 21 requested by the Dyfed Powys Police in their letter dated the 7th of November 2016.

These representations have been prepared on the 17th of November 2016 with the benefit of viewing the original application and the representations as set out above.

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
Principal Licensing Officer



Heddlu • Police DYFED-POWYS

Diogelu ein Cymuned - Safeguarding our Community

Eich cyf. / Your ref.

Ein cyf. / Our ref.

Gofynnwch am:/Please ask for:

PR84vary/MP

**Gorsaf yr Heddlu Rhydaman
Ammanford Police Station**

Heol Ffowndri, Rhydaman, Sir Gaerfyrddin, SA18 2LS.
Foundry Road, Ammanford, Carmarthenshire, SA18 2LS.

• Ffôn/Tel : **101 - Rhydaman/Ammanford**
01267 222020 y tu allan i ardal Dyfed-Powys
if outside the Dyfed-Powys area

• Ffacs/Fax : **01269 591892**
Wefan/Web : **www.dyfed-powys.police.uk**

(21)

Mike Price
Divisional Licensing Officer
Telephone 101 extension 27464
email mike.price@dyfed-powys.pnn.police.uk

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

Mr. Mark Howell
Libanus Chapel
Bancffosfelen
Carmarthen
Carmarthenshire
SA15 5DL

Monday 7th. November 2016

Dear Sir,

**Re: Variation of Premises Licence – The Poplars Inn, 1 Pondsides, Johnstown,
Carmarthen, Carmarthenshire SA33 6EH.**

Applicant – Mark Howell.

Date completed application received – 20/10/16

With reference to the above application for the Grant of a Premises Licence the following Licensing Activities are applied for.

Recorded Music

Monday to Sunday 11.00 to 00.00

Live Music

Monday to Sunday 23.00 to 01.00

Prif Gwnstabl • **Mr. Simon Prince** • Chief Constable

Buddsoddwyr
Mewn Pobl

Investors
In People



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Mae Heddlu Dyfed-Powys yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg.
Dyfed-Powys Police welcomes correspondence in either Welsh or English.



C2

Supply of Alcohol on the premises only

Monday to Sunday 07.00 to 01.30

Late Night Refreshment 23.00 to 01.00

Monday to Sunday

With the premises open to the public.

Monday to Sunday 07.00 to 02.00

No Seasonal Variations.

Non Standard Timings.

New Year's Eve as per de regulation order.

There are no Police objections to the change of the plan of the premises, also the removal of embedded conditions.

The applicant has failed to provide a management plan within the application to identify steps to promote the Licensing Objectives

With reference to the above application the Carmarthenshire Division of the Dyfed Powys Police will make the following representations.

- 1. The whole of the licensed area with entry and exit areas must be covered by CCTV cameras, and there must not be any hidden or obscured areas .This will deal with issues which may have arisen outside the premises when customers have been arriving or leaving.**
- 2. The System must be installed by a company certified by SSAIB or NSI Gold standard.**
- 3. Main entrance exit to have a camera meeting a minimum of 100%R image quality.**
- 4. All footage must be of good quality and of a minimum performance capability sufficient to identify individuals.**
- 5. It must be in colour.**
- 6. It must record at a minimum of 12 images per second.**
- 7. All images will be time and date stamped.**

8. All footage during the hours of Licensable activities to be retained for a period of 30 days.
9. The CCTV system must operate continuously, and if a defect arises the police must be informed and immediate arrangements must be made to rectify the fault
10. All footage must on demand be made available to a Police Officer, Police Community Support Officer and Local authority Officer for viewing and a copy of that footage made immediately available to the above officers.
11. At all times during the period of operation of the premises there must be a competent person on the premises capable of reply and be able to undertake the export of recordings quickly onto a removable storage medium. Memory Stick, CD, or DVD format is acceptable to the police. The master copy will be available to the police on demand.
12. The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any Microsoft Windows or MAC compatible computer. The application software required to launch and view recorded images must either be included as part of the standard operating system installed or be installed to the recorded media when the data is copied to that media.
- 13 The system must be registered with the Information Commissioner (Tel 0303 123 1113 or email registration@ico.org.uk)

Please refer to the Dyfed Powys Police CCTV requirement document for full specification. This can be accessed by contacting Pc. Rob Chapman at the Community Safety Office Ammanford Police Station telephone number 01269 590580 as a matter of urgency to discuss the above CCTV conditions prior to any agreement being reached. To ensure that any system installed complies with the requirements of the proposed licence conditions.

14. The applicant to risk assess the use of door supervisors whenever Regulated Entertainment is provided after 11pm.

The applicant to also risk assess the use of door supervisors at all other times for Regulated Entertainment, if provided before 11pm. especially on Bank Holiday weekends, Christmas Eve, Boxing Day and New Year's Eve and major televised sporting events.

