

STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote Meeting held on 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).

(a) Announcements –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

The Officer advised that a copy of the procedure for the meeting was available to Elected Members within the agenda papers circulated in advance of the meeting.

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.

(b) Appointment of Chair –

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

(c) 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.

(d) Grant of a Premises Licence – Fredwell Bistro, Wine Street, Llantwit Major, CF61 1RZ

The Chair welcomed those present to the Sub-Committee hearing and invited each person to introduce themselves.

The Chair subsequently invited Y. Witchell, Team Manager for Licensing, to present the report to the Sub-Committee, who advised that the report was to consider an application under the Licensing Act 2003 ("the Act") for the grant of a Premises Licence at Fredwell Bistro, Wine Street, Llantwit Major.

The report papers included the application process; a copy of the application form; proposed conditions submitted by South Wales Police; and a schedule of representations received by the Council.

The application sought the sale of alcohol between the hours of 09.30am and 10.30pm, Monday to Sunday on the premises. In addition, late night refreshments had been applied for together with recorded music, although these were within permitted timings should the premises licence be granted and / or could be conducted outside the licensing regime in any event based upon the times applied for.

On 21st December, 2022 as a response to the consultation notice circulated by The Licensing Authority, the Planning Department supplied a copy of the current Planning permission for the premises, highlighting a number of restrictions. Planning and Licensing applications have not been submitted simultaneously as envisaged in the Home Office Guidance. This information was supplied to the applicant who was therefore entitled to continue with the Premises Licence application prior to submitting a planning application to the Council for consideration.

Subsequently, there had been discussions between the Applicant and South Wales Police, a Responsible Authority, over a number of additional conditions that had been proposed by the Responsible Authority, with the majority agreed.

- A CCTV system will be installed to an agreed standard approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises to which the public have access (excluding toilets) including all public entrances and exits. The images will be available for a minimum of 31 days. The images will be produced to a Police employee, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
- The premises will operate a 'Challenge 25' policy. This policy will be brought to customers' attention by staff and through the display of appropriate signage. The only forms of identification recognised will be photographic identification cards, such as a driving licence, passport, HM Forces Card or proof of age scheme card with PASS logo.

- An incident record will be kept at the premises. Any incident of crime or disorder witnessed by staff or any incident reported by customers is to be noted in the log. The following information shall be recorded in relation to each incident:
 - Date and time of the incident
 - Name of person making the report
 - Names of the parties involved (if known) or description of the parties (in as much detail as possible)
 - Nature of the incident
 - Any action taken thereafter
 - Refusals of sale.
- Staff will be trained in relation to their responsibility to complete an incident report. Access to incident reports shall be made available to South Wales Police on request.
- All customer focused staff will receive relevant training in relation to alcohol sales and the promotion of the licensing objectives. This training will be refreshed annually with a record held on the premise. The training record shall be retained for a period of 12 months and will be made available for inspection upon request by a South Wales Police officer or other authorised person.
- At least 50% of the licensed area will be laid with tables and chairs.

The Chair subsequently invited the Applicant, C. Birch, to present their case. C. Birch advised that the intention was to open as a Bistro and operate predominantly as a café so that people could have a glass of wine with their meal. The Bistro premises was a small building with a capacity of no more than 25 people, aimed at high end clientele. The Applicant commented, that if a person wanted to go to a pub, then they could, but his intention was to create a relatively relaxed place aimed at an older market, that was based on French style bistros serving local produce. C. Birch stated he agreed with the Police conditions attached to the report with a three-drink maximum limit for customers and commented that there were other local places where people could consume larger volumes of alcohol. With regards to the points raised by residents, he advised that they could have approached him at any time, but it was important to confirm that the Bistro was not a place for people to get drunk as the Bistro would have a more relaxing atmosphere, with the pricing of alcohol at the higher end of the market. He stated that he was not looking to make a planning application at this time and accepted that the premises could only operate in line with the existing planning consent and conditions.

The Chair queried the three-drink limit. In reply, the Applicant confirmed that the limit would be three glasses, which was something suggested by South Wales Police. In order to monitor that a new tab system had been installed.

