

(A1)



MR ALED MORGAN

I

.....
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Poplars
Pondside,
Johnstown,
Carmarthen,
Carmarthenshire

Post town CARMARTHEN

Post code (if known) SA31 3HU

Name of premises licence holder or club holding club premises certificate (if known)

Mr Mark Howell

Number of premises licence or club premises certificate (if known)

OONU-PRM-00320

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A2)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Pollution and Wellbeing Team Public Protection Carmarthenshire County Council Town Hall Is Cennen Road Ammanford SA18 3BE
Telephone number (if any)
E-mail address (optional) publicprotection@carmarthenshire.gov.uk

This application to review relates to the following licensing objective(s)

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

The grounds of the review are based on all 4 of the Licensing objectives.

The Pollution Team have been in receipt of complaints relating the above premises. These complaints have covered a wide range of issues such as

- Loud Music
- Swearing
- Loud Voices and Shouting from customers
- Noise from car engines idling
- Drinking in outside areas after hours permitted on the Premises Licence
- Fighting
- Not adhering to Licensing Conditions
- Urinating in Public
- Underage drinking
- Empty bottles tipped into refuse bin at unsociable hours
- Damage to property
- Issues of roadside parking
- Damage to property including cars
- Customers fighting and throwing bottles and glasses at each other

- Swearing and abusive language
- Noise from car horns, slamming doors, revving engine's
- Customers threatening members of the public
- Residents been blocked in their homes due to cars parked
- Over-capacity and no social distancing,
- residential property being used as a car park without permission.
- Customers have urinated, vomited and smashed their cups into a neighboring property.
- Large numbers of cars parked on Pondsides

During the investigation of the noise complaints the Pollution Team have witnessed both people and music (inc amplified TV) emanating from the Poplars at such a volume that the music was clearly audible within residential properties, and therefore undermining the "Prevention of Public Nuisance" objective.

During subjective monitoring Officers have witnessed a variety of issues that substantiate some of the complaints received. These include customers urinating in public, cars parked on the roadside, customers vomiting on the roadside. Therefore subsequent to several attempts to resolve the noise issues informally the Environmental Health Section continued to receive complaints especially with regards to excessive noise emanating from Poplars Inn, Pondsides Johnstown Carmarthen.

Given that Environmental Health have failed to resolve the matter amicably. It is therefore felt that a review of the premises licence is necessary and proportionate in order that additional control measures can be attached to the Premise Licence.

AS

Please provide as much information as possible to support the application (please read guidance note 3)

Mr Mark Howell is the current Premises License holder of the Poplars Inn, Pongside, Johnstown, Carmarthen. When Mr Howell was applying to vary the premises licence in 2016 he was informed of the past complaints Environmental Health had received from the premises. This was outlined to him as a concern in my initial representations to the Premises Licence application dated the 20/10/2016 (AWM/1.)

Subsequent to Mr Mark Howell being the Premises Licence Holder, the Environmental Health Section has received a number of complaints relating to the premises. These complaints have covered a wide range of issues such as

- Loud Music
- Swearing
- Loud Voices and Shouting from customers
- Noise from car engines idling
- Drinking in outside areas after hours permitted on the Premises Licence
- Fighting
- Not adhering to Licensing Conditions
- Urinating in Public
- Underage drinking
- Empty bottles tipped into refuse bin at unsociable hours
- Damage to property
- Issues of roadside parking
- Damage to property including cars
- Customers fighting and throwing bottles and glasses at each other
- Swearing and abusive language
- Noise from car horns, slamming doors, revving engine's
- Customers threatening members of the public
- Residents been blocked in their homes due to cars parked
- Over-capacity and no social distancing,
- residential property being used as a car park without permission.
- Customers have urinated, vomited and smashed their cups into a neighboring property.
- Large numbers of cars parked on Pongside

The above complaints have been received from 6 individuals living in the vicinity of the premises, 2 anonymous complaints and also enquiries received via a Local Councillor. In addition to the complaints received the Local Authority has been in receipt of in excess of 700 noise app recordings in relation to the Poplars. Complainants have indicated that the impact from the premises as a result of the above has resulted in sleep disturbance, impacting on the ability of working from home, people leaving their homes in order to try and escape the noise, customers throwing alcohol and vomiting on residents vehicles.

AG

Following receiving complaints of excessive noise emanating from The Poplars Inn Johnstown, Carmarthen, Carmarthenshire, the Pollution Team undertook an investigation which involved officer visits and the installation of noise monitoring equipment. Monitoring found that excessive noise emanating from The Poplars Inn on occasions was at such a volume that the music was clearly audible within residential properties, and therefore undermining the "Prevention of Public Nuisance" objective.

In order to try and resolve the noise complaints amicably the Environmental Health Section have engaged with the Premises License Holder (Mark Howell) on a number of occasions. These engagements have been conducted through visiting the premises in person, discussing issues with Mr Howell over the telephone and also through sending correspondence to Mr Howell.

Additionally based on evidence gathered from our investigations the Pollution Team have on two separate occasions have issued an objection for Temporary Events Notifications (TEN) for events to be held at the Poplars Inn, Johnstown, Carmarthen. These objections have resulted in the Applicant (Mr Howell) withdrawing the TEN applications and scaling down the events in order for them to run under his Premises Licence.

Subsequent to the above attempts to resolve the noise issues informally the Pollution Team continued to receive complaints of excessive noise emanating from Poplars Inn, Pondsides Johnstown Carmarthen. Given that Pollution Team have failed to resolve the matter we are of the opinion that a review of the premises licence would be necessary and proportionate. The aim of the review would be to seek for additional control measures to be attached to the Premise Licence. Mr Mark Howell was informed of this decision in correspondence sent to him on the 13th of December 2019. (AWM/2)

However due to an increase in workload pressures the submission of the review was delayed in early 2020. This was then further delayed by the global Covid Pandemic that appeared in early 2020. This resulted in the review application not being pursued any further at that moment in time.

In July 2020 the national lockdown measures was slowly easing and Licensed Premises were permitted to trade once again. During this period the Pollution Team received further complaints. These complaints as outlined in my correspondence to Mr Howell on the 16th of July 2020 (AWM /3) were as follows-

- Damage to property including cars
- Customers fighting and throwing bottles and glasses at each other
- Swearing and abusive language
- Noise from car horns, slamming doors, revving engine's
- Customers threatening members of the public
- Residents been blocked in their homes due to cars parked
- Over-capacity and no social distancing,
- residential property being used as a car park without permission.

(A7)

- Customers have urinated, vomited and smashed their cups into a neighboring property.
- Large numbers of cars parked on Pondsides.

In my correspondence to Mr Howell, I clarified that further to the above complaints and previous unresolved issues we would have to reconsider to reinitiate the review process as outlined in December 2019.

On the 27th of April 2021 following another period of national lockdown due to Covid, further noise complaints was received with regards to the operation of the premises. The complaints received coincided with a newly erected marquee which was now occupying the majority of the car park at the front of the premises. AWM/4 shows an aerial photograph of the marquee in place. AWM/5 is an older aerial photograph to show how the car park was previously. The marquee is not only an area for customers to use as a consumption area, it is also an area where entertainment is provided to customers. This is the form of pool games, recorded music and a big screen TV showing sporting events and even live music.

Noise monitoring equipment was installed on the 16/07/2021 and was removed on the 26/07/2021. The noise monitoring was installed in the bedroom of the complainants. On analysis of the data gathered there was clear evidence of both people and amplified entertainment noise which was clearly audible from within the complainants property.

Given the complainant had indicated that the bass from the amplified system in the Marquee was one source of disturbance. Arrangements was made for Officers to visit the premises on the 05/08/2021. During the visit Officers discussed with Mr Howell the volume of bass coming from the speakers that are located in the Marquee. Mr Howell was asked to reduce the volume of the bass speakers. Mr Howell agree to reduce the volume of bass but would not turn off the bass completely.

Subsequent to the visit undertaken on the 06/08/2021 some 91 further Noise App recordings have been received from the complainant. Noise apps recorded on the 29/08/2021 and 11/09/2021 contains evidence of loud music. These recording contained unreasonably loud music noise which also included evidence of significant "bass throb".

I have considered the most appropriate way to proceed with the above matter. On considering the above information I believe that undertaking a review of the above Premises Licence would be the most appropriate and proportional option for this case. The aim of the review process would be to attach some conditions to the Premises Licence, these in my opinion would better promote the Licensing objectives of the Licensing Act 2003.

The conditions proposed would be based on the points below - :

1. CCTV to cover the beer garden and car park area of premises.
2. Doors and windows to be kept closed from 7pm when the premises is open.

A8

3. Doors to be provided with self-closures.
4. Remove Live Music entitlement under the Live Music Act 2003 for all outside areas. This would result in the use of TEN's for any Live Music in outside areas.
5. Car park to be reinstated in order to address the Public Nuisance resulting from displacement of patrons parking.
6. Remove all speakers and prohibit the playing of any amplified music /entertainment from all outside areas.

