

LICENSING SUB COMMITTEE A

14 DECEMBER 2021

PRESENT: Councillor J.M. Charles (Chair)

Councillors: J.K. Howell and B.D.J. Phillips.

Present as a representative of a Responsible Authority:

D. Bizby, Dyfed Powys Police Authority Representative;

R. Edmunds, Consumer and Business Affairs Manager;

E. Jones, Licensing Lead;

R. Thomas, Environmental Health Practitioner.

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;

K. Smith, Licensing Officer;

E. Evans, Principal Democratic Services Officer;

K. Thomas, Democratic Services Officer;

J. Owen, Democratic Services Officer (Minute Taker).

Virtual Meeting:- 2:00pm - 3:45 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI, CARMARTHENSHIRE, SA15 1NB

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 Dyfed Powys Police for a review of a premises licence in respect of the South Star, 2 Brynallt Terrace, Llanelli, Carmarthenshire, SA15 1NB. A review had been requested due to the Police having concerns that there was a serious lack of management at the aforementioned premises following complaints received and a visit by Dyfed Powys Police and a Covid Compliance Officer from Carmarthenshire County Council.

The Sub Committee considered the following documentation attached to the report:-

Appendix A – Copy of the application.

Appendix B – Representations submitted by the Licensing Authority.

Appendix C – Representations submitted by the Trading Standards.

Appendix D - Representations submitted by the Environmental Health.

Mr David Bizby, the Dyfed Powys Police Authority Representative on behalf of the Chief Constable provided the Sub Committee with the details of the application.

The Licensing Authority representative made an oral representation and referred to the representation detailed within Appendix B, oral representations were also received from Trading Standards (referring to Appendix C) and Environmental Health (referring to Appendix D).

Mr V Moholkar of Premises Licence Holder, Ms Davies and Mr Morgan who manage the South Star on a daily basis were also in attendance.

All parties were afforded the opportunity of questioning the applicant on his submission and to respond to the comments made by the representatives.

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.

During the private session, the Sub-Committee 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,

UNANIMOUSLY RESOLVED that the application should be dealt with as follows;

- 2.1 The 13 licence conditions requested by the Police in the review application be added to the licence save that condition 9 be amended so as to apply after 9pm only;**
- 2.2 That the Premises Licence Holder be reminded of the importance of the Licensing Authority being provided with up-to-date contact information for both the Premises Licence Holder and Designated Premises Supervisor at all times.**

Reasons

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

1. There had been a number of complaints to the police and other responsible authorities regarding noise nuisance and anti-social behaviour at or associated with the premises.
2. There had been a number of occasions when the operation of the premises has breached the COVID regulations in force at that time
3. On the 11th September 2021 Mr Nigel Brain was aggressive and rude to a police officer and COVID enforcement officer and forced them to leave the premises by pushing them.
4. When police officers subsequently attended at the premises to view CCTV footage of the incident, none was available for the relevant part of the premises and the premises manager (Miss Davies) was unable to access or operate the system.

5. The Premises Licence Holder had agreed to the additional licence conditions (as amended) being added to the licence.

The Sub Committee attached weight to the views of the responsible authorities and in particular found that the evidence presented by the Police in regard to the incident on the 11th September 2021 to be credible and compelling.

The Sub Committee recognised that its decision must be based upon real evidence, and that concerns and fears, where unsupported by such evidence, are not matters which they can properly take into account.

The Sub Committee was satisfied on the evidence put before it that the operation of the premises had failed to promote the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub Committee was not satisfied that it would be possible to adequately promote those objectives without additional conditions being added to the licence.

The Sub Committee was further satisfied that the additional licence conditions requested by the police, and supported by the other responsible authorities, are appropriate to promote those licensing objectives and a proportionate response to the issues identified in the application.

CHAIR

DATE