The Licence Holder shall supply an appropriate number of Door Supervisors for the maximum occupancy for the premises and the appropriate number shall be 2 in respect of the first 100 persons and one for each additional 100 persons or part of 100 persons comprised in the maximum occupancy figure.

When employed Door Supervisors must be registered with the SIA, to be on duty until the time that all members of the public have left the premises.

24

Door Supervisors shall not be permitted to consume intoxicating liquor or other Intoxicants during any period of duty at the Premises. A Door Supervisor shall report on duty in a sober condition.

The Designated Premises Supervisor or Premises Licence Holder shall nominate for each and every exit door a Door Supervisor who's duty it shall be to ensure that the exit door is opened immediately in the event of a Fire or other Emergency and if practicable no more than one door shall be designated to each Door Supervisor.

No Door Supervisors shall be engaged in any duty that would otherwise prevent him, carrying out his duty as a Door Supervisor or exercising general supervision and control of persons attending the Premises.

Door supervisors to remain on duty after Regulated Entertainment ends until permitted hours in respect of the supply of alcohol finishes.

As per paragraph 6.1 within the Licensing Policy.

15. No open glass or glass vessels to be removed from the boundary of the premises.
16. The DPS to become a member of the local Pub Watch scheme and to support the BOBB scheme, 'Behave or be Banned'.

As per paragraph 6.7 within the Licensing Policy

17. The challenge 21 scheme to be adopted at the premises with notices and posters to be clearly displayed in the premises, near the entrances and bar areas. To emphasise to customers that they will be challenged if they look 21 and under.
18. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.
19. The consumption of alcohol by customers at the premises must cease at or before the end of opening hours as specified in the premises licence. Staff are required to collect all alcoholic drinks prior to the end of the opening hours as set out in the licence.
20. That there is a terminal hour of 22.30 in any outside location within the boundaries of the premises, for the consumption of alcohol.

As per paragraph 6.4 within the Licensing Policy

21. No children under the age of 16 years to remain on the premises after 22:00 unless they are attending a pre-booked event or function and in the company of a parent or responsible adult.

CS

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

I would grateful if you could contact me to discuss the above representations at your earliest convenience.

I submit the above for your consideration and comment.

Yours Sincerely

Mike Price

Divisional Licensing Officer

Eich cyf / Your ref:

Fy nghyf / My ref:

Dyddiad / Date:

AWM/116464

28 November 2016

Gofynner am / Please ask for: Aled Morgan

Llinell Uniongyrchol / Direct Line: 01269 598262

E-bost / E-mail: publicprotection@carmarthenshire.gov.uk

Mr Mark Howell
Poplars Inn
Pondside
Johnstown
Carmarthen
SA313HU

Dear Sir,

Re: Application to Vary Premises Licence
Poplars Inn, Pondside, Johnstown, Carmarthen

Subsequent to our meeting on the 23rd of November 2016 at the above premises, I would like to make the following comments. During the above meeting you indicated that you would agree to Condition Number 1, 3, 4 and 6 that was contained in my original representation dated the 17th of November 2016.

Additionally it was agreed that the activities listed below would be amended to the following

Supply of Alcohol

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:30

Late night refreshment

Sunday to Thursday 23:00 – 23:30 / Friday- Saturday 23:00 - 01:00

Recorded music

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:00

Live music

Sunday to Thursday 07:00 – 23:00 / Friday- Saturday 07:00 – 01:00

Opening Hours

Sunday to Thursday 07:00 – 00:30 / Friday- Saturday 07:00 - 02:00

During the site visit you expressed your concern over conditions numbered 2, 5 and 7 in my original representation. Therefore in order to try and reach a compromise with you on the above conditions I have amended my original conditions to the following:-

Robin Staines BA (Hons.), MA, MCIH

Pennaeth Tai & Diogelu'r Cyhoedd

Adran Cymunedau

3 Heol Spilman, Caerfyrddin, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE.

Head of Housing & Public Protection
Department for Communities

3 Spilman Street, Carmarthen, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Town Hall, Iscennen Road, Ammanford, SA18 3BE.



D2

Condition No 2 to be amended to

- Only one speaker shall be installed in any external areas of the premises
- The location of this speaker shall be approved in writing by the Licensing Section.
- Music from the speaker will only be played at a level that is considered as background music.
- The external speaker will not be used between the hours of 22:00 and 07:00.

Condition No 5 is to remain the same. Subsequent to our meeting I have checked other similar licenses within the locality and this condition is consistently imposed.

- The consumption of alcohol shall not be permitted after 22:30 in any outside locations within the boundary of the premises.

