

Licensing Sub Committee B

Tuesday, 21 September 2021

PRESENT: Councillor H.I. Jones (Chair)

Councillors:

W.T. Evans and E.G. Thomas;

Also present as observers

Councillors P.M. Edwards and J.E. Williams;

Present as a representative of a Responsible Authority:-

E. Jones, Licensing Lead, Carmarthenshire County Council;

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;

K. Smith, Licensing Officer;

E. Bryer, Democratic Services Officer;

M.S. Davies, Democratic Services Officer.

Virtual Meeting: 2.00 pm - 3.10 pm

1. DECLARATIONS OF PERSONAL INTEREST

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - ANGHARAD HOUSE, 86 & 88A QUEEN VICTORIA ROAD, LLANELLI, CARMARTHENSHIRE, SA15 2TH

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from STAYBC Ltd for the grant of a premises licence in respect of Angharad House, 86 & 88a Queen Victoria Road, Llanelli, Carmarthenshire, SA15 2TH as follows:-

To allow:

- Supply of Alcohol, Monday to Sunday 00:00-23:59 for Residents. Monday to Sunday 09:00-23:00 for Non-Residents.
- Late Night Refreshment Monday to Sunday 00:00-23:59. Residents only after 23:00.
- Opening Hours, Monday to Sunday 00:00-23:59.

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.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report and advised that no complaints had been received in relation to the application premises.

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.

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

Representations were received from the local ward County Councillor A. McPherson and Mrs. C. Waldron, a local resident. Councillor McPherson reiterated the points raised in his representations, as detailed within Appendix E to the report, whilst Mrs. Waldron requested whether the applicant would consider not allowing the consumption of alcohol outside the premises, only allowing the supply of alcohol to non-residents between 11am and 11pm Mondays to Sundays and ensuring that patrons used the rear car park when arriving or leaving the premises

All parties were afforded the opportunity of questioning Councillor McPherson and Mrs. Waldron on their representations.

The applicant responded that he had no objection to the local representations made.

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.

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:

UNANIMOUSLY RESOLVED, having considered all the evidence placed before the Sub Committee, that the application for a premises licence for Angharad House be granted, subject to the licence conditions agreed between the applicant and the responsible authorities and the following subsequent changes agreed at the meeting by the applicant:

- 1. Police condition 8 – to be amended to read 'The consumption of alcohol shall not be permitted in any outside location within the boundary of the premises.';**
- 2. The supply of alcohol to non-residents shall only be permitted between 11am and 11pm Mondays to Sundays;**

3. **The Premises licence holder shall, through the use of appropriate signage and the provision of information, request all patrons to use the rear car park when arriving at or leaving the premises.**

REASONS

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

1. Angharad House previously had the benefit of Premises Licences granted in 2005 (converted justices licence) and 2010. Both licences were surrendered in 2017.
2. There was no history of prosecutions or enforcement activity by the licensing authority at the premises
3. There was no record of any previous complaints to the licensing authority about the premises
4. The Licensing authority had received no referrals about the premises from other responsible authorities
5. No evidence had been presented of any crime or disorder at or associated with the premises
6. The Police did not object to the application but sought additional licence conditions – the applicants had accepted those conditions.
7. Public Health Services had no record of any concerns or complaints about public nuisance or public safety at the premises
8. Public Health services did not object to the application but instead sought additional licence conditions – these conditions had been agreed by the applicant.
9. The applicant, during the course of the hearing, had agreed to the 3 additional licence conditions referred to above in order to address the concerns of local residents.

The Sub Committee attached weight to the views of the responsible authorities and in particular noted that the Local Planning Authority had not made representations objecting to the application.

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 which it could properly take into account.

The representations from Cllr. McPherson were largely based on the planning status of Angharad House.

Paragraph 14.62 of the statutory guidance required licensing authorities to ensure that planning and licensing regimes were 'properly separated' and confirms that Licensing committees were not bound by planning decisions.

Paragraph 13.5 of the Council's statement of Licensing Policy followed this guidance and provided that a premises was not required to have necessary planning permissions in place in order for a premises licence to be granted.

The Sub Committee noted that no real evidence had been placed before it to show that to grant the application subject to the conditions agreed between the applicant and the responsible authorities would undermine any of the licensing objectives. No evidence had been presented that the previous operation of the premises, when licensed prior to 2017, undermined any of the Licensing objectives either.

The Sub Committee was therefore satisfied that it was appropriate to grant the application subject to the additional licence conditions agreed and that those conditions were proportionate to promote the licensing objectives.

The applicant was however reminded that issues of planning law were separate matters and that the granting of the premises licence did not overcome the need to ensure that appropriate planning permissions were in place and complied with. The Sub Committee asks that Licensing officers inform the Planning department of its decision to grant the Premises licence, so that Planning officers could satisfy themselves that the operation of the premises met planning requirements and, if it did not, took appropriate enforcement action.

CHAIR

DATE