The application seeks to attach all the conditions requested above in accordance with section 177A(4) of the Licensing Act 2003 and also to give renewed effect to all existing licence conditions in accordance with section 177A(3) of the Licensing Act 2003. In all instances it is proposed that a statement be included as part of all premises licence conditions indicating that S177A of the Licensing Act 2003 does not apply to the conditions.

A10

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **12/10/2021**

Capacity **Pollution and Wellbeing Lead Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Mr Aled Morgan
Pollution and Wellbeing Team
Public Protection
Carmarthenshire County Council
Town Hall
Is Cennen Road
Ammanford

Post town
Ammanford

Post Code
SA18 3BE

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) AWMorgan@carmarthenshire.gov.uk

(A11)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

(A12)



EICH CYNGOR arleinamdani

www.sirgar.llyw.cymru

YOUR COUNCIL doitonline

www.carmarthenshire.gov.wales

Eich cyf / Your ref: AWM/102385

Fy nghyf / My ref:

Dyddiad / Date: 17 November 2016

Gofynner am / Please ask for: Aled Morgan

Llinell Uniongyrchol / Direct Line: 01269 598262

E-bost / E-mail: Publicprotection@carmarthenshire.gov.uk

Mr Mark Howell
Poplars Inn
Pondside
Johnstown
Carmarthen
SA313HU

Dear Sir,

**Re: Application to Vary Premises Licence
Poplars Inn, Pondside, Johnstown, Carmarthen**

Further to the receipt of the above application, I would like to make the following representations on behalf of the Environmental Health Team of Carmarthenshire County Council. The Environmental Health Team of Carmarthenshire County Council have concerns over the variation application in its current format due to the following reasons:-

1. In the past four years, when the premise was under the management of previous premise licence holders, Environmental Health were in receipt of numerous complaints, which are detailed below:
 - Noise from loud music inside the premises
 - Noise from loud music outside in the beer garden of the premises.
 - Noise from cars leaving the car park of the premises
 - Noise from the emptying of bottles late at night
 - Noise from people singing and shouting in the beer garden of the premises
2. The property is a detached property; however it is located in between two residential properties which are in very close proximity. Therefore any noise arising from the premise does increase the potential for noise disturbance.
3. A new entrance is to be constructed allowing direct access from outside into the Lounge area of the premises. No information has been provided on the construction of the entrance or its management in order to control the noise emanating from within the premise. In my experience from dealing with other Licensed Premises within the County the use of Lobbied Entrances significantly reduces the amount of noise breakout from Licensing Premises.

Robin Staines BA (Hons.), MA, MCIH

**Pennaeth Tai & Diogelu'r Cyhoedd
Adran Cymunedau**

3 Heol Spilman, Caerfyrddin, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE.

**Head of Housing & Public Protection
Department for Communities**

3 Spilman Street, Carmarthen, SA31 1LE.

Tŷ Elwyn, Llanelli, SA15 3AP.

Town Hall, Iscennen Road, Ammanford, SA18 3BE.



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4. The variation application is seeking to extend the premises opening hours until 2am on Monday to Sunday. Also it is seeking to allow the premises to play Live and Recorded Music up until 1am on Monday to Sunday. These changes to the Premises Licence if not adequately controlled will increase the potential for the premises to give rise to noise disturbance.
5. The applicant to my knowledge has not undertaken or submitted a risk assessment (*as per paragraph 5.1 to 5.5 of Carmarthenshire County Council Licensing policy*) to assess the potential impacts the variation application may have on the Licensing Objectives in particular the "Prevention of a Public Nuisance". Subsequently the application doesn't contain an operating schedule setting out in detail the control measures the applicant intends to put in place to deal with the risks identified in the assessment.

Therefore based on the above mentioned points we recommend that the application is amended to the following -:

Supply of Alcohol

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:30

Late night refreshment

Sunday to Thursday 23:00 – 23:30 / Friday- Saturday 23:00 - 01:00

Recorded music

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:00

Live music Monday

Sunday to Thursday 07:00 – 00:00 / Friday- Saturday 07:00 - 01:00

Opening Hours

Sunday to Thursday 07:00 – 00:30 / Friday- Saturday 07:00 - 02:00

In addition to the above we recommend that the following conditions are attached to the premises licence in order to ensure that the "Public Safety" and "Prevention of Public Nuisance" Licensing objectives are being promoted.

Prevention of Public Nuisance conditions

1. During periods of regulated entertainment all external windows and doors shall be kept closed, other than for access and egress to the premise.
2. No speakers shall be installed in any external areas of the premises

(A14)

3. Bottles shall not be emptied into the bins outside the premises between 11:00pm and 7:00am.
4. Neighbour courtesy notices shall be displayed at the exits of the premises in order to inform patrons and staff to leave the premises quietly in respect of the local residents.
5. After 22:30 the consumption of alcohol shall not be permitted in any outside locations within the boundary of the premises.
6. The new external doorway leading into the Lounge area (*as highlighted in the variation application*) must be a lobbied entrance.

Public Safety conditions

7. After 9:00pm no glass drinking vessels shall be used in any external areas of the premises.

Should you agree with the above and wish to accept the conditions, you are required to confirm this in writing. A copy of your acceptance should be forwarded to the Licensing Section and myself.

Accepting the above will enable me to withdraw the representation and the above requirements will become conditions of your premises licence.

If you wish to discuss the matter further, please do not hesitate to contact me.

Yours Faithfully

Mr A W Morgan
Environmental Health Practitioner
Environmental Health and Licensing Section

c.c Licensing Section, 3 Spilman Street, Carmarthen, SA31 1LE

Eich cyf / Your ref:
Fy nghyf / My ref: AWM
Dyddiad / Date: 12/12/19

Gofynner am / Please ask for: Aled Morgan
Llinell Uniongyrchol / Direct Line: 01269 598262
E-bost / E-mail: PublicProtection@carmarthenshire.gov.uk

Mr Mark Howell,
Poplars Inn,
Pondside,
Johnstown,
Carmarthen,
Carmarthenshire
SA31 3HU

Dear Mr Howell,

**Re: Noise complaints from Poplars Inn, Pondside, Johnstown, Carmarthen
Environmental Protection Act 1990**

Further to our telephone conversation on the 6th of December 2019 with regards to the above may I update you with the following.

I have considered the most appropriate way to proceed with the above matter. Whilst considering information provided by both parties, I believe that undertaking a review of the above Premises Licence would be the most appropriate and proportional option for this case. The aim of the review process would be to attach some conditions to the Premises Licence, these in my opinion would better promote the Public Safety and Prevention of Public Nuisance objectives of the Licensing Act 2003. The conditions proposed would be based on the points below

1. CCTV to cover the beer garden and car park area of premises
2. Doors and windows to be kept closed from 7pm when the premises is open.
3. Doors to be provided with self-closures
4. Remove Live Music entitlement to outside areas under the Live Music Act 2003. This would result in the use of TEN's for any Live Music in outside areas.

The review process would result in a committee hearing, where the above matter will be discussed and heard in front of the Licensing Committee. During the hearing there will be an opportunity for you to address committee members and to give your account of the situation and the circumstances surrounding the situation.

Robin Staines BA (Hons.), MA, MCiH

**Pennaeth Tai & Diogelu'r Cyhoedd
Adran Cymunedau**

3 Heol Spilman, Caerfyrddin, SA31 1LE.
Tŷ Elwyn, Llanelli, SA15 3AP.

Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE.

**Head of Housing & Public Protection
Department for Communities**

3 Spilman Street, Carmarthen, SA31 1LE.
Tŷ Elwyn, Llanelli, SA15 3AP.

Town Hall, Iscennen Road, Ammanford, SA18 3BE.



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A16

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

Yours Faithfully,

Mr A W Morgan
Environmental Health Officer

c.c. Licensing Section, 3 Spilman Street, Carmarthen



Eich cyf / Your ref:

Fy nghyf / My ref: AWM/160405

Dyddiad / Date:
16/07/2020

Gofynner am / Please ask for:

Aled Morgan

Llinell Uniongyrchol / Direct Line:

01269 598262

E-bost / E-mail:

publicprotection@carmarthenshire.gov.uk

Mr Mark Howell,
Poplars Inn,
Pondside,
Johnstown,
Carmarthen,
Carmarthenshire
SA31 3HU

Dear Mr Howell,

**Re: Noise complaints from Poplars Inn, Pondside, Johnstown, Carmarthen
Environmental Protection Act 1990**

Further to my previous correspondence sent to you on the 13th of December 2019 concerning the above may I update you on the current position.

