

LICENSING SUB COMMITTEE A

Tuesday, 11 October 2016

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

P.M. Edwards and J. Thomas

Also present as observers: Councillors M.K. Thomas and D.E. Williams and Councillor T.J. Jones - Executive Board Member for Environmental and Public Protection

The following Officers were in attendance:

R. Edgecombe – Legal services Manager

E. Jones – Principal Licensing Officer

A. Rees – Licensing Officer

C. Thomas – Licensing Assistant

K. Thomas – Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 11.03 am

1. DECLARATIONS OF PERSONAL INTEREST.

No Declarations of Interest were made at the meeting.

2. APPLICATION TO VARY A PREMISES LICENCE , THE SQUARE, 3 CROSS INN BUILDINGS, WIND STREET, AMMANFORD, SA18 3DN

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been submitted by Mr M Coelho to vary the premises licence in respect of The Square, 3 Cross Inn Buildings, Wind Street, Ammanford to allow:

Supply of Alcohol:	Friday and Saturday, Bank Holiday Sundays, Christmas Eve & Boxing Day	10:00 – 03:00
Recorded Music	Friday and Saturday, Bank Holiday Sundays, Christmas Eve & Boxing Day	10:00 – 03:00
	New Year's Eve	10:00 – 05:00
Opening Hours	Friday and Saturday, Bank Holiday Sundays, Christmas Eve & Boxing Day	10:00 – 03:30

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

- Appendix A – copy of the application
- Appendix B – copy of the current premises licence

- Appendix C – representations submitted by the Licensing Authority
- Appendix D – representations submitted by Dyfed Powys Police
- Appendix E - representations made by the Public Health Services
- Appendix F – representations submitted by other persons objecting to the application

The Licensing Authority representative referred to his representations, as detailed within Appendix C to the report, and advised that subsequent to the report's publication, correspondence had been received from both the Dyfed Powys Police and the Public Health Services withdrawing their objections, following an agreement having been reached with the applicant on the imposition of revised conditions, copies of which were circulated at the meeting. Additionally, an e-mail dated 19th September, 2016 from the applicant clarifying a number of points in relation to The Square's capacity, rear door and installation of cctv was also circulated.

Having regard to the agreement reached between the applicant, the Police and the Public Health Services on the revised conditions, the Licensing Authority considered it would be appropriate for those conditions to be applied to the new licence, should the Sub-Committee be minded to grant the variation application.

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

A representation was received from an objector on behalf of local residents living in the vicinity of The Square regarding the current noise emanating from the premises and to the potential impact the granting of the variation for one additional hour's opening could have on their amenity. A Concern was also expressed on whether the premises was becoming a night club, especially having regard to the fact a previous (planning) application in the area for a night club had not been granted. In conclusion, the Sub-Committee was advised that most other premises within the area closed at 1.00 a.m.

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

A representation was received from the applicant in support of his application. He referred to concerns expressed regarding the rear door and confirmed that the majority of customers vacated the premises via the front door. With regard to concerns of noise, he confirmed that he had not received any complaints from either the Council or the Police, and that, possibly, any noise nuisance was being created by members of the public walking through the adjacent park abutting the residents' properties in the early hours. He referred to the application to vary the licence until 3.00 a.m., and advised that should the variation be granted, he was of the view the majority of patrons would leave the premises incrementally prior to that time, thereby, avoiding the current position where they all left at 2.00 a.m. He further commented on the Action Plan for the premises, introduced in 2014 following a police request, and advised that its introduction had resulted in the operation of the premises having improved.

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

The Sub-Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A to the Local Government Act.

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

RESOLVED that the application for the variation of the premises licence for The Square Ammanford be granted subject to the additional licence conditions agreed between the applicant and the responsible authorities
REASONS

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

1. There had been a history of alcohol related crime and disorder at the premises, culminating in an Action Plan in 2014
2. Since the Action Plan was implemented, there had been no further problems at the premises
3. Neither the Police nor Public Health Services objected to the grant of the application in principle
4. Both the Police and Public Health Services requested the implementation of additional control measures to promote the licensing objectives
5. The applicant, police and public health had agreed additional conditions to be added to the licence to promote the licensing objectives.

The Sub-Committee had attached weight to the views of the police and public health services and found no reason to depart from their views.

The Sub-Committee recognised that its decision must be based upon real evidence, and that concerns and fears about what might happen if the application were granted, where unsupported by such evidence, were not matters which it could properly take into account.

The Sub-Committee accepted the evidence of the objectors regarding crime and disorder and noise nuisance in the vicinity of the premises. However it also accepted the evidence of the Police and Public Health Services that the licensing objectives could be promoted by the implementation of the additional control measures agreed with the applicant.

Accordingly the Sub-Committee was satisfied that to grant the application subject to the agreed conditions would not undermine the licensing objectives and that furthermore it was appropriate to grant the application subject to the agreed conditions in order to promote those objectives.

The Sub-Committee reminds the applicant that he must comply with all the additional conditions whenever making use of the additional opening hours granted

CHAIR

DATE