

# LICENSING SUB COMMITTEE C

Thursday, 16 March 2017

**PRESENT:** Councillor T. Davies (Chair)

**Councillors:**

J.M. Charles and D.J.R. Llewellyn

**Also present as observers:** Councillors J.K. Howell and I.J. Jackson

Present as representatives of a responsible authority:

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

Ms K. Smith – Licensing Officer, Carmarthenshire County Council

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

K. Thomas, Democratic Services Officer

**Chamber, County Hall, Carmarthen - 10.00 - 10.30 am**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of personal interest.

**2. APPLICATION FOR A PERSONAL LICENCE - MR GURPREET SINGH GILL, 8 NEW ROAD, AMMANFORD SA18 3ES**

The Sub Committee was advised that the application for a personal licence submitted by Mr G S. Gill had been withdrawn from the agenda for its consideration that day.

**UNANIMOUSLY RESOLVED that the withdrawal be noted.**

**3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MAJKA POLISH SHOPS LTD, LLYSFAEN HOUSE, BRIDGE STREET, LLANYBYDDER SA40 9XY**

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 A.E. Luzarova for the grant of a Premises Licence in respect of the property known as Majka Polish Shops Ltd, Llysfaen House, Bridge Street, Llanybydder for the supply of alcohol / opening hours during the period Monday to Sunday 09:00 to 22:00.

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 Dyfed Powys Police Authority

Appendix C – 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:-

- E-mail dated 7<sup>th</sup> February from M. Beynon, responsible financial officer for Llanybydder Community Council to the Council's Planning Division regarding consultations on planning applications, within which, reference was made to the Community Council's objection to the grant of a premises Licence for the Majka Polish Shop on the basis it was felt there were plenty of liquor outlets currently in the village. The Legal Services Manager advised that whilst the e-mail's content had only recently been brought to the Licensing's Division's attention, the objection based on need, was not a relevant factor in the determination of the application and should be set aside;
- E-mail dated 8<sup>th</sup> March from the applicant to Mr M. Price of Dyfed Powys Police Force accepting its suggested amended conditions numbered 1-16
- Notice from Mr M Price formally withdrawing the Dyfed Powys Police Force's representations on the basis of the applicants e-mail dated 8<sup>th</sup> March, referred to above
- Signed notice from the applicant dated 14<sup>th</sup> March to the Licensing Division accepting the Dyfed Powys Police Force's amended conditions;
- plans detailing the location of the applicant's property and that of the objector's

The Legal Services Manager advised that whilst an objection had been received to the application, the objector was not in attendance at the meeting and therefore the Sub-Committee should proceed to hear the applicant's representation.

The Applicant informed the Sub Committee that she had previously operated from an alternative premises in Llanybydder for the previous nine years, with the benefit of a premises licence without any objections having been received. That premises was now closed, and the current application had been submitted following the relocation of her business to new premises at Llysfaen House. She confirmed that having relocated to Llysfaen house, she would not be operating from two premises, and the current licence application, if granted, merely sought to replace her previous licence. It would not result in an increase in the number of premises within Llanybydder selling alcohol.

The Applicant also referred to the objectors concerns in her written representation of alleged anti-social behaviour, from a particular element within the community, and to her concerns the potential impact the granting of an additional premises licence in Llanybydder could have on that behaviour. The applicant expressed a view that any such behaviour would be outside her control and would be best dealt with by the Police.

The Sub Committee was afforded the opportunity of questioning the applicant on her 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 the relevant paragraphs of the Licensing

Authority's Statement of Licensing Policy, the guidance issued by the DCMS and the Home Office and the issues to which it had been referred to by the interested parties.

**RESOLVED that the application for a Premises Licence for the Majka Polish Shop, Llysfaen Shop, Bridge Street, Llanybydder be granted subject to the additional licence conditions agreed between the applicant and the police**

## REASONS

In coming to its decision, the sub-committee made the following findings of fact;

1. The police did not object in principle to the grant of the licence
2. No representations had been received from other responsible authorities
3. The applicant had previously had the benefit of a premises licence for the sale of alcohol at another premises in the village
4. No evidence had been presented of alcohol related crime and disorder at, or connected with, that premises.
5. The applicant had accepted the additional licence conditions requested by the police

The Sub Committee had attached weight to the views of the police and the absence of any representations from the other responsible authorities. It had also taken into account issues of crime and disorder in the vicinity of the premises, but not directly attributable to it.

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

Having regard to all the evidence presented the Sub Committee was satisfied it was appropriate to grant the application subject to the additional licence conditions agreed between the applicant and police in order to promote the crime prevention objective. The committee was further satisfied that this was a proportionate response to the issues identified.

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CHAIR

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DATE