

LICENSING SUB-COMMITTEE B

TUESDAY, 26 JULY 2022

PRESENT: Councillor D.E. Williams (Chair)

Councillor (In Person):

H. Jones

Councillors also present (Virtually):

K. Madge

M.J.A. Lewis (observer)

B.D.J. Phillips(observer)

Present as a representative of a Responsible Authority:

E. Jones, Licensing Lead, Carmarthenshire County Council

Also Present (In Person):

R. Edgecombe, Legal Services Manager

K. Smith, Licensing Officer

S. Rees, Simultaneous Translator

S. Hendy, Member Support Officer

E. Bryer, Democratic Services Officer

Also Present (Virtually):

K. Byrne, Assistant Solicitor

J. Owen, Democratic Services Officer

Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 10.00 - 11.00 am

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE STATION YARD, STATION ROAD, BRYNAMMAN, AMMANFORD, SA18 1SH.

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from Ms Margaret Studt for the grant of a premises licence in respect of Station Yard, Station Road, Brynamman, Ammanford, SA18 1SH as follows:-

To allow:

- Supply of Alcohol - Monday to Sunday 12:00-23:00, New Years Eve 09:00-01:00.
- Opening Hours - Monday to Sunday 09:00-23:00, New Years Eve 09:00-01:00

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, supplemental information from Mr Aled Morgan (Environmental Health) had also been circulated to all parties in advance of the meeting. This included an email detailing the latest position with regards to the conditions requested by Environmental Health.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report and advised that one complaint had been received in relation to the application premises in January 2022 for a Christmas event in December 2021.

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.

The Sub-Committee was informed that the representations by the Dyfed Powys Police (Appendix C) had been agreed and therefore the Police representative was not in attendance.

The Licensing Authority representative referred to the Public Health Services representations, as detailed within Appendix D.

The Licensing Authority representative referred to the suggested conditions proposed by Public Health Services. 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.

The Sub-Committee thereupon considered the written statements and also the oral representation received from local resident Mr Pavey objecting to the application and referring to the written representation within Appendix E. The objections related to the following areas:

- Disruption of peace, including noise and parking issues that caused chaos,
- Lack of consultation with local residents regarding planned events,
- The number of licenced premises already nearby and the need for alcohol at events primarily aimed at children.

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

The Applicant's representative was then afforded the opportunity of submitting representations on behalf of the applicant, and, in particular:

- The investment made to restore the site,
- The desire to hold charity events and also other ad hoc events,
- The potential increase of revenue by having an alcohol licence,
- Outlined how parking and traffic management arrangements could be improved for future events,
- Confirmed the Applicant's agreement with the timescales of the production of the event management plans as proposed by the Public Health Services.

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 granted subject to all the conditions requested by the responsible authorities and agreed by the applicant.

REASONS:

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

1. There has been no evidence provided by the police of crime and disorder at or in relation to the premises,
2. There has been no history of enforcement action at or in relation to the premises,
3. There have been previous complaints in relation to the premises following temporary event notices being issued,
4. The Police do not object to the granting of the application, but ask for conditions to be added to the licence,
5. The applicant has agreed to those licence conditions,
6. Public Health Services also do not object to the application, but ask for conditions to be added to the licence,
7. The applicant agrees to those conditions,
8. Objections have been received from 2 local residents raising issues of crime and disorder and public nuisance associated with past use of the premises.

The Sub-Committee had attached weight to the views of the Responsible Authorities and in particular noted that:

1. None of the 3 Responsible Authorities stated that it would be appropriate to refuse the application in order to promote the licensing objectives,
2. All 3 Responsible Authorities appeared to suggest that the imposition of appropriate licence conditions would be sufficient to promote the licensing objectives.

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 consider.

Issues of need and the availability of other sources of alcohol in the area were not relevant considerations.

The Sub-Committee therefore accepted the views of the Responsible Authorities that to grant the licence subject to the agreed conditions would not undermine the licensing objectives and that those conditions were appropriate to promote the licensing objectives and a proportionate response to the issues identified.

CHAIR

DATE