

LICENSING SUB-COMMITTEE 'C'

21ST JULY 2015

PRESENT: Councillor T. Davies [Chair]

Councillors: J.K. Howell and H.I. Jones

Also present as an observer:- Councillor J.M. Charles

The following officers were also in attendance:-

Mr R. Edgecombe – Legal Services Manager

Mr A. Rees – Licensing Officer

Mrs M. Evans Thomas – Democratic Services Officer

Present as a representative of a Responsible Authority:-

Mr E. Jones – Principal Licensing Officer, Carmarthenshire County Council

Chamber, County Hall, Carmarthen: 9.30 a.m. – 10.15 a.m.;

Site Inspection 10:15 a.m. – 10:45 a.m.;

Chamber, County Hall, Carmarthen – 11:45 a.m. – 2:05 p.m.

1. **DECLARATIONS OF PERSONAL INTERESTS**

There were no declarations of personal interest.

2. **APPLICATION FOR THE GRANT OF A PREMISES LICENCE – LLANDOVERY R.F.C. CLUBHOUSE, CHURCH BANK PLAYING FIELDS, LLANDOVERY, SA20 0BA**

The Sub-Committee adjourned and reconvened on site at Llandoverly R.F.C. Clubhouse, Church Bank Playing Fields, Llandoverly at 10.15 a.m. in order to view the location of the premises in relation to objectors' properties. The Sub-Committee was afforded the opportunity of inspecting the interior of the premises prior to walking along the route from the premises towards the town and past the objectors' properties. Following conclusion of the site visit the Sub-Committee reconvened in the Chamber, County Hall, Carmarthen, at 11.45 a.m. in order to consider the application.

The Legal Services Manager briefed all present on the procedure for the meeting and advised the Sub-Committee that an application had been received from Llandoverly R.F.C. Ltd for the grant of a premises licence in respect of the above premises as follows: -

To permit:-

Supply of Alcohol/Regulated Entertainment/Opening Hours:-

Sunday to Thursday 11:00 - 00:00

Friday & Saturday 11:00 - 01:00

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Late Night Refreshment:-

Sunday to Thursday 23:00 – 00:00

Friday & Saturday 23:00 – 01:00

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

- Appendix A – copy of the application submitted by the applicant;
- Appendix B – representations submitted by the Licensing Authority;
- Appendix C – representations submitted by Dyfed Powys Police;
- Appendix D – representations submitted by other persons.

It was pointed out that in addition to those representations contained in Appendix D, other persons had made representations but not given their consent for them to be disclosed. Their concerns were that should the rugby club be granted this licence there will be disturbances caused by the customers of the club.

The Sub-Committee was informed that one of the objectors, Mr Ian Aveson, had withdrawn his objection prior to the meeting.

The remaining Responsible Authorities had not made representations in respect of the application.

The Sub-Committee was circulated with copies of the following additional documentation, with the agreement of all parties:-

- Llandovery R.F.C. Alcohol & Disorder Policy;
- e-mail from the Club Chairman explaining that the licensing hours will remain as existing;
- e-mail from the Club Chairman agreeing to the Licensing Authority's representations;
- e-mail from the Club Chairman agreeing to the Police representations;
- plan indicating the location of the club premises and objectors' homes.

The Licensing Authority representative referred to his representations as detailed within Appendix B to the report and stated that the Authority had no objection in principle to the granting of the licence subject to the inclusion of the conditions proposed by the Police and subject also to the imposition of an additional three conditions which he would like to include and which had been agreed by the applicant.