On the 13th, 14th and 15th of July 2020 I received noise complaints with regards to the above premises. In addition to the noise reports I've also received complaints relating to the following

- Damage to property including cars
- Customers fighting and throwing bottles and glasses at each other
- Swearing and abusive language
- Noise from car horns, slamming doors, revving engine's
- Customers threatening members of the public
- Residents been blocked in their homes due to cars parked
- Over-capacity and no social distancing,
- residential property being used as a car park without permission.
- Customers have urinated, vomited and smashed their cups into a neighboring property.
- Large numbers of cars parked on Pondside.

Based on the above, I would like to inform you that we will be undertaking monitoring in order to assess the complaints received and to determine their validity.

Jonathan Morgan

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF
Town Hall, Iscennen Road, Ammanford, SA18 3BE



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You are welcome to contact me in Welsh or English

A18

I know that prior to the Covid-19 pandemic I outlined in my correspondence to you on the 13th of December 2019 that I would be initiating a review the Premises Licence. Unfortunately I've not had an opportunity to progress with this any further mainly due no Licensing Committees taking place and also the closure of Premises during the lockdown period.

However given the recent complaints and the previous unresolved issues relating to your premises I will have to reconsider my position on whether or not it would be expedient to reinitiate the review process.

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

Yours Faithfully,

Mr A W Morgan
Environmental Health Officer

c.c. Licensing Section, 3 Spilman Street, Carmarthen



A19

A20

AWM / 5





Eich cyf / Your ref: Gofynner am / Please ask for: **Emyr Jones**
Fy nghyf / My ref: Llinell Uniongyrchol / Direct Line: **(01267) 228717**
Dyddiad / Date: **9 November 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 the Review of a Premises Licence
Poplars Inn, 1 Pondsides, Johnstown, Carmarthen, Carmarthenshire,
SA31 3HU
Application Date 12/10/2021**

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

a) Previous Enforcement Action / Prosecutions

The premises Licence for The Poplars in Johnstown Carmarthen was transferred to Mr Mark Howell in July 2016 and at the same time Mr Howell became the Designated Premises supervisor for the premises.

In October 2016 Mr Howell applied to Vary the premises licence to extend permitted hours and update the premises layout and amend existing licence conditions.

The variation application was subject to representations from the responsible authorities as well as other parties. Following a licensing sub committee hearing on the 13th of December 2016 the application was granted subject to amendments and conditions agreed between the applicant and the responsible authorities.

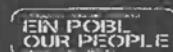
A copy of the existing premises licence and conditions is attached for information. As you will see the licensed area of the premises is highlighted on the plan and does not extend to the external areas and car park.

Since that time no prosecutions or formal action has been taken under the Licensing Act 2003, however a warning was issued in relation to persons being witnessed by a licensing officer drinking outside the premises beyond the 22.30 terminal hour on the 21st of September 2019.

Jonathan Morgan

Pennaeth Cartrefi a Chymunedau Mwy Diogel, Adran Cymunedau
3 Heol Spilman, Caerfyrddin, SA31 1LE | Porth y Dwyrain, Llanelli, SA15 3YF
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Head of Homes and Safer Communities, Department for Communities
3 Spilman Street, Carmarthen, SA31 1LE | Eastgate, Llanelli, SA15 3YF
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You are welcome to contact me in Welsh or English

In September 2021 a warning letter was issued under the Gambling Act 2005 requiring the operator to remove a gaming machine which had been installed within the temporary marquee at the premises.

b) Complaints.

A number of complaints have been received by the licensing authority in relation to these premises, since the licence was transferred to the current operator in 2016.

Following the introduction of the Covid-19 restrictions on hospitality premises in March 2020 the number of complaints from local residents and Councillors increased substantially, particularly from July 2020 when premises were able to operate outside subject to specific Covid measures. The complaints related to a range of matters as detailed in the review application including noise, ASB, criminal damage, parking difficulties and Covid regulation breaches.

In common with other licensed premises officers provided the operator with advice and guidance regarding the Welsh Government Covid regulations and regular visits were undertaken to follow up complaints.

During those visits officers noted that the car park area had been turned into a consumption area and there was significant people noise noted when the premises was busy as well as cars parked on the pavements along Pondsider. Officers have on occasion witnessed customers leaving the premises and then urinated in the street and others shouting as they walked away.

In April 2021 a large marquee was erected in the Car Park of the premises as shown in the images attached to the application. On the 26th of April 2021, in response to a telephone call from the Dyfed Powys Police I joined Police officers already outside the premises at approximately 9.30pm. There was vomit on the adjacent pavement and there was a large number of persons in the marquee and outside areas, many of which appeared to be intoxicated. A large number of tables had been set out in the marquee and outside area, which were well spaced out to assist with social distancing. The licensee, along with two registered door supervisors could be seen and heard trying to manage the customers in accordance with the Covid-19 regulations in force at the time. However despite their efforts customers could be seen moving between tables, joining other groups of 6 sat at tables, consuming alcohol as they moved around, some customers arrived and sat down without providing TTP details, others left carrying drinks. It was clear that the systems put in place were inadequate to cope with the numbers of persons present and as a result of the visit a Premises Improvement Notice was served. As customers were leaving the premises there was considerable noise and Police officers in attendance had to separate individuals who were squaring up to each other.

c) Responsible Authority Referrals.

The licensing authority has also received several referrals from the other responsible authorities in relation to the above premises since the licence was transferred to the current holder. These include referrals from Environmental Health, the Police, the Planning Department and the Covid Compliance team in Trading Standards. These referrals increased significantly in 2020 and the representations from the individual responsible authorities provide further details regarding the complaints that they were receiving.

The referrals from Environmental Health relate to noise complaints and noise app recordings which were being received by that department. Officers from the licensing section visited the premises along with Environmental Health officers to investigate these complaints and follow them up with the operator. On the 20/10/2017 officers visited and viewed CCTV footage following a complaint of noise from the beer garden and advice was given to the operator. On the 28/06/2018 a letter was sent to the licensee to provide advice regarding the limitations on holding events in the outside areas at the premises. On 02/10/19 a further joint visit to the premises was conducted to view CCTV following a further complaint, however the external camera was not working at this time.

During 2018, Environmental Health objected to two Temporary Event Notices submitted by the premises operator in relation to music events taking place in the external areas at the premises. One of these TENs were subsequently withdrawn by the operator on the 19th of June 2018 and the second was issued with a Counter Notice on the 21st of August 2018. The event on the 30th of June 2018 was held using a combination of the activities permitted under the premises licence and the provision of Live Music which is not regulated entertainment if it takes place in a workplace between 08.00 and 23.00 on the same day in front of an audience of no more than 500 people.

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, Section 11 Reviews and Section 16 Regulated Entertainment and in particular Sections 16.52, 16.53, and 16.55.

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, Section 11 relating to Licensing Hours and section 18 relating to Licence Reviews.

In particular:-

8.7 Prior to erecting smoking structures applicants are reminded to consider whether their structure may conflict with relevant planning/building control permission for the premises. If the applicant is unsure whether this is the case or where they are aware of such a conflict, then they should contact the relevant Section of the Authority to resolve this matter.

8.8 Applicants are advised to consider how noise arising from the use of external smoking shelters/smoking areas is controlled. Applicants are advised to locate such areas away from residential properties if possible. It is also advised that applicants consider restricting the access to such areas and the activities undertaken within the areas e.g. alcohol not to be used in the external areas beyond a particular time and carefully manage access to and use of such areas.

8.9 Applicants are advised not to provide entertainment such as music and televisions in the external smoking areas. Not only can the noise from the entertainment cause disturbance, but external entertainment encourages people to stay outside for prolonged periods of time and this itself can give rise to noise and disturbance

f) Review Application.

Having considered the review application and the supporting evidence put forward by the applicant, the representations submitted by the other responsible authorities and other parties along with the observation of licensing officers the Licensing Authority believes that it is appropriate for additional conditions and restrictions to be placed on the premises licence to promote the licensing objectives.

The review application seeks to attach conditions to address the following:-

1. CCTV to cover the beer garden and car park area of premises.
2. Doors and windows to be kept closed from 7pm when the premises is open.
3. Doors to be provided with self-closures.
4. Remove Live Music entitlement under the Live Music Act 2003 for all outside areas. This would result in the use of TEN's for any Live Music in outside areas.
5. Car park to be reinstated in order to address the Public Nuisance resulting from displacement of patrons parking.
6. Remove all speakers and prohibit the playing of any amplified music /entertainment from all outside areas.

The licensing authority supports this request along with the need for all new conditions to be attached in accordance with section 177A(4) of the Licensing Act 2003 and also for existing licence conditions to be given renewed effect in accordance with section 177A(3) of the Licensing Act 2003.

A statement should be included as part of all premises licence conditions indicating that S177A of the Licensing Act 2003 does not apply to the conditions.

From the information available, the current operation of the premises appears to undermine the promotion of the licensing objectives, which are –

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The Licensing Authority requests that the premises licence holder sets out how they intend to ensure that the operation of the premises will promote the licensing objectives in future.

