

# LICENSING SUB COMMITTEE A

Wednesday, 25 September 2019

**PRESENT:** Councillor J.M. Charles (Chair)

**Councillors:**

J.K. Howell and D.E. Williams

**Present as observer:**

Councillors W.T. Evans

**Present as representatives of a Responsible Authority:**

E. Jones – Licensing Lead, Carmarthenshire County Council

A. Morgan – Environmental Health Practitioner – Carmarthenshire County Council

D. Bizby – Dyfed Powys Police

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

**Chamber, County Hall - County Hall, Carmarthen. SA31 1JP. - 9.30 am - 1.40 pm**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of interest.

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE. LLANELLI WANDERERS RFC, STRADEY PARK AVENUE, LLANELLI SA15 4BT**

The Sub Committee adjourned at County Hall, Carmarthen at 9.35 a.m. and reconvened on site at 10.15 a.m., in order to view the above premises where it was afforded the opportunity of examining both the internal and external facilities and the location of objectors' properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, County Hall, Carmarthen, at 11.30 a.m. to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting.

The Sub Committee was advised that an application had been received from Llanelli Wanderers RFC for a premises licence in respect of the above premises to allow:-

Supply of Alcohol & Recorded Music – Wednesday to Sunday 12:00-23:30,

Opening Hours Wednesday to Sunday 12:00-00:00,

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.

The Sub-Committee, with the agreement of all parties, was circulated with copies of additional documentation which included amendments to the conditions proposed by the Councils' Public Health Services, a plan detailing the location of objectors' properties in relation to the application premises/site together with an e-mail from the applicant amending the application to exclude the playing of recorded music beyond 23.00 hours. In addition, the Sub Committee also received additional correspondence from one of the objectors to the proposed application, which had previously been provided to the applicant and the responsible authorities.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report, and recommended that should the Sub-Committee be minded to grant the application then the suggested conditions proposed by both the Dyfed Powys Police and Public Health Services (as amended) be applied to the licence

The Licensing Authority Representative also referred to the applicant's withdrawal of the element of the application relating to the playing of recorded music up to 23:30 hours. He informed the Sub Committee that following amendments to the Licensing Act and the Deregulation of Regulated Entertainment any premises with an alcohol on-licence had an automatic right to play live and recorded music between the hours of 8.00 a.m. and 11.00 p.m. without it appearing on the premises licence or having any conditions attached to that licence. However, should the playing of music give rise to a nuisance, the legislation provided for an application to be made for review of that right.

All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representative referred to his representations as detailed within Appendix C to the report and requested the 13 suggested conditions detailed therein be applied to the licence as being both necessary and proportionate to promote the four licensing objectives. Those had been agreed with the applicant.

All parties were afforded the opportunity of questioning the Dyfed Powys Police representative on the representations made.

The Public Health Services representative referred to his representations as detailed within Appendix D to the report and to the following eight amended conditions circulated at the meeting:-

1. The consumption of alcohol shall be restricted to the Licensable area only;
2. After 21:00 the consumption of alcohol shall not be permitted in any outside location within the boundary of the premises;
3. No open glass or glass vessels to be allowed in any external areas of the premises;
4. The covered/sheltered area located at the main entrance to the building shall be designated as the smoking area and all patrons must use this area for smoking

5. A suitable receptacle shall be provided in the smoking area for customers to dispose of their cigarette ends;
6. After 20:00 all external windows and doors shall be kept closed, other than for access and egress to the premises,
7. Prominent, clear and legible neighbour courtesy notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly,
8. The fire exit in the upstairs function room and the staircase of the fire escape shall only be used in the event of an emergency and not any other times.

The Public Health Services Representative advised that having spoken with the applicant on the proposed amended conditions, agreement had been reached on the inclusion of conditions 2-8 on any licence that may be granted and to condition 1 being withdrawn.

All parties were afforded the opportunity of questioning the Public Health Services' representative on the representations made.

