

Licensing Sub Committee B

Thursday, 23 January 2020

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

J.S. Phillips and J.E. Williams

Present as observers:

Councillors P. Edwards and A. McPherson

Present as representatives of a Responsible Authority:-

Mr E. Jones – Licensing Lead, Carmarthenshire County Council

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

K. Thomas, Democratic Services Officer

Chamber & Ante Room, 3 Spilman Street, Carmarthen, SA31 1LE - 9.30 - 11.52 am

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE, TRIMSARAN RFC, CANOLFAN PLAS Y SARN, TRIMSARAN, KIDWELLY SA17 4AA

The Sub Committee adjourned at 3 Spilman Street, Carmarthen at 9.35 a.m. and reconvened on site at 10.00 a.m. at Trimsaran RFC, Canolfan Plas Y Sarn, Trimsaran, Kidwelly in order to view the location of both the property and the objectors properties in connection with the application submitted for the grant of a premises licences. The Sub Committee was afforded the opportunity of examining both the internal and external facilities of the property. Following conclusion of the site visit, the Sub Committee reconvened in the Council Chamber at County Hall, Carmarthen at 10.50a.m. to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from Trimsaran RFC for the grant of a premises licence in respect of Trimsaran RFC, Canolfan Plas y Sarn, Trimsaran Kidwelly SA17 4AA as follows:-

To allow:

Supply of Alcohol, Films and Performances of dance	-	Monday to Sunday 11.00 – 02:00
Live Music / Recorded Music	-	Monday to Sunday 22:00 – 02:00
Opening Hours	-	Monday to Sunday 08:30 – 02:30

The Sub Committee noted that the following documentation was attached to the report:-

Appendix A – copy of the original 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.

In addition to the above documentation the Sub Committee received the following additional material circulated at the meeting:

- E-mail from Mrs H. Waters to Mr Andrew Ress – Licensing Officer
- E-mail from L. Davies dated 15th January, 2020 to the Licensing Authority in response to Mrs Waters' representations
- Site location Plan detailing the position of Trimsaran Rugby Club in relation to the objectors' properties.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report and advised that although no complaints had been received in relation to the application premises, one complaint had been received in 2017 in respect of the Clubs current premises at 40 Heol Llanelli, Trimsaran from where it had operated for a number of years.

He referred to the representations and suggested licence conditions submitted by the Dyfed Powys Police and Public Health (appendices C and D refer) and advised those conditions had been accepted and agreed by the applicant. That acceptance had also resulted in the applicant amending the operating hours to close the premises an hour earlier than originally applied for i.e. – All licensable activities, including the sale of alcohol to cease at 01:00 with the premises to close at 01:30 a.m.

The Licensing Authority representative referred to the suggested conditions proposed by the Police and Public Health Services, and their acceptance by the applicant. He advised that if the Sub Committee was minded to grant the application, it was considered appropriate for those conditions to be attached to the licence together with the agreed variation for the operating hours so that all licensable activities, including the sale of alcohol ceases at 01:00 and the premises to close at 01:30 a.m.

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

Representations were received from two objectors re-iterating the points raised in their written representations and included for example, impact on privacy; noise and sleep disturbance (already enduring noise nuisance from other licenced premises in the area); no noise impact assessment undertaken, if one was to be undertaken they would withdraw their objection; need for tree planting/screening; unauthorised felling of trees; lack of consultation with neighbours; query on land ownership and the need for an easement. It was also considered the Club was not suitable to hold a licence on the basis it had acted contrary to council policy and had not provided any assurance it would consider its neighbours

All parties were afforded the opportunity of questioning the objectors on their representations.

The applicants, in responding to the issues raised advised the club would normally only be open late once a month, on a Saturday, it would generally close at 11.30 p.m., was not open on Wednesdays, but may open on some afternoons. Only one tree had been felled, others had been lopped and trimmed for ease of access to equipment for the laying of a pipeline. There was no intention to fell any further trees except possibly near to the playing field. With regard to noise, the Club's windows were double glazed and it had not received a request from neighbours to plant trees for screening purposes. However that point could be raised with the Club Committee. The Club had not been required to undertake a noise assessment as part of the planning consent granted in 2016. If it had, that could not be undertaken until after it had opened. The Club did not have any issues from neighbours of its current premises where it had been operating since 1967 although, an incident had arisen in 2017 which had been addressed at the time.

All parties were afforded the opportunity of questioning the applicant on the representations made.

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 of Guidance issued by the DCMS and Home Office, it was:-

RESOLVED that, having considered all the evidence placed before the Sub Committee, the application for a premises licence for Trimsaran RFC be granted, as amended, subject to the licence conditions agreed between the applicants and the responsible authorities.

REASONS

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

1. The premises had not previously had the benefit of a licence
2. The premises were in close proximity to residential properties.
3. No evidence had been presented of alcohol related crime and disorder or public nuisance in the vicinity of the premises.
4. There was only 1 recorded incident of problems at the clubs current premises
5. None of the responsible authorities opposed the application
6. Those responsible authorities that had made representations believed that the licensing objectives could be promoted by the imposition of additional conditions on the premises licence
7. The applicant had accepted the additional licence conditions proposed by the responsible authorities and had reduced the proposed licensing hours.

The Sub-Committee had attached weight to the views of the responsible authorities as they are required to do by law.

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.

The Sub-Committee also recognised that that this application was not a re-run of the planning application and that planning considerations were not matters the Sub Committee could take into account.

The Sub-Committee acknowledged the concerns of the local residents who had objected to the application and finds those concerns to be genuine. However the evidence presented in support of those concerns was not considered sufficient to overcome the views of public health services and the police that the application would not undermine the licensing objectives if the additional licence conditions were imposed.

Accordingly, the Sub-Committee was satisfied that to grant the application subject to those conditions was appropriate to promote the licensing objectives and a proportionate response to the issues identified

CHAIR

DATE