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Dyddiad / Date: 29th March 2021 E-bost / E-mail: publicprotection@carmarthenshire.gov.uk

Head of Homes and Safer Communities
Carmarthenshire County Council
3 Spilman Street,
Carmarthen
SA31 1LE

Dear Sir,

**RE: Application for a Premises Licence
Kubus, 29 Station Road, Llanelli, Carmarthenshire, SA15 1AW
Application Date 01/03/2021**

Further to the receipt of the above application, the Licensing Authority make the following representations:

a) Previous Enforcement Action / Prosecutions

There have been no previous prosecutions or enforcement action taken by the licensing authority in relation to these premises. An application for a premises licence by a previous operator was refused by committee in April 2013. A further application for a premises licence submitted by the current applicant was also refused in January 2019. A subsequent appeal against this decision to Llanelli Magistrates Court was also refused. The premises are not currently licensed.

b) Complaints.

There have been no complaints received by the licensing authority in relation to these premises.

c) Responsible Authority Referrals.

The licensing authority has not received any referrals from the other responsible authorities in relation to the above premises.

d) Relevant Sections of the Statutory Guidance.



The Licensing Authority believes that the following sections of the Statutory Guidance are relevant to this licence application: - Section 1 Introduction, Section 2 relating to The Licensing Objectives, Section 5 relating to Premises licences, Section 8 relating to Applications for Premises Licences ,Section 10 relating to Licence Conditions and section 14 relating to Statements of Licensing Policy.

e) Relevant Sections of the Local Licensing Policy.

The Licensing Authority believes that the following sections of Carmarthenshire's Licensing Policy are relevant to this licence application:- Section 3 Fundamental principles, Section 4 Conditions of Licence, Sections 5 – 9 relating to The Licensing Objectives and Section 10 relating to Cumulative Impact Assessments.

Cumulative Impact Assessment

The cumulative impact policy relating to a portion of Station Road , Llanelli was first adopted by the authority in March 2012. In 2016 as part of a review of the Licensing Policy, the Cumulative Impact Policy was reviewed, and the supporting evidence updated.

Since the Policy document was reviewed in 2016, the Home Office guidance has been amended at paragraph 14.27 to reflect that Cumulative Impact Assessments, as they are now known, may relate to premises licensed for the sale of alcohol for consumption off the premises.

When the Cumulative Impact Policy was first introduced in 2012 there were 24 licensed premises within the relevant area. At the time of the 2021 review there were 21 licensed premises within the relevant area.

In 2021 as part of a further review of the Council's Licensing Policy the Cumulative Impact Assessment for the relevant portion of Station Road, Llanelli was again reviewed and retained with the supporting evidence once again being updated. The Police evidence in support of the Cumulative Impact Assessment can be found at Appendix I of the Licensing Policy and a plan of the area of Station Road to which the assessment applies can also be found at appendix F of the [Licensing Policy](#).

The assessment creates a presumption that the authority will refuse an application for the grant of a licence in the area defined in paragraph 10.1 of the policy (see below).

The policy does not override the fundamental principle of the Licensing Act, that the Licensing Authority's discretion is only engaged where representations are made, this is set out in paragraph 3.1 on page 6 of the Licensing Policy.

The Licensing Policy document clearly indicates which types of licensed premises are subject to the Policy at paragraph 10.2 which is set out below :-

- 10.1 Where relevant representations are received, it is the Licensing Authority's intention to refuse applications in respect of the lower end of Station Road,*

Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F for;

- (a) New Premises Licences*
- (b) The variation of such licences that are considered likely to add to the existing cumulative impact.*

The assessment is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances

Exceptions are unlikely to be made on the grounds that the premises are, or will be, well managed

Exceptions should be directed at the reasons underlying the assessment.

An exception might arise where an application proposes;

- (a) To effect a real reduction in capacity*
- (b) To replace vertical drinking with seated consumption and waiter service.*
- (c) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental impact and will promote the licensing objectives.*
- (d) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.*

Variation applications which are likely to be considered to add to the existing cumulative impact include;

- (a) An increase in the capacity of the premises*
- (b) An extension in the hours of operation of the premises*
- (c) Introducing opportunities to consume alcohol other than ancillary to table meals*
- (d) Introducing opportunities to take food away from the premises*
- (e) Introducing dance floors or similar facilities*
- (f) Any other change to the way the premises operate which is likely to have an impact on the promotion of the licensing objectives.*
- (g) The varying of an existing licence condition attached to a premises licence, which is likely to have an impact on the promotion of the licensing objectives.*

The reasons for adopting this assessment are as follows;

- 1. The portion of Station Road, Llanelli, between its junction with Queen Victoria Road south to the railway crossing as shown on the plan attached at appendix F contains a total of 21 licensed premises, including pubs, nightclubs, off licences and late night take away outlets.*
- 1. The Road is in close proximity to a large number of residential streets. There is clear evidence that these streets are subject to alcohol related crime and disorder by persons who have purchased alcohol in Station Road.*

2. *Station Road is the location for a number of licensed premises. There is clear evidence linking these premises to late night noise and anti-social behaviour in Station Road and the surrounding residential streets.*
3. *Evidence has been received that late night food outlets attract passing custom from people leaving the town centre, leading to a greater concentration of people than would otherwise be the case , before dispersing through nearby residential streets.*
4. *There have been licence applications relating to premises in Station Road which have highlighted issues of alcohol related anti-social behaviour and crime and disorder.*
5. *The evidence to support the above is contained in the Policy review file and on the individual premises files held by the Licensing Section.*
6. *The Police have supplied evidence to support the ongoing need for a Cumulative Impact Assessment for Station Road . This is attached at appendix I.*
7. *The evidence from the consultation shows that residents are continuing to be affected by alcohol related crime and disorder, however this is primarily between it's junction with Queen Victoria Road south to the railway crossing, as shown on the plan attached at appendix F.*

f) Proposed Operating Schedule.

Having considered the current application and the operating schedule put forward by the applicant, the Licensing Authority believes that, the application does not fall within one of the exceptions to the cumulative impact assessment listed in paragraph 10.1 of the Licensing Policy.

The premises are also situated within an area subject to a Public Spaces Protection Order (PSPO) restricting the drinking of alcohol in a public space where this has or is likely to have a detrimental effect on the quality of life of those in the locality. The current PSPO was adopted in 2020 following a consultation exercise. Prior to this the area was previously covered by a Designated Public Places Order (DPPO) relating to street drinking.

The Police have submitted an objection to the grant of the application. The authority believes that the Police representations along with the Cumulative Impact Assessment with its supporting evidence raises serious questions as to whether it would be appropriate to grant the application.

These representations have been prepared on the 29th of March 2021 with the benefit of viewing the original application and representations from the Police.

I would be grateful if the applicant could contact me to discuss the above representations at the earliest opportunity and certainly prior to the application being referred to a Licensing Sub Committee hearing for determination.

If you require any further information or assistance, please do not hesitate to contact me.

Yours faithfully,

Mr E O R Jones
Licensing Lead