The objectors were afforded the opportunity of commenting on the application reiterating some of the points detailed within their representation in Appendix E together with the additional circulated material. Those included:-

- the planning history of the site,
- the previous noise nuisance complaint in June 2018,
- the location of three other licensed premises in the immediate vicinity,
- previously experienced noise disturbance during the Temporary Event Notices (TEN's) events and the added potential for noise disturbance from patrons of the rugby club beyond 11.00 p.m. affecting residential amenity and its impact on young children's sleep,
- the application was considered to be unnecessary and the club should continue to apply for TEN's Licences in lieu of a permanent licence
- concern the granting of a licence could in the future lead to the club becoming a pub
- the proximity of the premises to residential properties and the first floor windows being in direct line of sight with the bedrooms of those properties
- if the sub-committee was to grant the licence it should be restricted to Fridays and Saturdays
- the upgrade of the CCTV system required by the Police should be extended to cover the car park area fronting the clubhouse

All parties were afforded the opportunity of questioning the evidence submitted.

The applicant in responding to the issues raised confirmed that whilst it had not initially been the club's intention to sell alcohol, the reasons for the application included removing the need to apply for TEN's and the cost associated therewith, a maximum of 16 TEN's could be applied for in any one year, to control people bringing their own alcohol to the premises during TEN's events, to raise revenue for the club and to provide facilities for their sponsors. The club's intention was to only sell cans of beer from a fridge, there was no room within the clubhouse to provide for a bar or a cellar to facilitate the sale of draught beers. It was also the club's intention to work with the local community to minimise any disruption.

All parties were afforded the opportunity of questioning the evidence submitted.

The Sub-Committee thereupon

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

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having had 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, having considered all the evidence placed before the Sub Committee, that the application for a premises licence for Llanelli Wanderers RFC be granted, as amended, subject to the licence conditions agreed between the applicant, the police and the Public Health Services.**

## REASONS

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

1. The clubhouse was located in close proximity to a large number of residential premises
2. The clubhouse had not previously had the benefit of a premises licence
3. Between November 2018 and September 2019 a total of 16 Temporary Event Notices had been issued in respect of the sale of alcohol in the clubhouse.
4. A complaint was received by Public Health Services in respect of noise nuisance from the premises in June 2018.
5. The applicant no longer sought a licence to provide regulated entertainment at the premises
6. Local residents had been disturbed by music and rowdy behaviour from patrons of the club when events were previously held under temporary event notices.
7. None of the responsible authorities objected in principle to the grant of a licence.
8. The Police had proposed conditions to be added to the licence to promote the prevention of crime and disorder. The applicant had accepted those conditions.
9. Public Health Services have proposed conditions to be added to the licence to promote the prevention of public nuisance. The Applicant had accepted those conditions.
10. The application was for a licence Wednesday to Sunday only

The Sub-Committee attached weight to the views of the responsible authorities.

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.

Similarly, issues of need and the availability of other similar venues nearby were

not relevant considerations under the Licensing Act.

The Sub-Committee noted the possible discrepancy between the current planning consent for the premises and the licence application. However the Planning Authority had made no representations regarding this point and paragraph 13.5 of the Council's Statement of Licensing Policy made it clear that this was not a bar to the granting of a licence. The applicant would be well advised however to seek clarification on any planning issues from the Local Planning Authority before making use of the licence.

The Sub-Committee accepted the evidence of Mr & Mrs Toft as to the adverse effect of noise from the premises in the past. It also accepted the written evidence from the other residents as to the impact upon them. On that basis the Sub-Committee was satisfied that the application, as originally submitted, would have undermined the licensing objectives.

However, the Sub-Committee was obliged to attach weight to the views of the responsible authorities, in this case particularly the Police and Public Health Services. Both those responsible authorities were of the view that, in light of the changes made by the applicant to the application, the licensing objectives could be appropriately promoted by the imposition of the licence conditions agreed to by the applicant and that they were a proportionate response to the issues raised by local residents.

The Sub-Committee had considered restricting the licensable hours on Wednesdays, Thursdays and Sundays to limit the impact on nights prior to school days, but felt that cannot be justified in light of the evidence from the responsible authorities.

On balance therefore the Sub-Committee was satisfied that it was appropriate to grant the licence, subject to the agreed licence conditions, and that this was a proportionate response to the issues identified. In coming to this conclusion the Sub-Committee noted that should the operation of the licence undermine the licensing objectives, in particular if it caused a public nuisance to local residents, the licence may be reviewed and ultimately, the Sub-Committee had the power to suspend or revoke it.

The Sub-Committee urged the club to work closely with residents to monitor the impact of the licence and urged local residents, if disturbed by licensable activities, to engage with the responsible authorities so that appropriate action could be taken.

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**CHAIR**

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**DATE**