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

The Sub-Committee thereupon received representations from interested parties objecting to the grant of a premises licence on the following grounds:-

- when discos were held at the club every Saturday night there used to be a lot of problems with anti-social behaviour, however, things improved when

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the discos stopped and concern was expressed that any change to the licence would lead to a recurrence of those problems;

- with regard to the Alcohol & Disorder Policy, concern was expressed that if a drunk person was ejected from the club then they would end up causing problems outside for nearby residents;
- it was felt that the current practice of having to sign in at the club was the best way to prevent crime and disorder etc as there was a log of those present;
- it was felt that the cause of the problems was the sale of alcohol rather than the actual discos;
- it was felt that the club was not responsible enough to hold a liquor licence;
- several incidents have been reported to the police this year and it was felt that these incidents were drink fuelled;
- large numbers of people travelling along and congregating in Church Lane;
- the provision of taxis to take people home from the club was not considered feasible as a lot of taxis from Llandovery travel to Carmarthen on Saturday nights;
- problems experienced in the past with a window being broken and a bike stolen on several occasions;
- if the licence was granted, it was hoped that the club would install CCTV cameras in Church Bank;
- concern was expressed that if taxis are made available, they will use Church Bank as a pick up point.

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

The applicant's representatives thereupon addressed the concerns and issues raised and advised that

- their original intention in submitting the application was to tidy up the requirement for non-members to sign in as a number of community organisations who are not members use the club;
- they would like the community to make more use of the club and are trying to encourage new community links;
- stressed that local residents are welcome to visit the club at any time to discuss any concerns;
- they do not intend to start holding discos again as they were more trouble than they were worth;
- they want to be responsible neighbours and do not want to do anything to upset anyone in the locality;
- the club is already complying with most of the proposed conditions.

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

The Sub-Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act.

Following the adjournment, the Sub-Committee reconvened to advise of its decision and, having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office, it was

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

REASONS:-

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

1. The premises have had the benefit of a club premises certificate since 2005 and had been licensed by the Justices prior to that date;
2. The operating hours of the Club Premises Certificate are the same as those sought in the application;
3. Problems occurred in 2007 and 2011 at the premises which resulted in enforcement visits by the police and/or Licensing Authority;
4. The problems up to 2007 coincided mainly with discos held on Saturday and Bank Holiday nights and mainly related to people migrating from the club into the centre of Llandovery;
5. Local residents were caused alarm and distress by these problems;
6. Problems were particularly caused to the residents of Church Bank;
7. These problems largely ceased when the club stopped holding these events in 2007.
8. Neither the Police nor Public Health Services object to the application;
9. The applicant has accepted the control measures proposed by the Police and Licensing Authority and the Police have therefore withdrawn their representations.

The Sub-Committee attached weight to the views of the Police and Licensing Authority and the absence of any representations from Public Health Services. In accordance with paragraph 9.12 of the statutory guidance the Sub-Committee did not feel it had heard sufficient evidence to justify departing from the views of the Police.

The Sub-Committee recognised that its decision must be based upon real evidence and that concerns and fears about what might happen if a licence were granted, where unsupported by such evidence, were not matters which they could properly take into account.

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The Sub-Committee found the evidence of local residents to be credible and compelling. It was satisfied that in the past, when the club held discos on Saturday and Bank Holiday nights, those activities undermined the licensing objectives of preventing crime and disorder and preventing public nuisance as they resulted in noise disturbance, criminal damage and other disorders in the vicinity of Church Bank, Llandovery. Problems particularly occurred when the club opened its doors to the wider public on these occasions.

The Sub-Committee noted that since 2007 the club has been able to hold similar such events under Temporary Event Notices but has not done so.

The Sub-Committee was therefore satisfied that to grant the application in the terms originally sought by the applicant would have been likely to undermine those objectives for the same reasons.

The Sub-Committee carefully considered the control measures put forward by the Police and Licensing Authority and accepted by the applicant and the assurances by the club that they will not be holding any Saturday or Bank Holiday discos. The Sub-Committee was satisfied that these measures were sufficient to address the issues identified above.

The Sub-Committee was satisfied therefore that it was appropriate to grant the licence, subject to the agreed licence conditions, in order to promote the 4 licensing objectives and that this was a proportionate response to the issues that had been raised.

Although the Sub-Committee did not feel it was necessary to impose a further condition it would urge the club to provide residents in Church Bank with a point of contact to whom they can complain in the event of problems and to liaise with them closely on a regular basis.

The Sub-Committee accepted the word of the club that it does not intend to hold public discos in future and made its decision on that basis. It would remind the club that, should problems occur in the future, the Sub-Committee has the power to review the licence and, if appropriate, revoke it completely.

SIGNED:

DATE: