

STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote Meeting held on 14th July 2023.

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

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

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

Also present: E. Ayres (Applicant), Y. Witchell (Licensing Officer, Vale of Glamorgan Council), K. Brooks (Licensing Officer, Vale of Glamorgan) and A. Rudman (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.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor M.J.G Morgan be elected as the Chair for the duration of the Sub-Committee hearing.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Licensing Act 2003 – Grant of a Premises Licence – Boulders, Culverhouse Cross, CF5 6EH –

The Chair welcomed those present to the Sub-Committee hearing and thanked the Democratic and Scrutiny Services Officer for making introductions.

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 Boulders, Culverhouse Cross. The premises was a bouldering sport facility and the application for the sale of alcohol related to the Café area within the facility.

The application, made on 22nd May, 2023 and set out at Appendix A of the report, originally sought authorisation for the licensable activity of the sale by retail of alcohol on and off the premises however, on 25th May, 2023 the Applicant amended the application to reduce the permitted hours to 12:00 to 22:30 Monday to Friday, 12:00 to 20:30 Saturday and 12:00 to 18:30 Sunday. The Applicant also removed off sales from the Application. The application also included an Operating Schedule, at Box M, which set out the steps the Applicant proposed to take to promote the licensing objectives.

The application was advertised in accordance with the regulations and the period for making representations ended on 19th June, 2023. Under The Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority or any Other Person may make relevant representations at any time during the 28-day consultation period. During the consultation period one representation was received via email from Other Persons and the relevant representation was attached to the report at Appendix B. At the time the hearing report was drafted, the single representation had not been withdrawn and therefore a full hearing of the application was necessary.

The Chair subsequently invited the Applicant, E. Ayres, to present their case.

The Applicant advised that the Bouldering premises at Culverhouse Cross was the third site for the company following successful businesses based at Newport Road, Cardiff, and Cheltenham. The premises in Culverhouse Cross had only been open and operating for two months and therefore the license applied for was in line with the other locations.

The Applicant clarified that the sale of alcohol was only relevant to registered customers after they had used the bouldering facility and only available for purchase from the café area which provided food and drink. Customers would usually purchase a can of alcohol with their food after the bouldering activity and Challenge 25 was in operation at the facility.

Due to the nature of the business, personal safety measures were taken very seriously as well as being made clear at the point of sale. The movement of customers within the facility was also closely managed with the Café and Activity areas of the facility clearly divided by the Reception desk.

The Chair then wished to advise that he had personal experience of using the Cardiff Newport Road facility and had very much enjoyed the experience. The Chair subsequently asked the other Sub-Committee Members if they had any questions.

In response, Councillor Norman raised three queries as follows:

- The opening hours stated within the application were different to those set out on the company's website,
- It was unclear whether persons would be able to enter the facility without partaking in the bouldering activity to purchase alcohol and therefore use the facility as a public bar,

- There was no advertisement of a café at the facility on the company's website.

In response, the Applicant offered her apologies for her error on completing the original application which had led to confusion with regards to the opening hours being different on the application than that of the company's website and confirmed that the business would only operate outside the usual operating hours for one off events for which a separate and independent event license would be obtained.

With regards to Councillor Norman's second query, the Applicant advised that the facility was a very niche facility in a semi-remote location and therefore there was very little foot traffic around the facility. Therefore, customers using the facility had travelled specifically to use the facility and registered in advance to do so. This was necessary due to the nature of the activity requiring certain registration details i.e. next of kin details.

In conclusion, and in answering Councillor Norman's third query, the Applicant advised that the company was still raising awareness of the new Culverhouse Cross location, and it hoped to purchase a pizza oven in the near future, and therefore would increase its marketing of food being available at the facility over the upcoming summer months.

With no further questions for the Applicant, the Sub-Committee was advised that there were no representations received from Responsible Authorities, and apologies had been received from Other Persons in advance of the hearing.

Therefore, with no other parties to consult and no further comments being received from the Applicant, 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, and the Licensing Officers 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, as amended, be granted.

Reasons for decision

In reaching its decision, the Sub-Committee has considered the application along with all those who had 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 is a presumption in law that licences 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.

The permitted hours for the sale of alcohol applied for were 12:00 to 23:00 each day of the week, and no application was made for non-standard timings. However, on 25th May 2023 the Applicant amended the application to reduce the permitted hours

to 12:00 to 22:30 Monday to Friday, 12:00 to 20:30 Saturday and 12:00 to 18:30 Sunday. The Applicant also removed off sales from the application.

The single objection to the licensable activity applied for was the availability of alcohol leading to injury for persons under the influence whilst using the sports facility. The grant of the licence would only allow the existing lawful operation of the business but with the addition of the provision of the sale of alcohol in the café area only for registered customers only. Alcohol sales would be limited by the amended sale hours, proposed steps to promote the licensing objectives as set out in the application operating schedule as well as already established and strict safety measures operated by the business. It was noted that 'off sales' of alcohol would not be permitted.