

STATUTORY LICENSING SUB-COMMITTEE

Decision Notice – Remote Meeting, 6th February, 2023.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillors P. Drake, H.C. Hamilton and M.J.G. Morgan.

Also present: C. Birch (Applicant), J. Cook (Other Person), J. Dudley (Other Person), S. Randell (Other Person), D. Ashworth (Other Person) and Y. Witchell (Licensing Officer, Vale of Glamorgan Council), R. Price (Legal Officer, Vale of Glamorgan Council) and G. Davies (Democratic and Scrutiny Services Officer, Vale of Glamorgan Council).

N.B. Councillor V.P. Driscoll, who was originally scheduled to attend as a Member of the Licensing Sub-Committee, sent his apologies, with Councillor H.C. Hamilton in attendance instead.

AGENDA ITEM 1. APPOINTMENT OF CHAIR –

RESOLVED – T H A T Councillor P. Drake be elected as the Chair for the duration of the Sub-Committee hearing.

AGENDA ITEM 2. DECLARATIONS OF INTEREST –

Councillor M.J.G. Morgan declared a personal interest in that his business was located in Llantwit Major and so he was known to some of the Other Persons, but not in a prejudicial manner.

AGENDA ITEM 3. GRANT OF A PREMISES LICENCE – FREDWELL BISTRO, WINE STREET, LLANTWIT MAJOR, CF61 1RZ

RESOLVED – T H A T the application be granted, together with the conditions agreed from South Wales Police.

Reasons for decision

In reaching its decision, the Sub-Committee has considered the application along with all those who have made both written and oral submissions. We have taken into account the Licensing Act 2003 as amended, in particular the licensing objectives and the Home Office Guidance along with the Council's Statement of Licensing Policy. There were no existing breaches of licensing legislation found, namely existing breaches of the licensing objectives, Prevention of Crime and

Disorder / Public Safety / Prevention of Public Nuisance / Protection of Children from Harm. Matters relating to planning breaches were not matters for consideration by the committee, but in any event no evidence had been submitted by the Planning Authority. No evidence of Crime and Disorder was presented by the Police relating to the premises. No evidence of noise or smell was presented by Environmental Health. No evidence of complaint to the Responsible Authorities was provided in relation to the premises by local residents. The main objection to the licensable activity applied for was the operation of the hours outside the hours currently permitted. There is a presumption in law that licenses should be granted and should matters relating to the Licensing Objectives arise the licence may be reviewed, based on evidence of the non-compliance with the objectives. As matters currently stand the premises is unable by law to operate outside the existing planning hours of operation for the premises. The grant of the licence would therefore only allow the existing lawful operation of the business but with the addition of the provision of the sale of alcohol limited by the conditions that have been imposed. It was noted that 'off sales' of alcohol are also not permitted.