

LICENSING SUB COMMITTEE B

Thursday, 5 May 2016

PRESENT: Councillor A. Davies (Chair)

Councillors:

T. Bowen and T. Theophilus

Also present as observers: Councillors J.M. Charles and P.E.M. Jones

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

E. Jones, Principal Licensing Officer

K Smith, Licensing Officer

M.S. Davies, Democratic Services Officer

Chamber, County Hall, Carmarthen: 9.30 a.m. - 9.35 a.m.

Site Inspection: 10.00 a.m. – 10.15 a.m.

Chamber, County Hall, Carmarthen: 10.30 a.m. – 11.50 a.m.

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE CROSS HANDS ALE HOUSE, 21 LLANDEILO ROAD, CROSSHANDS

The Sub-Committee adjourned and reconvened on site at 21 Llandeilo Road, Cross Hands at 10.00 a.m. in order to view the location of the premises. Following conclusion of the site visit the Sub-Committee reconvened in the Chamber, County Hall, Carmarthen, at 10.30 a.m. in order to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting and advised that an application had been received from Mr. S. Laidler and Mrs. H. Laidler for the grant of a premises licence in respect of The Crosshands Ale House, 21 Llandeilo Road, Crosshands to allow: -

Supply of Alcohol: Monday to Friday 16:00-22:00
Saturday & Sunday 12:00-22:00

Opening Hours: Monday to Friday 16:00-22:30
Saturday & Sunday 12:00-22:30

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

- Appendix A – copy of the original application submitted by the applicant;
- Appendix B – representations submitted by the Licensing Authority;
- Appendix C – representations submitted by Dyfed Powys Police, which had been agreed with the applicant;
- Appendix D – representations submitted by other persons.

The remaining Responsible Authorities had not made representations in respect of

the application. The Sub-Committee was circulated with copies of additional documentation with the agreement of all parties.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report. He referred to the following additional licence conditions which the applicant had agreed to:

- Neighbour courtesy notices to be displayed;
- No children under 16 to be admitted to the premises;
- Teenagers between the ages of 16-18 only to be admitted if accompanied by an adult.

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

The Sub-Committee thereupon received representations from interested parties objecting to the grant of a premises licence on the grounds detailed in Appendix D.

All parties were afforded the opportunity of questioning the evidence submitted. The applicant thereupon addressed the concerns and issues raised.

All parties were afforded the opportunity of questioning the evidence submitted.

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.

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 the guidance issued by the DCMS and the Home Office, it was

RESOLVED, having considered the evidence placed before the Sub-Committee, that the application be granted, subject to the additional licence conditions agreed between the applicant and the responsible authorities.

REASONS:-

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

1. There was no previous history of complaints or enforcement action in relation to the premises;
2. Neither the Police nor the Licensing Authority objected in principle to the granting of the application;
3. Both the Police and Licensing Authority believed that the operating schedule did not sufficiently promote the Licensing objectives;
4. The applicants had accepted the additional licence conditions proposed by the Police and licensing authority;
5. None of the other responsible authorities (in particular Public Health Services) had made representations;
6. No evidence had been received of any significant alcohol related crime and disorder in the vicinity of the premises;
7. Any nuisance arising from the use of the smoking area would be likely

- to only affect the adjoining residential premises no.19;
8. The parking restrictions operating in the road outside the premises permitted loading and unloading on the street.

The Sub Committee attached weight to the views of the police and the licensing authority and the absence of any representations from the other responsible authorities, particularly public health services.

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. Equally, issues of need or the availability of other sources of alcohol in the area were not matters which the Sub Committee could take into account.

The Sub Committee noted that it could not duplicate other regulatory regimes.

In approaching its decision the Sub Committee had been mindful that it may only consider matters relating to the promotion of the 4 licensing objectives, namely;

1. The prevention of crime and disorder
2. The prevention of public nuisance
3. Public safety
4. Protection of Children from Harm

Whilst the Sub Committee found the objectors evidence to be credible and genuine, it could not ignore the fact that their concerns were not supported by the various responsible authorities, none of whom had objected to the grant of a licence in this case.

In particular, the Sub Committee was concerned about the impact of smoke nuisance from the smoking area upon the residents of number 19, but accepted that this would amount to a private rather than public nuisance. Similarly, the genuine concerns about on-street deliveries were more appropriately a matter for Traffic Management officers as they applied to any business operating out of the premises, rather than specifically to licensed premises.

The Sub Committee did share many of the objectors concerns, but was of the view that these matters were appropriately dealt with by other legislation such as fire safety legislation and environmental health legislation.

The Sub Committee therefore was satisfied on the balance of probabilities that to grant the application, in its amended form, would not undermine any of the licensing objectives and that therefore it was appropriate to grant a licence subject to the additional agreed control measures.

CHAIR

DATE