(BS)

These representations have been prepared on the 9th of November 2021 with the benefit of viewing the original application and representations from the other responsible authorities and other persons.

If the premises licence holder wishes to discuss the above representations they should contact me 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

21



Heddlu Police
**DYFED
POWYS**

David Bizby
Divisional Licensing Officer
101 extension 27464
David.Bizby@dyfed-powys.pnn.police.uk
DCB/R2/2021

Jonathan Morgan
Head of Homes and Safer Communities,
Carmarthenshire County Council,
3, Spillman St,
Carmarthen.
SA31 1LE.

09 November 2021

Dear Mr Morgan,

Re: Review of Premises Licence – Poplars Inn, 1 Pondsides, Johnstown
Carmarthen, Carmarthenshire. SA31 3HU

Date completed application received – 12/10/2021

As a Responsible Authority, Dyfed-Powys Police have reviewed calls received regarding the Poplars Inn, Carmarthen from the 1st January 2019 to 19th October 2021.

During the review period, there have been 33 calls for service made to the police relating to crimes and incidents that have occurred inside or directly outside the Poplars Inn.

Abandoned 999 Call

On one occasion there was an abandoned 999 call from the premises, in which the call handler described hearing drunken shouting and laughing from a large group of persons.



www.dyfed-powys.police.uk

Prif Gwnstabl Dros Dro Temporary Chief Constable Claire Parmenter
Pencadlys Heddlu, Blwch SB 99, Llangynnwr, Caerfyrddin. SA31 2PF
Police Headquarters, PO BOX 99, Llangunor, Carmarthen. SA31 2PF

Mae Heddlu Dyfed-Powys yn croesawu gohebiaeth yn Gymraeg a Saesneg. Byddwn ni'n sicrhau ein bod ni'n ymateb yn eich dewis iaith ac ni fydd oedi mewn perthynas ag unrhyw ohebiaeth drwy'r Gymraeg.
Dyfed-Powys Police welcomes correspondence in Welsh and in English, and we will ensure that we respond to any correspondence through the language of your choice. Corresponding via the medium of Welsh will not endure any delay.

Anti-Social Behaviour

During the review period there have been a total of 12 anti-social behaviour incidents recorded to have occurred at Poplars Inn. Many incidents recorded involve multiple types of anti-social behaviour:

- 11 incidents whereby the anti-social behaviour is occurring outside the premises – including in the car park, street and local playground.
- 5 incidents whereby the call relates to vehicles parked outside of the premises – including cars being parked dangerously on pavements blocking access to wheelchairs and prams; cars being parked in the road blocking access to emergency vehicles; drunken individuals jumping on top of local residents' vehicles.
- 5 incidents where excessive noise has been reported coming from inside/outside the premises (loud music, drunken shouting). On one of these occasions it was reported that excessive noises began occurring from 09:00.
- 3 incidents where fighting has occurred outside or nearby the premises.

Assault

On one occasion, staff phoned 999 to request assistance and report an ongoing assault of a staff member by a person who refused to leave the premises.

Criminal Damage

There were 2 reported incidents of criminal damage during the review period. One of those calls was made by the landlord to report a local resident reversing their vehicle on the premises and knocking over a green bin and plant pot. The second call was made by a local resident to report damage to their vehicle's wing mirror, which is suspected to have been caused by persons involved with Poplars Inn that night.

Drink Drive

There was 1 incident where the police have been made aware by members of the public that people are visiting Poplars Inn after finishing work before drink driving later in the evening. However, there are additional incidents suspected to involve drink driving which have been allocated different Call Types by call handlers (2x RTC; 1x Suspicious Incident; 3x ASB).

Harassment

There are 2 separate incidents that have involved the landlord reporting local residents to the police. One of these incidents referenced parking disputes between the two parties. The other incident reported by the landlord concerned a local resident filming inside the premises. This may be linked to an ASB call where residents are believed to be filming inside the premises to provide evidence to the local authority regarding licensing issues.

C3

There have been 2 additional calls made to the police regarding harassment which involve excessive noise emanating from the premises.

Highway Disruption

During the review period there were 3 calls made to the police which were assigned a Highway Disruption call type by call handlers. However, highway disruption appears to be a reoccurring theme throughout other call types (5x ASB; 1x Motoring).

Licensing

There were 3 calls to police concerning suspected breach of licensing regulations. One incident reported an ongoing lock-in with multiple vehicles in the premises' car park. However, upon police arrival only the landlord was found to be present.

Two of the calls referenced large groups of people congregating inside and outside the premises' not adhering to social distancing measures which were enforced at the time.

Motoring

There was 1 incident whereby police were made aware of vehicles parking on both sides of the road; forcing pedestrians to walk on the road which was identified as a potential danger.

Public Order

There was 1 incident concerning public order whereby a group of intoxicated individuals were reported to be vomiting outside a local resident's property. This incident had the potential to escalate into a more serious issue as threats were made to the occupants of the property.

RTC

There were 2 incidents of RTC. One of the incidents involved a vehicle being hit by another car, and it was believed that the driver of the offending vehicle has been drinking and under the influence of drugs. The other incident was believed to involve someone drink driving their friend's car.

Suspicious incident

There were 2 suspicious incidents reported – one of which was a suspected drink driver and the other was a car pulling up on a local resident's property and blocking the driveway.

With regards to the reopening of the premises on the 26th April 2021 following a lockdown, PC Alex James and PC Rhian James attended the Poplars at 19:30hrs, it was extremely busy and loud and on speaking to the door staff

(C4)

there was in excess of 130 people at the venue, with over twenty five tables. The majority of people in attendance were aged 18-25.

There were two security staff managing this number of people and approximately five bar staff doing table service. The two-security staff were also managing who was entering and leaving the venue and in charge of documenting all their details.

Security were managing the table limits and stopping people from mixing tables. On attending it was obvious that the security staff were unable to cope. PC James witnessed people swapping tables and also tables in excess of 6. Both security officers were spoken to and stated that it was an impossible job to make sure the tables were limited to 6, as the people attending would not listen and there was not enough staff to enforce.

Members of the public were witnessed walking around the venue carrying drinks and stopping to talk to people on other tables.

There was no social distancing in place for the queue to the two male porta loos, males were gathering in a large group while waiting.

The staff conducting the table service were not identifiable and due to this people did not know who to call for a drink, and people were witnessed attending at the hatch to try and get a drink.

The Poplars was re-attended at 21:00hrs and there was approximately 90 people still at the venue.

Numerous persons were witnessed walking in and out of the venue without signing in or out, and the area to sign in was not being staffed.

Tables of 8, 9 and 10 were witnessed and people were still walking around with drinks and swapping tables.

Persons were witnessed moving tables and chairs to different locations. Bar staff and females entering to the toilet inside were not wearing face masks.

Due to the low level of staff in the venue, there was no control system in place to manage the high levels of people attending. On Police attendance many of the people were heavily intoxicated and many of them were shouting across tables to one another.

Due to the levels of intoxication, on persons leaving the premises a number of fights broke out.

The licensee stated that these persons were heavily intoxicated prior to attending his venue and this was the reason for their behaviour although they were allowed entry and served with alcohol.

I am cognizant of the correspondence submitted by Mr Aled Morgan of the Pollution and Wellbeing Team to the Carmarthenshire County Council Licensing Department requesting a review of the above Premises Licence.

"The aim of the review process would be to attach some conditions to the Premises Licence, these in my opinion would better promote the Licensing objectives of the Licensing Act 2003.

The conditions proposed would be based on the points below - :

1. CCTV to cover the beer garden and car park area of premises.
2. Doors and windows to be kept closed from 7pm when the premises is open.
3. Doors to be provided with self-closures.
4. Remove Live Music entitlement under the Live Music Act 2003 for all outside areas. This would result in the use of TEN's for any Live Music in outside areas.
5. Car park to be reinstated in order to address the Public Nuisance resulting from displacement of patrons parking.
6. Remove all speakers and prohibit the playing of any amplified music /entertainment from all outside areas."

Having considered the available data and the calls listed above, Dyfed-Powys Police supports the request for a review of the Premises Licence and the conditions proposed above.

In addition, the Police are requesting further strong and robust conditions to promote the Licensing Objectives and make the following representations:

1. The whole of the premises area including entry and exit points as well as all consumption and smoking areas used by customers and the Car Park area must be covered by CCTV cameras. There must not be any hidden or obscured areas or any other obstruction including outside Umbrellas and Canopies. This will deal with issues which may have arisen outside the premises when customers have been arriving or leaving. The position of CCTV cameras at the premises shall be to the satisfaction of Dyfed-Powys Police and a plan showing the cameras shall be provided for the Licensing Authority and Dyfed-Powys Police.
2. Alcohol can only be sold for consumption in the external area in polycarbonate, plastic or shatterproof glasses.

