

LICENSING SUB COMMITTEE A

Tuesday, 10 December 2019

PRESENT: Councillor J.M. Charles (Chair)

Councillors:

F. Akhtar and T.J. Jones

Also present as observer: Councillor D.E. Williams

Present as a representative of a Responsible Authority:

E. Jones, Licensing Lead

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

R. Edmunds, Consumer and Business Affairs Manager

K. Smith, Licensing Officer

E. Bryer, Democratic Services Officer

Chamber, County Hall, Carmarthen. SA31 1JP. - 10.00 am - 12.00 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, 2 NOTT SQUARE, CARMARTHEN, SA31 1PG

The Sub Committee adjourned at County Hall Carmarthen at 10.05 a.m and reconvened on site at 10:10 a.m at 2 Nott Square, Carmarthen, in order to view the property. Following conclusion of the site visit, the Sub Committee reconvened in the Council Chamber at County Hall, Carmarthen at 10:30 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 Adam Cole for a premises licence in respect of the above premises to allow:

- Supply of Alcohol, Films, Indoor Sporting Events, Live Music, Recorded Music, and Performances of Dance - Monday & Tuesday 12:00-02:00, Wednesday to Sunday 12:00-03:00.
- Opening Hours - Monday & Tuesday 12:00-02:30, Wednesday to Sunday 12:00-03:30.

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 – representation submitted by Public Health Services.
- Appendix E – representations submitted by other persons.

The Licensing Authority representative referred to his representations as detailed within Appendix B and also to the representations received from Dyfed Powys Police (Appendix C) and the Public Health Services (Appendix D). The Licensing Authority representative also referred to the Draft Proposed Licence Conditions referred to above.

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

The Sub Committee thereupon received representation from Carmarthen Town Council expressing concerns and 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 and his solicitor thereupon addressed the concerns and issues raised.

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 the evidence placed before the Sub Committee, that the application be granted subject to the agreed licencing conditions proposed by the responsible authorities and agreed by the applicant.

REASONS:

The Sub Committee had regard to the written representations made to it, as well as the evidence put before it. It also 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, and those to which it had been referred by the parties.

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

1. The premises had not previously been licensed to sell alcohol.
2. The premises was located in a mixed residential/commercial part of the town centre, close to residential premises.
3. The premises was in close proximity to a number of existing licensed premises.
4. The premises was located in an area identified in the Council's statement of Licensing Policy as a crime and disorder hotspot.

5. None of the responsible authorities objected in principle to the granting of the Licence
6. Additional licence conditions had been proposed by the responsible authorities. These had been accepted by the applicant.

The Sub Committee had 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 it could properly take into account.

The Sub Committee acknowledged the concerns of the Town Council. However, the position of the Police was that the licensing objective of preventing crime and disorder could be sufficiently promoted by the imposition of the agreed additional licence conditions. Similarly, the position of Public Health Services was that the licensing objective of preventing public nuisance could be sufficiently promoted by the imposition of the agreed additional licence conditions.

The Sub Committee did not believe that it had sufficient evidence before it to justify departing from the views of the two responsible authorities.

Accordingly, the Sub Committee was satisfied that it was appropriate to promote the licensing objectives by granting the application subject to the agreed licensing conditions and that this was a proportionate response to the issues identified, including those raised by the Town Council.

3. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, 12 WIND STREET, AMMANFORD, SA18 3DN

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 Richard Stuart for the grant of a Premises Licence in respect of 12 Wind Street, Ammanford, SA18 3DN to permit:-

- Supply of Alcohol and Recorded Music - Sunday to Thursday 10:00-00:00, Friday & Saturday 10:00-02:00. Sunday before Bank Holiday, Bank Holiday, Christmas Eve and New Year's Eve 10:00-02:00.
- Films, Live Music and Anything of a Similar Description – Sunday to Thursday 10:00-00:00, Friday & Saturday 10:00-01:00. Sunday before Bank Holiday, Bank Holiday, Christmas Eve and New Year's Eve 10:00-01:00
- Late Night Refreshment - Sunday to Thursday 23:00-00:00, Friday & Saturday 23:00-02:00. Sunday before Bank Holiday, Bank Holiday, Christmas Eve and New Year's Eve 23:00-02:00.
- Opening Hours – Sunday to Thursday 10:00-00:30, Friday & Saturday 10:00-02:30. Sunday before Bank Holiday, Bank Holiday, Christmas Eve and New Year's Eve 10:00-02:30

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 the Dyfed Powys Police
- Appendix D – Representations submitted by Public Health Services
- Appendix E – Representations submitted by other persons

The Licensing Authority representative referred to his representations as detailed within Appendix B and also to the representations received from Dyfed Powys Police (Appendix C) and the Public Health Services (Appendix D). The Licensing Authority representative also referred to the Draft Proposed Licence Conditions referred to above.

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

At this point the Sub Committee and applicant were afforded the opportunity of asking questions.

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

The Sub Committee did not receive any oral representation from the objector as they were not in attendance.

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12 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 having considered all the evidence before it, the Sub Committee finds that the application should be granted subject to the agreed licence conditions.

REASONS:

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

1. There was no history of alcohol related crime and disorder or alcohol related public nuisance at or related to the premises.
2. Wind Street, Ammanford was however identified as a crime and disorder hotspot in the Council's statement of Licensing Policy.
3. None of the responsible authorities objected in principle to the grant of the licence.
4. The Police and Public Health services had requested additional licence conditions to promote the licensing objectives.
5. The applicant had accepted those additional licence conditions.

The Sub Committee had attached weight to the views of the responsible authorities and in particular that their proposed licence conditions had been agreed.

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, are not matters which they can properly take into account.

Based on the evidence before it the Sub Committee found that it was appropriate to grant the application as it was satisfied that the agreed licence conditions were appropriate to promote the licensing objectives and a proportionate response to the issues identified, including those raised by the local objector.

4. LICENSING ACT 2003 - FILM CLASSIFICATION REQUEST

The Sub Committee considered a request received from Mrs Mair Craig, on behalf of Llansadwrn Reading Rooms, seeking a recommendation regarding the admission of children to view two previously unclassified short films.

The applicant intended to screen the two films, “Flowers” and “Mencap – Our Social Networks” prior to the screening of a certificated feature film at the community cinema. The premises intended operating the community cinema under the community premises exemptions set out in paragraph 6A of Schedule 1 of the Licensing Act 2003.

The Sub Committee noted that in order to satisfy the requirements of the Licensing Act 2003, the films shown must have a recommendation concerning the admission of children issued by either the British Board of Film Classification Body (BBFC) or relevant Licensing Authority.

To enable the Sub Committee to make the required recommendations regarding the admission of children to view the films, it was afforded the opportunity of viewing the two short films and took into consideration the guidelines in relation to age ratings produced by the BBFC.

Having considered all the evidence before it, the Sub Committee

UNANIMOUSLY RESOLVED that

- 4.1 the film entitled “Flowers” be classified with a U rating;**
- 4.2 the film entitled “Mencap - Our Social Networks” be classified with a U rating.**

CHAIR

DATE