

# **LICENSING SUB-COMMITTEE B**

**THURSDAY, 8 JUNE 2023**

**PRESENT:** Councillor D.E. Williams (Chair)

**Councillors (In Person):**

K. Madge

**Councillors (Virtually):**

B.A.L. Roberts

**Observer (Virtually):**

Councillor M.J.A. Lewis

**Also Present (In Person):**

R. Edgecombe, Legal Services Manager

E. Jones, Licensing Lead

K. Smith, Licensing Officer

M. Runeckles, Members Support Officer

J. Owens, Democratic Services Officer

**Also Present (Virtually):**

R. Morris, Members Support Officer

S. Hendy, Member Support Officer

**Chamber - County Hall, Carmarthen. SA31 1JP and remotely - 10.00 - 10.37 am**

**1. DECLARATIONS OF PERSONAL INTEREST.**

There were no declarations of Personal Interest.

**2. APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BISTRO ON THE BAY, UNIT 4 PARRY THOMAS CENTRE, PENDINE, SA33 4NZ.**

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from Mr Robert Rea for the grant of a premises licence in respect of the Bistro on the Bay, Unit 4 Parry Tomas Centre, Pendine, as follows:-

To allow:-

The supply of alcohol and live music Monday to Saturday 11:00-23:00 and Sunday 11:00-22:30.

Opening Hours - Monday to Saturday 08:00-23:30 and Sunday 08:00-22:30.

Note: These minutes are subject to confirmation at the next meeting.

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, together with further information submitted by the applicant, including agreement of all conditions stipulated within the Licensing Authority representations;
- Appendix C - representations submitted by other persons.

In addition to the above, the following supplemental information was also circulated to all parties present at the meeting:-

- Copy of a plan detailing the sanitary convenience facilities available within the vicinity of the Bistro on the Bay, Unit 4 Parry Tomas Centre, Pendine.

It was noted that no representations had been submitted by the remaining Responsible Authorities in respect of the application.

The Licensing Authority representative referred to his representations, as detailed within Appendix B to the report and advised that there had been no previous prosecutions or enforcement action taken by the Licensing Authority and furthermore no complaints had been received in relation to the application premises.

The Licensing Authority representative referred to the suggested conditions proposed in relation to CCTV arrangements, 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 Chair advised that the objector was not in attendance at the meeting to address the Committee, however her written representation was set out at Appendix C of the report.

The Sub-Committee received oral representations from Mrs Rea, the joint leaseholder of the premises, in support of the application and in response to the Licensing Authority's representations and the issues raised by the objector, as set out at Appendix C of the report.

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.**

Note: These minutes are subject to confirmation at the next meeting.

Having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the DCMS and Home Office, it was:-

**FURTHER UNANIMOUSLY RESOLVED** that, having considered all the evidence placed before the Sub-Committee, the application for a premises licence in respect of the Bistro on the Bay, Unit 4 Parry Tomas Centre, Pendine be granted, subject to the licence conditions agreed between the applicant and the Licensing Authority. Furthermore, alcohol sales be permitted only during periods when customers have access to the disabled toilet at the Parry Thomas Centre and/or the other toilets at the Centre or at Y Caban.

### **REASONS**

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

1. None of the Responsible Authorities object in principle to the granting of the licence.
2. The Licensing Authority have asked for additional conditions to be placed on the licence, which have been accepted by the applicant.
3. A member of the public has objected to the application on the grounds of inadequate toilet provision.
4. The applicant has provided further information regarding access to toilet facilities at or near the premises.
5. No evidence has been presented of problems arising during the operation of the previous licence or recent TENS in connection with the level of toilet access for customers.

The Sub-Committee attached weight to the views of the Responsible Authorities and noted that concerns and fears about what might happen if a licence was granted were not relevant considerations unless supported by real evidence.

The Sub-Committee was satisfied that provided customers had access to adequate toilet facilities, the granting of the licence would not undermine the licensing objectives.

The Sub-Committee was satisfied that provided customers had access to the disabled toilet at the Parry Thomas Centre and/or the other toilets at the Centre or at Y Caban, then the provision of toilets was deemed adequate.

The Sub-Committee would be concerned however if that access was reduced or restricted in any way.

The Sub-Committee considered it appropriate and proportionate to impose an additional licence condition that alcohol sales can only take place during periods when customers have access to the disabled toilet at the Parry Thomas Centre and/or the other toilets at the centre or Y Caban.

Note: These minutes are subject to confirmation at the next meeting.

The Sub-Committee called upon the Council to extend the opening hours of the toilets at the Parry Thomas Centre to match the operating hours of business at the centre.

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**CHAIR**

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**DATE**

Note: These minutes are subject to confirmation at the next meeting.