The data utilised within this correspondence are calls for service provided received by the Police drawn from the Command and Control System (STORM), crime data extracted from LCS2010 and the Custody System. The data was extracted on the 20th October 2021. The review period is 1st January 2019 to 19th October 2021.

CB

Yours Sincerely,

David Bizby
Divisional Licensing Officer

cc. Mr EOR Jones,
Principal Licensing Officer,
Carmarthenshire County Council,
3 Spilman Street,
Carmarthen,
SA31 1LE

DI

From: Carl E Atkins <CEAtkins@carmarthenshire.gov.uk>
Sent: 09 November 2021 14:31
To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>
Cc: Emyr Jones <EORJones@carmarthenshire.gov.uk>; Andrew Rees <RARees@carmarthenshire.gov.uk>; Sue E Watts <SEWatts@carmarthenshire.gov.uk>
Subject: Premises Licence Review - The Poplars, Johnstown, Carmarthen

Dear Jonathan Morgan,

Thank you for notifying Planning Services of the application for a Premises Licence review and as a responsible authority, the Local Planning Authority (LPA) wishes to make representations regarding the application.

Under normal circumstances the LPA rarely has reason to comment on licence review applications as licenced premises will have the benefit of planning permission for all their activities or development. However, the Covid 19 pandemic has meant that licenced premises have had to adapt their operating methods to ensure compliance with the Covid 19 regulations, whilst attempting to keep their businesses viable.

To facilitate this, on 30th March 2021 the Welsh Government introduced The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021 which came into force on 30 April 2021. This legislation allowed additional or extended permitted development rights effective from 30th April 2021 to 3rd January 2022.

The relevant part in relation to The Poplars is "Hospitality uses - outdoor servery provision (Class F, Part 4A)" which advised LPAs as follows:-

"Also during this period, local planning authorities should maintain a flexible, supportive approach where businesses seek to utilise their curtilage for the provision of food and drink, including the erection of temporary structures. Local planning authorities should agree not to take enforcement action (in cases where development occurs, or where conditions may restrict the use of car parks/curtilage) during this period unless there is a significant planning impact."

Under existing legislation temporary structures such as marquees may be erected for a total of 28 days in a calendar year without requiring planning permission. The marquee which has been erected on the car park of The Poplars has been in place since April 2021.

It covers at least 50% of the total car park area and all the vehicle circulation space at the centre, making it almost unusable for customer parking, visitor vehicle access such as for taxis and the delivery of goods. Due to the proximity of the marquee to the front boundary, any remaining available space within the car park has been rendered impractical to use. Whilst a vehicle might be physically capable of entering the remainder of the car park from the road, access has been left so restricted that most visitors will not attempt to enter with a vehicle, particularly when the premises are busy with customers circulating outdoors.

DZ

Due to its large size, which incorporates a significant amount of undercover seating, a TV screen, sound system, billiard table, table tennis tables and arcade type amusement machines, the marquee cannot be considered as an overflow area to allow socially distanced space to maintain the existing floorspace of The Poplars. The marquee has the appearance of being a standalone public house or hospitality venue, except it does not have a bar, kitchen or toilets. It would appear the existing public house is used only for the provision of these facilities.

The LPA has received complaints in relation to the marquee in terms of noise disturbance, the loss of the car park with the resultant increase in on-street parking and the fact it seems an inappropriate feature in the car park having the appearance of a permanent substitute for the existing public house.

Having initially allowed the marquee to remain based on Welsh Government advice not to take enforcement action, the LPA has taken the view there is significant impact from its siting & use. As a result, on 15 09 2021 the licensee was requested to remove the marquee within 6 weeks. They were also asked to remove the front half of a large marquee/gazebo type structure adjacent to the public house, which has been in place since 2019 and has been the subject of noise complaints to the LPA. The rear half could remain as a small smoking shelter only. If the marquees are not removed as requested the LPA will consider more formal action.

Regards,

Carl Atkins,
Swyddog Gorfodi/Monitro
Enforcement/Monitoring Officer
External - 01267 242445, Internal - 5045.

Eich cyf / Your ref:

Fy nghyf / My ref:

Dyddiad / Date: 8th November 2021

Gofynner am / Please ask for:

Llinell Uniongyrchol / Direct Line:

E-bost / E-mail:

Roger Edmunds

01554 742280

redmunds@carmarthenshire.gov.uk

FAO: Mr Jonathan Morgan
Head of Homes and Safer Communities

Further to the application by the Pollution and Wellbeing team to review the premises license in respect of the Poplars Inn, Pongside, Johnstown, Carmarthenshire. I submit the following representations on behalf of the Trading Standards authority.

Since March 2020 and the advent of the coronavirus pandemic, the Trading Standards and COVID-19 Business Compliance teams of Carmarthenshire County Council have conducted over 5000 premises inspections to ensure compliance with the Health Protection (Coronavirus Restrictions) (Wales) Regulations (as amended). Breach of these regulations can give rise to criminal offences, punishable on conviction by significant fines.

Advice and guidance have been made freely available to all traders and indeed officers have attended to assist many premises to achieve compliance. Emailed guidance has also been provided to all Licensed premises and telephone advice also provided where requested.

It must be said that the vast majority of business have shown compliance or worked with the teams without the need for further action. Indeed, just a small proportion have not and, to date 66 notices have been issued including 24 closure notices and 40 improvement notices.

Regarding the Poplars Inn, there have been several complaints of non-compliance concerning the volume of music at the premises, which, until August 7th 2021, the regulations specified should be at 'background' level. This type of non-compliance was also observed by officers during a routine inspection on 21st November 2020. Shortly after this, all licensed premises were closed as required by the Alert Level 4 restrictions implemented on 19th December, 2020.

Following guidance and after providing advice to the responsible person at the premises (Mr. Howell) – including detailed advice provided during a visit to the premises on 23rd April 2021 – in response to a telephone call from Dyfed Powys Police on the evening of Monday 26th April, 2021, an officer visited the premises and found significant non-compliance with the Health Protection (Coronavirus Restrictions) (Wales) Regulations (as amended) This constituted a breach of the regulations and as a result a Premises Improvement Notice (PIN) which detailed

Cartrefi a Chymunedau Mwy Diogel Adran Cymunedau

3 Heol Spilman, Caerfyrddin, SA31 1LE Porth y Dwyrain, Llanelli, SA15 3YF
Neuadd y Dref, Heol Iscennen, Rhydaman, SA18 3BE

Homes and Safer Communities Department for Communities

3 Spilman Street, Carmarthen, SA31 1LE Eastgate, Llanelli, SA15 3YF
Town Hall, Iscennen Road, Ammanford, SA18 3BE



BUDDSODDWR MEWN POBL INVESTORS IN PEOPLE

Mae croeso i chi gysylltu â mi yn y Gymraeg neu'r Saesneg

You are welcome to contact me in Welsh or English

the non-compliance and the actions required to remedy the same, was issued on Tuesday 27th April 2021 (see copy attached).

The 26th April 2021 was the first night that licensed premises could re-open following the aforementioned Alert Level 4 closure restrictions and this was the only premises that raised any concerns on that night and indeed we had no cause to issue a PIN to another licensed premises for over month.

Officers worked closely with Mr Howell in the days after the PIN was issued to ensure that he had an appropriate covid risk assessment and prevention measures in place by the time the notice expired on Friday 30th April 2021. During an inspection that evening, while some improvements had been made (for example, queuing system implemented for toilets and tables spread out to allow for social distancing) there were still concerns surrounding Mr Howell's control of customers moving around the premises and enforcement of the requirement to wear face coverings. However, by the time officers carried out a follow-up visit on Saturday 1st May 2021, these outstanding issues had been resolved.

Subsequent to the Premises Improvement Notice, feedback from officers during routine inspections demonstrated three further instances of non-compliance concerning noise levels, including customers shouting (30/04/2021), outdoor TV at high volume (19/06/2021), a brass band (24/07/2021 - body-worn camera footage available). While it is no longer mandatory under the regulations to limit noise volume, during a further routine inspection on 16th October 2021 and with the license review application in mind, officers noted loud music from a live singer performing in the marquee area, who could be heard from the street (body-worn camera footage available).

Carmarthenshire County Council Trading Standards section submit the above information as part of our representations in support of the review application and to demonstrate that it is appropriate and proportionate to attach additional conditions to the premises license.



R P Edmunds
Business and Consumer Affairs Manager

(F1)

From: Cllr. Gareth John <GJohn@carmarthenshire.gov.uk>

Sent: 05 November 2021 11:28

To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>

Subject: Application to Review a Premises Licence - The Poplars, 1 Pondsides Johnstown Carmarthen

I refer to the consultation being undertaken with regards reviewing the Premises Licence at the Poplars, Pondsides, Johnstown as a result of a variety of complaints over an extended period of time.