Condition No 7 is withdrawn completely

Therefore please find attached a copy of my suggested conditions which take into account the above amendments. Should you agree with the above and wish to accept the conditions, you are required to confirm this in writing. A copy of your acceptance should be forwarded to the Licensing Section and myself.

Accepting the above will enable me to withdraw the representation and the above requirements will become conditions of your premises licence.

If you wish to discuss the matter further, please do not hesitate to contact me.

Yours Faithfully

Mr A W Morgan
Environmental Health Practitioner
Environmental Health and Licensing Section
c.c Licensing Section, 3 Spilman Street, Carmarthen, SA31 1LE

DB

**Environmental Health Amended Conditions
Application to Vary Premises Licence
Poplars Inn, Ponside,
Johnstown, Carmarthen**

Prevention of Public Nuisance conditions

1. During periods of regulated entertainment all external windows and doors shall be kept closed, other than for access and egress to the premise.
2. Bottles shall not be emptied into the bins outside the premises between 11:00pm and 7:00am.
3. Neighbour courtesy notices shall be displayed at the exits of the premises in order to inform patrons and staff to leave the premises quietly in respect of the local residents.
4. After 22:30 the consumption of alcohol shall not be permitted in any outside locations within the boundary of the premises.
5. Only one speaker shall be installed in any external areas of the premises.
6. The location of this speaker shall be approved in writing by the Licensing Section
7. Music from the speaker will be only be played at a level that is considered as background music.
8. The external speaker will not be used between 22:00 and 07:00.

Supply of Alcohol

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:30

Late night refreshment

Sunday to Thursday 23:00 – 23:30 / Friday- Saturday 23:00 - 01:00

Recorded music

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:00

Live music

Sunday to Thursday 07:00 – 23:00 / Friday- Saturday 07:00 – 01:00

Opening Hours

Sunday to Thursday 07:00 – 00:30 / Friday- Saturday 07:00 - 02:00

Andrew Rees

(E1)

From: Alun Harries <alun@carthentowncouncil.gov.uk>
Sent: 02 November 2016 09:36
To: SCH Licensing
Subject: Re: Poplars Inn, Pondsides, Johnstown: Hysbysiad o Gais am Drwydded / Notification of Application for a Licence

Andrew

The application is not supported on the basis of the prevention of a public nuisance. Members feel that since this premises is in a residential neighbourhood it is unnecessary and unacceptable to allow music to be played beyond midnight in this area to the detriment of the peace and quiet of local residents. This is not a town centre venue and the night time economy conditions that would merit support of this application do not exist in this location.

Diolch

Alun

From: "SCH Licensing" <SCHLicensing@carthenshire.gov.uk>
To: "Alun Harries" <alun@carthentowncouncil.gov.uk>
Sent: Tuesday, 1 November, 2016 16:48:04
Subject: RE: Poplars Inn, Pondsides, Johnstown: Hysbysiad o Gais am Drwydded / Notification of Application for a Licence

Hi Alun,

To make a valid representation under the Licensing Act 2003, it must be based on the four licensing objectives i.e. The Prevention of Crime & Disorder, Public Safety, Prevention of Public Nuisance & the Protection of Children from Harm. Therefore, if the reason for the objection is based on any, or all these, I will need further clarification and reasons for the objection, before I can accept it as valid.

Regards,

Andrew Rees
Swyddog Trwyddedu / Licensing Officer
Cyngor Sir Gar / Carmarthenshire County Council
01267 228760

From: Alun Harries [mailto:alun@carthentowncouncil.gov.uk]
Sent: 01 November 2016 16:38
To: SCH Licensing <SCHLicensing@carthenshire.gov.uk>
Subject: Fwd: Poplars Inn, Pondsides, Johnstown: Hysbysiad o Gais am Drwydded / Notification of Application for a Licence

Good afternoon/prynhawn da

This application was discussed by Town Councillors last week and they do not support the licensing hours extending beyond midnight.

For your information.

Regards

E2

Hello Andrew,

I have altered the initial email Report I sent to you as I left out a specific element of it. Sorry!

Please forward onto Cllrs of the committee please.

Kind Regards,

Alan.

From: Cllr. Alan D T Speake

Sent: 10 November 2016 20:36

To: SCH Licensing

Subject: RE: Poplars Inn, Pondside, Johnstown: Hysbysiad o Gais am Drwydded / Notification of Application for a Licence

Poplars Public House, Pondside, Johnstown.

Licence Application.

Report: by Cllr Alan Speake.

Consultation to the Licensing Committee.