Replying to a further question from the Chair, the Applicant confirmed that wine would be sourced from two local vineyards, with beer supplied from a brewery in Bridgend. Some wine would also be sourced from a vineyard in France in which he owned shares.

With regard to the current Planning permissions and restrictions of opening hours, the Applicant confirmed that he would seek to vary the Planning permissions should the Bistro become busier.

The Sub-Committee was advised that there were no representatives from Responsible Authorities, so the hearing could move on to any Interested Parties that could expand on any representations that they had previously submitted.

J. Cook began by stating that she was objecting as a resident whose property adjoined the Bistro. She was very aware that the Licensing Authority had grounds upon which it had to make its decision, namely prevention of public nuisance and crime and disorder. Reference was made to new Home Office guidance, which indicated that the Applicant should provide sufficient evidence to demonstrate that they understood, amongst other things, the proximity to residential premises and consequently the impact. It would appear having reviewed the license application that this had not been supplied. With regard to the prevention of public nuisance, she added that Wine Street was a narrow street, and the introduction of a late time license would introduce additional clientele, music, smoking and taxis. J. Cook added that people were different during a night out and were usually noisier. Frontage of the premises was entirely glass, with no internal lobby. Currently, the premises operated as a low key café and had a 5.00pm weekday closing time while closing at 2.00pm on a Saturday and not opening on a Sunday. J. Cook commented that a Bistro was a completely different proposition which would increase noise and waste issues. She stated that the property shared a wall with her premises as well as other residential properties and there would be noise issues as there was no sound proofing. The business stepped onto a narrow pavement and it was a pinch point on Wine Street. She stated that the premises would cause public nuisance and she questioned how could the three-drink limit be enforced. In addition, there was no provision for extraction facilities and the removal of cooking smells and reference was made to the current planning permission for the premises. Public safety was also a concern as now there were low key deliveries and servicing such as waste collections which would increase and cause nuisance. J. Cook also highlighted that the street was also used for pedestrians and parking.

It was noted that any planning enforcement relating the premises was not within the remit of the Licensing Sub-Committee.

The next Interested Party, D. Ashworth agreed with the matters put forward by J. Cook and stated that she did not want to expand on her objections. She did state that she was of the opinion that Mr. Birch should have approached her and not the other way around as the Applicant had indicated in his opening address to the Sub-Committee.

The third Interested Party, S. Randell, agreed with the representations by the other Interested Parties and did not wish to elaborate further.

The final Interested Party, J. Dudley, commented on the other pubs and premises in the area which had very old and thick walls that reduced the noise escape. J. Dudley advised that he lived opposite the building. Deliveries and collections stopping in the street would be a major problem, and if a Bistro was granted then there would be

increased deliveries and waste. J. Dudley added that alcohol sales until 10.00pm would cause a public nuisance and the installation CCTV, as requested by the Police, would look at his house. J. Dudley was advised that any CCTV provision agreed with the Police would have to operate lawfully.

As a closing statement, the applicant, C. Birch, stated there had been no objections from the upstairs property. He accepted that there was no restaurant extraction, but he would have to be mindful of that and what could be cooked there. He stated that this was outside the scope of the application being considered today. With regard to Waste, there was storage at the rear that was secure and in line with the requirements of the Council's Environment Health Department. Waste collections would take place by the Council and would occur at the same time as the neighbours. C. Birch state that CCTV was already in operation and did not go past the door. With regard to noise, C. Birch stated that the Bistro would be a very small venue so would not be noisy. In relation to deliveries, this would be the same as when the waste was being collected. It would be very minimal, and any deliveries would happen during daytime operating hours.

As a point of clarification, C. Birch confirmed that he did not want to amend or change the application put before the Sub-Committee.

With no further points or questions of clarification from the Sub-Committee, the Democratic and Scrutiny Services Officer confirmed that the Sub-Committee would go into private deliberation, with the decision on the application to be provided to all parties within five working days. Following this, the Applicant, the Licensing Officer, and the Other Persons in attendance disconnected from the hearing as confirmed by the Democratic and Scrutiny Services Officer, and the Licensing Sub-Committee deliberated the application in private.

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.