As a town and County Councillor for the area I can most certainly confirm that I have, and continue to receive, representations and complaints on a regular basis regarding the Poplars from residents residing in Pondsides and adjacent areas.

Complaints of antisocial behaviour and traffic/parking issues coincided with the premises reopening following the initial "lockdown" period where due to the covid regulations at the time, the business had to operate outdoors in the car park. This, combined with a period of good weather understandably proved extremely popular and drew a large volume of customers – far more than had historically been the case, which unfortunately brought all the issues that tend to be associated with alcohol and large scale social gatherings.

Members will be aware that this area of Johnstown suffers from severe traffic congestion issues primarily, but not solely, due to the large 400 pupil primary school at Heol Salem, with long suffering residents of Pondsides particularly adversely impacted by traffic volume and inconsiderate parking at school times and people accessing the play area opposite. Although the school was closed, the incidences (and complaints) of inconsiderate parking and resultant traffic issues that coincided with the Poplars car park being utilised as a beer garden reached unprecedented levels which all the relevant agencies should be able to verify.

Despite all the incidences of rowdiness, parking and road safety issues I feel it fair to state that there was, to a degree, an initial underlining feeling of acceptance of all but the most extreme incidences of bad behaviour due to the business having been unable to trade for such a long period of time. Indeed as more and more premises in the area provided beer gardens the numbers attending (and the complaints) reduced.

From my perspective the number of representations and complaints I received noticeably increased once more once a marquee was erected in the car park. Over a period of time the nature of the business seemed to steadily change from one of serving meals and drinks to one providing live entertainment, functions, parties and at one time a flea market on a Sunday morning. Although the number of complaints I received were numerically less than before, the nature of the complaints related primarily to noise levels associated with the entertainment and anti-social behaviour, especially at weekends.

F2

I'm only too aware that local residents complained directly to various sections within the County Council and the Police on numerous occasions and that I liaised directly with the Police, Planning, Highways/Transport, Environmental Health and Licensing on their behalf seeking a coordinated approach to the issues being raised by local residents. I feel it's also fair to state that the liaison between the various teams to act upon the issues raised has not been viewed particularly positively by those impacted upon leading to a perception, although they were being assured that regular monitoring and visits were being undertaken by the various enforcement teams, that no-one seemed to be doing anything about it.

Given that the Poplars is situated in a primarily residential area, that the nature of the business operated has so fundamentally changed from that undertaken pre the pandemic and the number of complaints - I must agree with many of the residents that a review is not only warranted but also long overdue.

Yours Sincerely

Gareth John

F3

From: anthony [REDACTED]
Sent: 30 October 2021 19:13
To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>
Subject: Application to Review Poplars Inn Premises License

You don't often get email from [REDACTED]

FAO: Andrew Rees
RE: regarding the Poplars Inn, Johnstown, Carmarthen SA31 3HU

Dear Mr Rees,

On hearing that an application review was to be carried out on the Poplars Inn, Johnstown, I thought it would be in the interests of the residents who reside in the locality of the pub, to bear witness regarding certain events and ask questions of some of the choices that have been granted to the Poplars Inn.

For the sake of clarity, the situations witnessed have been given in point form.

1. During Lockdown it was understandable that an alternative method of keeping patrons of the pub safe from COVID was needed. But Now that the COVID alert level is currently at zero, the large Marquee that has filled the car park is no longer required and has now become an eyesore on the landscape. A Marquee that large should require planning permission as it has increased the size of the property, and if it is no longer required to keep patrons safe, the owner should be made to take it down.
2. On Saturday 16th Oct 2021 at approx 8:30 I witnessed a very young couple leave the Poplars Inn and walk down towards the school. Once I parked the car, myself and my children walked towards my home, only to find the same young couple in my garden making out and participating in sexual activities. Luckily, my children did not witness what the hands of the couple were doing, but I did. I had to tell them (not so kindly) to leave.
3. The same night of the 16th Oct 2021, the music that was emanating from the Marquee was extremely loud. It is so obvious that the tent has inadequate soundproofing, I can not believe the decision to have entertainment in this Marquee has been made. This particular night I had to go to bed early as I work very early hours on Sunday morning (5am). A recording was made from my bedroom with the windows closed and in the dark as I was trying to get some sleep. I have attached evidence of the loud music in the form of a recording and a jpg image of the recorded timestamp (time of 23:21) to this email.
4. The noise emitted from the Poplars Inn has increased to levels that are considerably harder to live with.
5. Shouting and screaming from patrons that have left the pub during and after hours have woken the children.
6. There have been a number of times that the garden wall and pavement has been covered in vomit and urine.
7. Broken glass from alcohol bottles have been found along the pavement and in the road.
8. Parking issues have been a constant problem since the Marquee has been erected. Patrons and some pub staff members have parked on either side of the road, making it very difficult for other drivers to squeeze past. I witnessed first hand an Ambulance having to carefully maneuver itself through the gap left by parking on both sides. If police or other emergency services need to use that road, it will certainly increase their call time. It has also been witnessed that certain scaffolding and merchant companies from town, have had workers leave their big lorries on the side of the road to frequent the pub, and not move them till the following morning.

9. Opposite the Poplars Inn is a children's playground used by local children and pupils from the local schools, but it has been noted that the use of the park dwindles at around 5:30pm. We do not allow our children to use the park at around this time, as customers of the pub get boisterous and a confrontation was witnessed between two men having a verbal altercation. It was witnessed by myself and one of the children. One gentleman was standing by the park with the owner of the Poplars pub and another was on the premises of the pub. The language that was going back and forth was horrendous and threatening, and it just so happened to occur in front of young children using the swings. The time would approximately be around 5:30 - 6:30pm, as it was still very sunny and light at the time.
10. It has also been highlighted that bullying tactics have been used by the owner of the Poplars Inn and some of his staff by other property owners in the village, but this has NOT been witnessed first-hand by myself.

Johnstown is a quaint little village, surrounded by schools and family-oriented amenities, and a nightclub-esque pub is not necessary in the area with the town centre a mere walk away.

Yours Sincerely
a disconcerted resident

FS

From: [REDACTED]
Sent: 30 October 2021 20:03
To: SCH Licensing <SCHLicensing@ Carmarthenshire.gov.uk>; Public Protection <publicprotection@ Carmarthenshire.gov.uk>
Subject: Poplars Inn review

You don't often get email from [REDACTED]
F.A.O Andrew Reece and Aled and Ffion

I am writing to you with regards to the Poplars Inn, Johnstown, Carmarthen. I just wanted to give you my view on the way on which I have witnessed the Poplars has been run since I moved to 5 Pondsides in February this year.
The Poplars inn has been the bane of my life since the marquee was erected in the car park of the Poplars property.
Although I know it was necessary in the first instance so that the business could carry on trading and keep the patrons safe at the same time.
However on many of the nights it has had extremely loud music played and when I say loud, I live three doors down and I have had all my windows and doors closed yet I could still hear word for word the song being played.
The licensee has had live music on which obviously live bands and brass bands do not have a volume switch.
I finally logged a complaint I believe it was June or July as the music was just getting unbearable.
Again last Saturday 23/10/2021 I was babysitting for my granddaughter who is 4 years old and I myself have two children at home age 10 and 13, they were all in bed and the music was so loud I rang the police 101 (Reference number:DP-20211023-340). They could hear the music down the phone when I was speaking to them, They did inform me as it was only 8.30pm it was too early to intervene but they did say they would try and call by as it was affecting the children and their ability to go to sleep. I also downloaded the noise app from the council website and sent in a couple of recordings, although I'm not sure if they have been received?

Another way the presence of the unruly public house is affecting the lovely neighbourhood is the parking, Patrons of the public house are double parking and as we have drive sometimes its nearly impossible to access or exit it with the positioning of the parked traffic on the road.

My last complaint of the Poplars Inn is that my daughter plays in the park opposite but only until early evening (when the Poplars pub gets rowdy) but it does worry me as I have seen couples leave the Poplars Inn and go under the little hut under the slide (assuming to carry out sexual activities). I sometimes go over to inspect the equipment to make sure it is safe and hygienic for the children to play on. There is often broken glass, vomit and urine in the play area. This is a shame as it is a lovely park and well used in the daytime by local children.

Please could you take into account my voice, when carrying out your review.

