

LICENSING SUB COMMITTEE B

Wednesday, 20 November 2019

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

W.T. Evans and J.S. Phillips

Also in attendance – Cllr E. Thomas

Present as representatives of a Responsible Authority:

E. Jones – Licensing Lead, Carmarthenshire County Council

A. Morgan, Environmental Health Practitioner, Carmarthenshire County Council

K. Smith – Licensing Officer, Carmarthenshire County Council

D. Bizby – Dyfed Powys Police

Also Present:

R. Edgecombe, Legal Services Manager

L. Jenkins, Democratic Services Officer

Chamber, County Hall, Carmarthen. SA31 1JP. 10.00 am - 12.15 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. TO ADJOURN THE MEETING AND RECONVENE AT CARMARTHEN PARK, MORFA LANE, CARMARTHEN IN ORDER TO UNDERTAKE A SITE INSPECTION

The Sub Committee adjourned at County Hall, Carmarthen at 10:05am and reconvened on site at 10.30am, in order to view the premises where it was afforded the opportunity of examining both the internal and external facilities which included the location of the marquee and the objector's properties. Following conclusion of the site visit, the Sub Committee reconvened in the Chamber, County Hall, Carmarthen, at 10.50 am to consider the application.

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, CARMARTHEN PARK, MORFA LANE, CARMARTHEN, SA31 3AX

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub Committee that Representations had been received from the Police, Public Health Services, Licensing Authority and a local resident in relation to an application for the grant of a premises licence in respect of a specific section of Carmarthen Park, Morfa Lane, Carmarthen, outlined in Appendix A (page 33).

The application had been received from Streamline Leisure for a premises licence in respect of the above premises.

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 Responsible Authorities and acceptance of the conditions by the applicant.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and the potential conditions noted. 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 the potential conditions circulated. 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 the potential conditions circulated. All parties were afforded the opportunity of questioning the Public Health Services representative on the representations made.

The Sub-Committee thereupon received representations from some of the other persons expressing concerns and/or objecting to the grant of a premises licence on the grounds detailed in Appendix E.

All parties were afforded the opportunity of questioning the evidence submitted. The applicant thereupon addressed the concerns and issues raised and stated that they would work with the objector to mitigate the impact on their premises.

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

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 also had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the DCMS and Home Office identified in the agenda item, and those to which it had been referred by the parties.

Having considered all the evidence before it, the sub-committee

RESOLVED that the application should be granted subject to the agreed licence conditions.

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

1. There was no history of complaints relating to licensable activities at the premises
2. There had been previous complaints relating to noise from the premises in connection with non-licensable activities
3. None of the responsible authorities objected to the granting of the licence
4. The responsible authorities had suggested additional licence conditions to promote the licensing objectives should a licence be granted
5. The applicants accepted those licence conditions
6. If a licence were to be granted, it would operate all year round.

The sub-committee attached weight to the views of the responsible authorities.

The sub-committee appreciated the concerns of the local resident who has objected to the application. However those concerns related primarily to non-licensable activities that will take place at the same time

On balance the sub-committee was satisfied that those matters are not enough to overcome the views expressed by the responsible authorities.

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 it could properly consider.

Therefore the sub-committee is satisfied that to grant the licence on the conditions agreed will not undermine the licensing objectives and that such conditions are a proportionate response to this issues raised

CHAIR

DATE