

LICENSING SUB COMMITTEE B

Tuesday, 13 December 2016

PRESENT: Councillor A. Davies (Chair)

Councillors: D.B. Davies and J.S. Williams

Also present as an observer: Councillor T. Davies

Present as a representative of a Responsible Authority:-

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 9.30 - 10.47 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, POPLARS INN, PONDSIDE, JOHNSTOWN, CARMARTHEN SA31 3HU

The Sub Committee adjourned at County Hall, Carmarthen at 9.35 a.m. and reconvened on site at 9.45 a.m. at the Poplars Inn, Pondsides, Johnstown in order to view the location of the property where it was afforded the opportunity of examining both the internal and external facilities. Following conclusion of the site visit, the Sub Committee reconvened in the Council Chamber at County Hall, Carmarthen at 10.05 a.m. to consider the application.

The Chair referred to a number of additional documents circulated at the commencement of the meeting and advised those present that in order to afford the Sub Committee, and the parties present, the opportunity of reading that material the start of the meeting would be adjourned for a period of 10 minutes.

Following the adjournment, the Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that an application had been received from Mr M. Howells for the grant of a variation of the premises licence in respect of the Poplars Inn, Pondsides Carmarthen as follows:-

To permit:

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

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

Appendix A – copy of the application

Appendix B – representations submitted by the Licensing Authority

Appendix C - representations submitted by Dyfed Powys Police

Appendix D – representations submitted by the Public Health Services

Appendix E – representations submitted by other persons.

In addition to the above documentation the Sub Committee received, with the consent of all parties present, the following additional documentation which had earlier necessitated a 10 minute adjournment to afford all parties the opportunity of reading the material:

- E-mail from Mr M. Price, Dyfed Powys Police, dated 5th December confirming the applicant had agreed with the Police's proposed 21 conditions and, as such, the Police were withdrawing their objections
- E-mail from Mr A. Morgan, Public Health Services, dated 8th December confirming that following agreement with the applicant on the service's suggested conditions, and revised hours of operation, Public Health Services were withdrawing their objection
- E-Mail from Councillor A.D.T. Speake, dated 7th December, 2016 referring to his previous e-mail submission of the 10th November 2016
- Copy of the Premises Licence in respect of the Friends Arms, Johnstown, Carmarthen
- Copy of the Premises Licence for the Poplars Inn, Johnstown, Carmarthen
- Document reference P/1 from the applicant in response to a number of issues raised as part of the Variation Application.
- Copy of a letter of support from Mr and Mrs Evans, the occupiers of no. 1 Pondsides, Johnstown, adjacent to the Poplars Inn.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report. He advised the Sub Committee that subsequent to the report's publication, the Dyfed Powys Police had confirmed the applicant had agreed to accept the force's 21 recommended conditions to be applied to any variation of the Premises licence (page 27 -29 of the report refers) and accordingly the Police were withdrawing its objections on that basis. Similarly, Public Health Services were withdrawing its objection on the basis of the agreement reached with the applicant on the imposition of 8 recommended conditions to be applied to any variation of the Premises Licence together with revised hours of operation (page 33 of the report refers)

The Licensing Authority representative advised that the current Variation application did not include any proposed conditions and also sought the removal of all conditions attached to the current converted premises licence. Under such circumstances, the Authority would normally require the applicant to submit a written assessment in accordance with Paragraphs 11.2 and 5.2-5.5 of the Council's Licensing Policy detailing what control measures he intended applying to

ensure the operation of the premises addressed previous noise issues at the premises, under previous licensees. However, in light of the conditions recommended by both the Dyfed Powys Police and Public Health services, as responsible authorities, together with the suggested revised hours of operation, the Licensing Authority had no objection to the Variation application being granted subject to those recommended conditions/revised hours agreed with the applicant being attached to the licence.

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

A representative from Carmarthen Town Council informed the Sub Committee that the Town Council's initial objection to the variation application had been on the basis of ensuring the Poplars operating hours were on a par with the nearest public house, 'The Friends Arms' in Johnstown. However, having examined the additional documentation circulated at the meeting, and having regard to the Dyfed Powys Police having withdrawn its objection together with the letter of support from the adjoining property owner, the Town Council was withdrawing its objection.

All parties present were afforded the opportunity of questioning the Carmarthen Town Council's representative on his submission.

A representation was received in support of the application and welcoming the efforts of the applicant to re-open the premises and to the benefits that could bring to the community.

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

The applicant's representative referred to the document titled P/1 previously circulated to the Sub Committee and advised that, subject to any questions, the applicant's submission was confined to the points detailed within the document.

All parties present were afforded the opportunity of questioning the applicant and his representative on their submission during which the applicant confirmed his agreement with the suggested conditions proposed by responsible authorities of both the Dyfed Powys Police and Public Health Services together with the revised hours of operation.

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 the relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

RESOLVED that the application for a variation of the Premises Licence for the Poplars Inn, Pondsides, Johnstown, Carmarthen be granted on the terms 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 no problems with the premises since the applicant took over its management
2. Prior to this however there were complaints and concerns regarding the running of the premises
3. The premises was located in a largely residential area, a short distance from another licensed premises
4. No objections or representations had been received from anyone residing close to the premises
5. None of the responsible authorities objected in principle to the granting of the application.
6. The Applicant and Responsible Authorities had agreed a fresh set of licence conditions to be applied to the licence

The Sub-Committee attached weight to the views of the police, public health services and licensing authority.

The Sub-Committee accepted the evidence of the responsible authorities that the application to extend the operating hours of the premises could be safely granted provided robust licence conditions were placed upon the premises licence aimed at promoting the licensing objectives.

In light of the agreement reached between the applicant and the responsible authorities, the Sub-Committee was satisfied that to grant the application subject to those agreed conditions would not undermine the licensing objectives. The committee was further satisfied that those conditions were a proportionate response to the matters raised.

Accordingly the committee believed it was appropriate to grant the application on the terms agreed

CHAIR

DATE