Many Thanks
Charlotte Smith



From: Rachel Shailer <[REDACTED]>
Sent: 01 November 2021 21:51
To: Public Protection <PublicProtection@carmarthenshire.gov.uk>; SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>; Aled Morgan <awmorgan@carmarthenshire.gov.uk>; Emyr Jones <EORJones@carmarthenshire.gov.uk>
Cc: Cllr. Gareth John <GHJohn@carmarthenshire.gov.uk>; Carl E Atkins <CEAtkins@carmarthenshire.gov.uk>
Subject: Poplars Pub Carmarthen Premise Licence review

Dear all,

Please find our application of evidence for consideration against the Poplars pub. Due to the size of the documentation becoming and having trouble sending it through the servers I have had to evidence the worst cases we have faced. I have listed case numbers and police numbers as examples of times support has been needed. You all have my diaries that have been sent via Council Noise complaints, I no longer have these as these were posted to you. The same with Noise App logs as we don't have access to these once sent to yourselves. Police reports can be listened to on their systems for further evidence of distressed calls and the issues and threats happening in the background. Should you require all the photographic and video evidence we have built over the years we would need to attend your office and bring in a hard drive for you to download them as there is so much we cannot get to go through. Happy to do this if needed.

Mr and Mrs R Shailer

**Resident's response to Application to review the Premise Licence of:
Poplars Inn, 1 Pondsides, Johnstown, Carmarthen, SA31 3HU**

Consideration to review premise license ref.AWM/125822

Enw'r Ymgeisydd / Applicant Name 09/11/2021 Poplars Inn 1 Pondsides Johnstown Carmarthen SA31 3HU Mr Mark Howell Libanus Chapel 69A Heol Y Banc

Summary

Public Health have received numerous complaints about noise, underage drinking, criminal damage, anti-social behaviour and parking issues caused by the premises and its customers, causing a nuisance to residents. During subjective monitoring, Officers have witnessed a variety of issues that substantiate some of the complaints received. These include customers urinating in public, cars parked on the roadside, customers vomiting on the roadside and excessive noise emanating from the Poplars Inn.

Application to contest licence:

27th October 2021

Mr and Mrs R Shailer

4 Pondsides

Johnstown Carmarthen

SA31 3HU

PublicProtection@carmarthenshire.gov.uk
SCHLicensing@carmarthenshire.gov.uk

Brief Summary:

Over the past couple of years, the Poplars Pub has caused considerable stress to ourselves at our residence. Prior to and since the erection of the new marquee we have been subjected too:

1. Extreme noise exposure during the night and day, throughout the week and into the weekend. This has made it impossible to work from home, relax and sleep at night.
2. Criminal damage to both of our cars. Police have the case numbers from the report where both wing mirrors were smashed off the side panel dented and scratched from customers, both cars have been vomited on – photo evidence sent to Counsellor Gareth.
3. Harassment, threats and abuse from both staff and customers. Case numbers from police, video evidence sent to noise, police have listened to threats from customers whilst distressed calls were being made to them. Police have responding case numbers 'threatened to be bricked, called c#nt, whilst speaking to police, individual was vomiting on curbside in front of use while threats from the group continue'
4. Blocking of access to the rear of our property from Number 3 Pondsides now being used as a public car park by both customers and staff with permission granted by Mark Howells under the **claims** that permission has been granted. **No evidence** of this has been provided at all by Mark. We have evidence of access on both house Deeds. This has prevented ourselves from being able to maintain our own property, address the falling wall between properties for our safety resulted in customers from the Poplars now entering the rear of our property to defecate, urinate and worse. Evidence to police has been provided.

Areas for consideration:

The prevention of crime and disorder

5th May

Very first opening night of the Poplars Pub after covid lockdown, 5th May. We put up with extreme noise throughout the day from drunken clientele and long into the night. After hearing shouting, swearing and breaking glass at gone 11.10pm the police were called to attend. The lack of security in the Poplars meant this was not dealt with by staff and required police. Police stayed on phone to myself whilst two cars were sent to assess situation. Ended up with 8 vans being required to de-escalate the situation and make everything safe. This is just one early example of the noise, risk to public and criminal behaviour we were to face. The noise and disturbance from this night eventually ended early hours in the morning resulting in limited sleep.



F8



← DYFe2sms 📞 ⋮

Text message
Wednesday, today

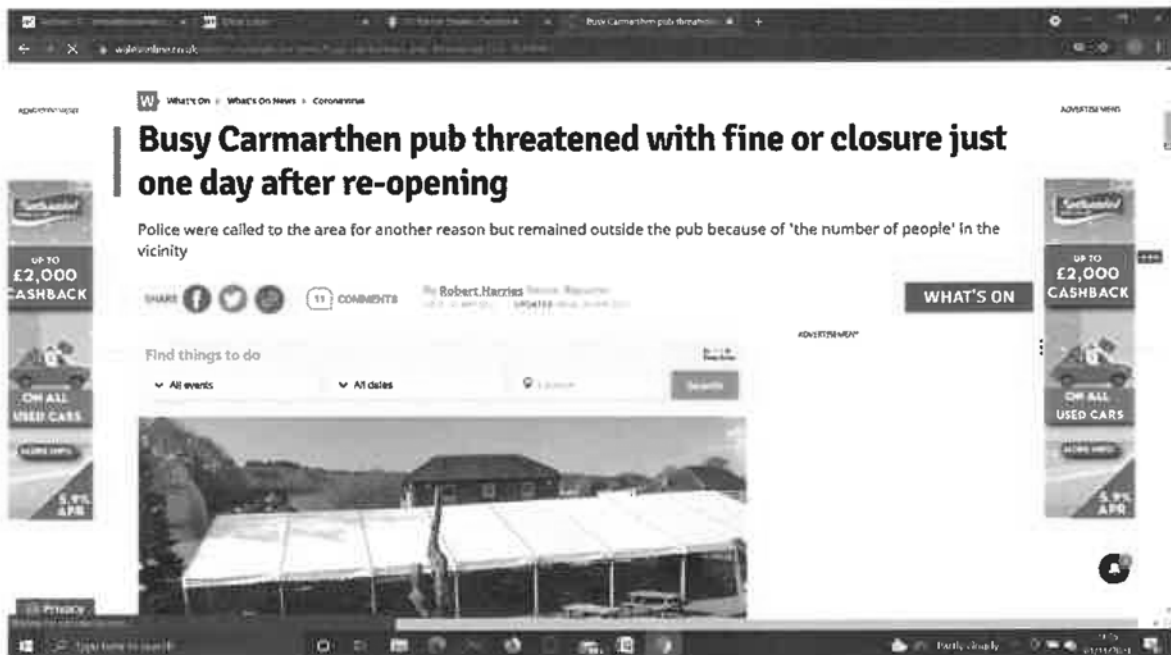
– DYFED-POWYS POLICE –

- YOUR REPORT HAS BEEN
LOGGED UNDER REF:
DP-20210505-396.

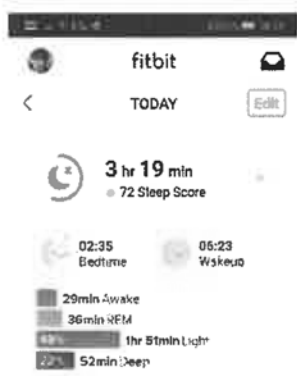
30 min ago

This night resulted in this action being taken: <https://www.walesonline.co.uk/whats-on/whats-on-news/busy-carmarthen-pub-threatened-fine-20490863>

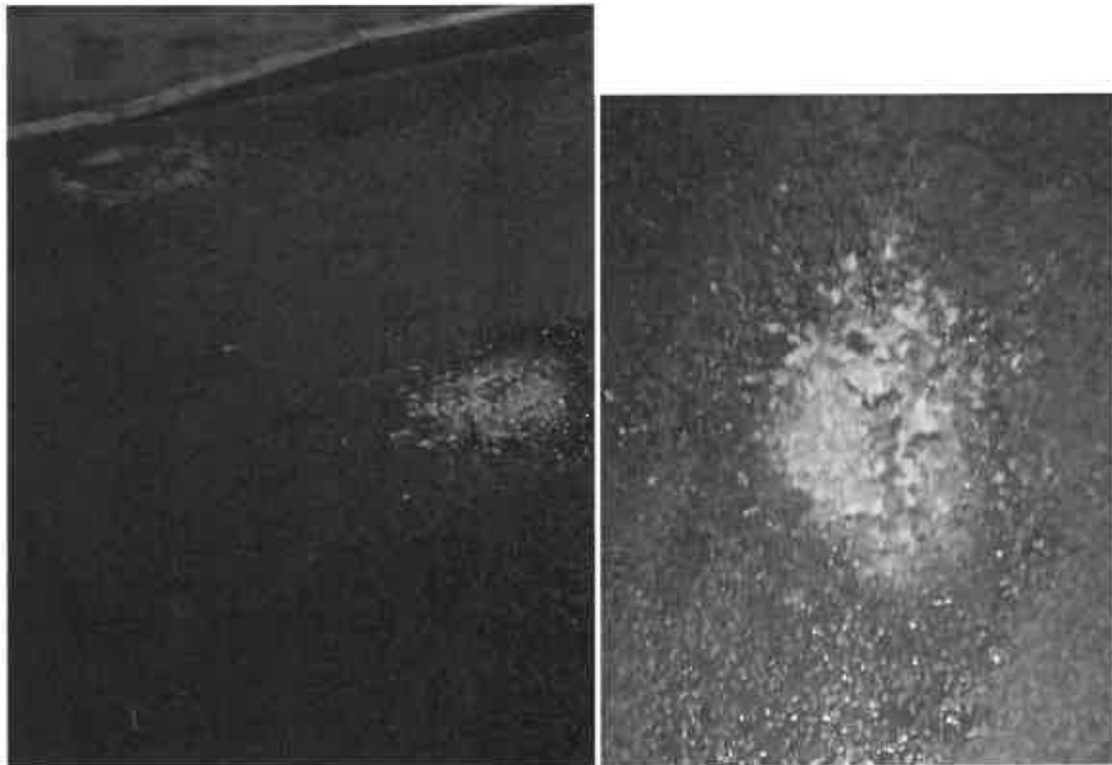
Evidence of the lack of security, control and customer care.



