

Licensing Sub Committee 'B'

Wednesday, 28 April 2021

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

**Councillors:**

J.S. Phillips and J.E. Williams\*

**Also present as observers**

Councillors W.T. Evans and E.G. Thomas\*

[\*Due to technical difficulties experienced by Cllr. J.E. Williams later in the meeting Cllr. E.G. Thomas, who was present throughout the meeting as a potential 'substitute', substituted for Cllr. Williams]

**Present as a representative of a Responsible Authority:-**

D. Bizby, Dyfed Powys Police Authority;

Police Constable B. Ashton, Dyfed Powys Police Authority;

E. Jones, Licensing Lead, Carmarthenshire County Council;

**The following Officers were in attendance:**

R. Edgecombe, Legal Services Manager;

K. Smith, Licensing Officer;

J. Corner, Technical Officer;

S. Rees, Simultaneous Translator;

J. Owen, Democratic Services Officer;

M.S. Davies, Democratic Services Officer.

**Virtual Meeting: 10.30 am - 12.30 pm**

**1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - KUBUS, 29 STATION ROAD, LLANELLI, SA15 1AW**

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 Aram Mahmood for a premises licence in respect of Kubus, 29 Station Road, Llanelli, to permit:-

Supply of Alcohol, off the premises - Monday to Sunday 09:00-21:00;

Opening Hours - Monday to Sunday 09:00-21:00.

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 the Dyfed Powys Police;
- Appendix D - Representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of the application. Reference was made to the additional documentation which had been circulated on behalf of the police and applicant's representative and there were no objections thereto. The Sub-Committee thereupon received representations from the interested parties

The Licensing Authority representative referred to his representations as detailed within Appendix B. Attention, in particular, was drawn to the Cumulative Impact Policy relating to a portion of Station Road, Llanelli, which had first been adopted by the Authority in March 2012 and the fact that the premises was also situated within an area subject to a Public Spaces Protection Order (PSPO). All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Dyfed Powys Police representatives referred to their representations as detailed within Appendix C to the report, which included potential conditions, and the additional documents circulated. All parties were afforded the opportunity of questioning the Dyfed Powys Police representatives on the representations made.

The Applicant's representative was then afforded the opportunity of submitting representations on behalf of the applicant, who was present, and, in particular, referred to the reconstruction of the shop's operating schedule to reduce the risks of crime and public nuisance and protect children. All parties present were afforded the opportunity of questioning the applicant's representative on her submission.

**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.**

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, having considered all the evidence before it, that the Sub Committee finds that the application should be refused.**

**REASONS:**

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

1. No.29 Station Road Llanelli is in an area identified in the Council's statement of Licensing policy as a crime and disorder hotspot and is subject to a Cumulative Impact Assessment (Renewed in 2021)
2. There are 21 licensed premises within the single street that forms the cumulative impact assessment area (reduced from 24 in 2012)
3. The property is also within an area covered by a Public Spaces Protection Order relating to street drinking. (Renewed in 2020)
4. Levels of alcohol related crime and disorder remain high in Station Road despite the slight reduction in the number of licensed premises
5. There is a particular problem of large groups of intoxicated people gathering in the street, shouting, and swearing and intimidating local residents.

6. There is evidence that this alcohol related crime and disorder is linked to the concentration of licensed premises in that street.
7. There is currently no premises licence in force at the premises. Previous applications were refused in 2013 and 2019 (the latter decision upheld on appeal)

The Sub Committee attached weight to the views of the responsible authorities that to grant the application would undermine the licensing objective of preventing crime and disorder.

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 noted that the Council's statement of licensing policy created a rebuttable presumption that this application should not be granted and provided that the policy should only be overridden in exceptional circumstances. The Sub Committee further noted that the policy also stated that claims that a licensed premise would be well managed were unlikely to justify departing from the policy.

The onus was therefore upon the applicant to demonstrate why the granting of a licence for this premises would not undermine the licensing objective of preventing crime and disorder.

The key question was whether adding another licensed premise to the existing concentration in Station Road would undermine the licensing objective of preventing crime and disorder. The presumption in the licensing policy was that it would undermine that objective. On the evidence put before it the applicant had failed to demonstrate to the satisfaction of the Sub Committee that exceptional circumstances existed to override that presumption and depart from the policy

The Sub Committee had considered whether the additional licencing conditions proposed by the applicant would adequately promote the licensing objective of preventing crime and disorder. Having regard to the evidence presented about alcohol related crime and disorder in Station Road and surrounding streets the Sub Committee was satisfied that such conditions would not be sufficient to promote that licensing objective, were a licence to be granted.

Accordingly, the Sub Committee was satisfied that to grant the application would be likely to undermine the licensing objective of preventing crime and disorder and therefore refused the application.

The Sub Committee was satisfied that the refusal of the application was an appropriate and proportionate response to the problems of alcohol related crime and disorder in Station Road and surrounding streets.

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**CHAIR**

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**DATE**