

LICENSING SUB COMMITTEE A

Thursday, 20 April 2017

PRESENT: Councillor H.I. Jones (Chair);

Councillors:

P.M. Edwards and D.E. 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;

Mr M. Price – Dyfed Dyfed Powys Police Authority;

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;

M.S. Davies, Democratic Services Officer;

A. Rees, Licensing Officer.

Chamber, 3 Spilman Street, Carmarthen - 10.00 am - 10.55 am

1. DECLARATIONS OF PERSONAL INTEREST

No Declarations of Interest were made at the meeting.

2. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE NOTTS BAR, 16 NOTT SQUARE, CARMARTHEN SA31 1PQ

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. S. Davies to vary the premises licence in respect of Notts Bar, 16 Nott Square, Carmarthen, to allow:

Supply of Alcohol:- Sunday to Wednesday 11:00-23:00
Thursday 11:00-01:00
Friday and Saturday 11:00-02:00

Recorded Music:- Sunday to Wednesday 18:00-23:00
Thursday 18:00-01:00
Friday and Saturday 14:00-02:00

Opening Hours:- Sunday to Wednesday 11:00-23:00
Thursday 11:00-01:00
Friday and Saturday 11:00-02:00

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 – copy of the current premises licence

The remaining Responsible Authorities had not made representations in respect of

the application.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report.

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

The Divisional Licensing Officer from Dyfed Powys Police thereupon referred to his representations, as detailed within Appendix C to the report.

All parties present were afforded the opportunity of questioning Dyfed Powys Police's representative on his submission.

A representation was received from the applicant in support of his application.

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 Notts Bar, 16 Nott Square, Carmarthen, be granted subject to the following;

- 1. That the terminal hour for the supply of alcohol and the provision of recorded music be 01.30 hours on Fridays and Saturdays;**
- 2. That a condition be added to the licence that when the premises is open beyond 01.00 hours door supervisors are to be on duty until 02.00 hours or until all customers have left.**

REASONS

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

1. The premises was located in an area identified as a crime and disorder hot spot in the Licensing authority's statement of Licensing Policy;
2. There had been incidents of anti-social behaviour at or connected with the premises;
3. There had been a previous breach of licence conditions at the premises.
4. That the Statement of Licensing Policy 'strongly recommends' the provision of drinking up time in operating schedules;
5. The provision of 30 minutes drinking up time was generally accepted as industry good practice;
6. There was currently no provision for 'drinking up time' in the applicants licence.

The sub committee attached weight to the views of the police. 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 had to 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 it could properly take into account.

The sub-committee accepted the evidence of the police regarding issues of alcohol related crime and disorder in the vicinity of the premises and the importance of adequate 'drinking up' time as a means of ensuring customers 'wind down' before leaving the premises and to avoid potential flash points where customers purchase drinks just before closing time.

The sub committee noted the applicant's proposal for 15 minutes 'drinking up time', but believed the applicant had failed to show how this would adequately promote the licensing objectives bearing in mind that it was less than that previously specified under the old licensing regime and recommended by the police and industry good practice.

Based upon the evidence presented, the sub-committee found no reason to depart from the expert opinion of the Police that the provision of 30 minutes 'drinking up time' was appropriate for the promotion of the crime prevention objective in this case. The sub-committee felt this was a proportionate response to the issues identified.

CHAIR

DATE