F9



Woke up to vomit in the street from this night, our own health and safety was put at risk as we had to clear this from our driveway and spit on the cars prior to using them. This behaviour has cost us finances for cleaning everytime it happens. This has happened a lot. Please see- council complaint references.



5.10.2019 Sound of smashing glass late at night. Rung police to report noise disturbance, did not know it was our car being smashed up. Police took report. Woke in morning to find damage to our car wing mirrors. Damage has happened on three different occasions to our vehicle. First time the left mirror was smashed off our car. We spent money to replace this. One the second occasion the right hand side mirror was smashed to pieces, door kicked and marked and scratched, this can be heard on the call to the police. Case number has been reported to police. Since this event we have

F10

now had to film when customers start getting threatening as evidence to protect our property.




More damage to vehicles: 7.11.2020 Further down the street other individuals, from houses, had their car panels destroyed. Our car was urinated on. Both my husband and myself contracted Covid December 2020. We were both dealing with this and trying to clean this from our cars as well as vomit and spit.





F11





17.7.21

fitbit premium 

< TODAY 

 5 days left this week

 **2 hr 45 min** 

● 65 Sleep Score

Glasses have been thrown into the gardens and we are confronted with having to remove smashed glass on a daily basis. This again makes using our own property a health hazard.

Public safety

Threatening behaviour where cliental of the pub have climbed on neighbour's property to access a bedroom window where I was sleeping and proceeded to intimidate and threaten to gain access to the bedroom. In the morning dirty pint glasses were left on the windowsill – I am assuming to make a point of their presence.

Pub cliental trespassing into the gardens of the neighbouring properties at all hours of night – where they have defecated and relived themselves. This has made it unsafe to use our own gardens and allow pets to have access.

Due to car park being used as a makeshift pub garden (which is not its purpose) – cliental cars are now blocking the street and access to resident homes. There is no longer anywhere safe for the clients of the pub to park – forcing them out into the street. The street cannot accommodate this, there is simply not the capacity or safe space. Therefore, we have even had individuals parking in our driveway completely stopping access. Police have had to be rung to get them removed.

- The prevention of public nuisance

Parties that have started on Friday afternoon at 4pm and continued through to Monday morning – marquees have been placed next to properties with loud music speakers inside – these have been turned up to full – been unable to use TV to drown out noise.

Ignoring the noise law – the pub owner has encouraged his cliental to drink outside of the pub property. This made the noise worse. -11pm- 7am sound laws are regularly broken we have to tolerate noise still being made at 2-3am. Nothing is done to reduce this or even acknowledge this. Everything he has done has been made in the direction to encourage anti-social behaviour eg external marquee with sound system and loud speakers, external pool tables, seating around boundary of car park under bedroom windows, external singing and live events which used to be held inside – reducing noise, forcing cars to park on street, placing industrial glass bins in front gardens not on pub property. Using front gardens as car parks for pub clients without permission!!

The pub regularly runs outside of legal operating hours that it licensed for – we have had to report this continuing through to early hours of the morning.

Since we starting making complaints about the noise levels and individual behaviour. The pub owner has expanded his outdoor seating arrangements. Extra seats have been deliberately placed up against all boundary walls encouraging the clients to sit there and intimidate neighbours. These are directly below bedroom windows of surrounding houses in an attempt to make noise worse for us.

Unscheduled events have become so loud and noisy we have had to leave our home and sleep overnight in alternative places.

Police action/ police reports have become numerous over the years with several case numbers to deal with various problems.

- The protection of children from harm

Rubbish in metal bins have been burned by wall in public car park– fumes were left to come across gardens and children play park. The fumes were toxic and we didn't know what was being burned that we were breathing in. This was unbearable.

Rubbish from pub thrown into garden – panelling, cables, fascias, guttering, sink, metal frames making it unsafe.

Glass skip been left in front of garden without permission – making it unsafe – emptied during unsociable hours, weekly which has been reported on numerous occasions.

Bin bags left in middle of street – left outside all properties down the street. These have had labels from council. Also blocked driveways.

Constantly confronted with shouting, swearing and vile language as cliental become drunker as the night progresses and are left in the car park to be sick and urinate wherever they want too.

We have been subjected to threatening and violent behaviour – endless recordings have been submitted of threatening behaviour were cliental have threatened to hurt other individuals.

Drunk cliental throwing glasses and smashing up signs, entering the park and destroying swings, slides leaving smashed glasses making it unsafe for children.

Early hours of the morning – car horns and engine revving as car park is then used a meeting point – drunken doughnuts being performed and they use the main street as a drag strip to race up and down. This places everyone at risk.

Appendix reference:

Noise complaint Logs to Council Website

11.09.21 – FS Case 362566267

5.9.21 – FS Case 361043537

2.9.21 – FS Case 360524435

28.8.21 – FS Case 359354297

25.7.21 – FS Case 351831430

Due to file size becoming too large this is a very brief summary of the worst cases we have been subjected too. Further evidence of noise reports, recordings and contact can be found through the submission of the Noise App, emails to Aled Morgan, Alun Evans, Emyr Jones, Councillor Gareth John and the Dyfed Powys Police.

Should any photographic evidence be required this can be sent on request via hard drive again due to size along with video evidence of events and recordings.

Action

*We ask that when considering the premise license of the Poplars, on the 9th November 2021, consideration of the facts presented to you of the noise disturbance, levels and duration of time we have been subjected to it, quality of life and enjoyment of our home reduction, criminal damage from drunken cliental, harassment from clients and staff be taken into consideration. It also needs to be noted that whenever Mark Howells has been given guidance, restrictions in service or warnings to follow this have been ignored. The standing of the temporary marquee and all the damage that has occurred as a result being one prime example. We request the temporary marquee be removed from the premises, the car park be returned to be of service to the local community and reduce congestion and parking issues providing safety for everyone. Live music events be held indoors with windows and doors closed to reduce noise exposure. Customers to be kept indoors and not have the car park as a beer garden. Sensible levels of security staffing present that **will** take action against any forms of drunken behaviour that will cause distress to local residents.*

Regards,

Mrs Rachel Shailer

Mr Rhodri Shailer

[Redacted]

Sent: 03 November 2021 15:03
To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>
Subject: Re: RE: Poplars Pub Carmarthen Premise Licence review

You don't often get email from [Redacted] [Learn why this is important](#)
Hello Andrew,

Yes I give full consent and permission for this to be used in the review against the Poplars Pub Johnstown. Please forward our application to each and all the relevant departments who require this

F14

evidence and I grant full permission of its use by them as evidence to support their case.

Regards,

Mr and Mrs R Shailer

F15

From: Emma E Smith <EESmith@carmarhentowncouncil.gov.uk>
Sent: 21 October 2021 09:36
To: SCH Licensing <SCHLicensing@carmarthenshire.gov.uk>
Cc: Alun Harries <ajharries@carmarhentowncouncil.gov.uk>
Subject: RE: Hysbysiad o Gais am Adolygu Drwydded / Notification of Application to Review a Licence: Poplars Inn, Tre-loan/Johnstown, Caerfyrddin/Carmarthen.

Bore da,


Thank you for the opportunity to comment on the review. Carmarthen Town Council discussed the matter in its meeting last night and resolved that they would like to support CCC's application to review the premises, but would not like to take part in the review itself.

Cofion / Regards,
Emma

Emma Smith
Dirprwy Glerc y Dref a Rheolwr Cyllid
Deputy Town Clerk & Finance Manager
01267 235199
EESmith@carmarhentowncouncil.gov.uk
Cyngor Tref Caerfyrddin - Carmarthen Town Council
Dilyn ian Follow us
Blwyddyn Awyr Agored 2021 Year of Outdoors 



Cydweithio Cymunedol
Community Collaboration

Cyngor Tref Caerfyrddin
Carmarthen Town Council 

RHYBUDD PREIFATRWYDD CYFFREDINOL - GENERAL PRIVACY NOTICE