Dear Licensing Officer, Andrew and Members of the Licensing Committee etc;

The above public house is located in Pondside and situated at the very eastern end of a row of twenty or so terraced houses. There are no houses or households facing the public house across the road to the north and what actually and directly fronts the "Poplars" public house is a quite extensive and very large open field with a children's play area. Indeed, not one residential household faces the Poplars public house only an large open green space.

Approximately three hundred or so meters to the north of the "Poplars" public house is located the "Friends Arms" public house and the two businesses will be, by the very nature of their closeness in distance, are and will be more or less in direct competition with one another as they are the only two public houses in the whole of Johnstown village with the nearest public house located a mile and a half or so away in Town.

The location of the "Poplars" is, in a way, it could be said, possibly similar to that of the "Friends Arms" public house as the former public house is situated at the very end of a row of around 20 households only. Whilst the "Friends Arms" is located and only feet away from an adjoining long row of 20 or so close knit terraced houses located to the west of the "Friends Arms" pub - with Woodbine Cottages attached to the very western end of the terraced houses.

However, there also exists a short row of two terraced houses directly opposite and approximately 20 or so meters across St Clears Road opposite the "Friends Arms" pub and

also a row of four terraced houses to its east across the junction of Jobs Well Road known as "Royal Oak Cottages" within some 20 paces or so in distance away from the "Friends Arms" public house. Finally, a short row of terraced houses are in position again some 20metres or so to the rear and north of the public house.

Therefore, the number of households surrounding the "Friends Arms" is at least three times greater in number – a ratio of three to one approximately - than possibly the number of any properties that may be affected by any possible noise from the "Poplars".

However, I am not aware of any complaints from anyone regarding any possible noise emanating from either the "Friends Arms" or the "Poplars" public house and both are very well managed indeed by first class owners and also managers.

Any possible concerns previously emanating from that area of Johnstown was from the "Johnstown Carnival Charity Day" - not the Poplars public house – and of which there has been zero record of ANY complaints over many years.

However, I live in the area and approximately the same distance from both public houses - nine hundred meters or so. Therefore, I am very much unaware of any rumours of possible noise or any possible concerns from nearby local residents -which is a crucially positive message from the local community.

Also, as a locally elected County & Town Councillor for Carmarthen West - that area also includes a large chunk of Johnstown and I have received zero complaints from any individual or family with regards to BOTH public houses.

I also live locally and within a fairly short distance or proximity from both public houses and IF there were I would be told immediately.

May I also add that both public houses are very well managed and efficiently run and both owners/managers always adheres to the licensing hours that have been granted –and quite rightly too.

I was of the opinion, rightly or wrongly, that both public houses should be fairly assessed and treated equally as they are in more or less in the same or similar location apart from a few hundred meters in a small village environment and the locations of these "pubs" are also quite important too for members and officers assessment of the application for a specific licence.

Therefore, I am fully in support that the licensing hours etc; and/or of any refreshment hours, extensions etc; for the two public houses should be treated with fairness, impartiality and even handedness to ensure that there is absolutely zero possible hint whatsoever of what may be possibly viewed as possible discrimination against one of the two businesses and to ensure that no member of the public may possibly believe there is any possibly unfair advantage of one over the other public house.

(E4)

Finally, I propose that both public houses be treated equally and that the "Poplars" public house be granted the same licensing hours and refreshments periods etc; to sell alcohol identical hours to that of the "Friends Arms" to allow equal and fair competition to take place.

Yours faithfully,

Cllr Alan Speake, (Alan)
County & Town County Councillor,
Carmarthen Town (West)

From: SCH Licensing

Sent: 21 October 2016 14:32

Subject: Poplars Inn, Ponside, Johnstown: Hysbysiad o Gais am Drwydded / Notification of Application for a Licence

<< File: Poplars.doc >>

Annwyl Gyngorydd,

Amgaeir hysbysiad o Gais am Drwydded sy'n cael ei ddosbarthu drwy'r e-bost i holl aelodau'r Cyngor Sir, yn ogystal â chlercod y Cyngorau Tref a Chymuned sydd wedi penderfynu derbyn yr hysbysladau hyn.

Bellach byddwch yn cael elch hysbysu drwy'r e-bost ynghylch yr holl gaisladau yn y dyfodol am ganiatáu neu amrywio trwydded safle neu dystysgrif safle clwb.

Os oes angen rhagor o wybodaeth arnoch, cysylltwch â'r adaln drwyddedu drwy ddefnyddio'r

Dear Councillor,

Please find attached a notification of a Licence Application which is being circulated on e-mail to all members of the County Council as well as the clerks of Town and community councils which have decided to subscribe to the notifications.

An e-mail notification will now be forwarded to you in relation to all future applications for the grant or variation of a premises licence or club premises certificate.

If you require any further information please contact the licensing section using the details provided on the

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