

## STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote Meeting held on 11<sup>th</sup> September, 2023.

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

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

Present: Councillors G. Bruce, P. Drake, and J.M. Norman.

Also present: Ms. D. Bollard (Representative to the Applicant), K. Brook (Licensing Enforcement Officer, Vale of Glamorgan Council), R. Price (Legal Officer, Vale of Glamorgan Council), M. Swindell (Cabinet and Committee Services Officer, Vale of Glamorgan Council), Y. Witchell (Licensing Team Manager, Vale of Glamorgan Council) and Councillors I.R. Buckley, R. Fisher and M.J.G. Morgan.

(a) Announcements –

Prior to the commencement of the business of the Sub-Committee, the Democratic 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 also 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 P. Drake 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 – Bier Keller, 3-4 Paget Road, Barry, CF62 5TQ –

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

The Chair subsequently invited Licensing Team Manager, 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 a grant of a premises licence related to the Bier Keller, 3-4 Paget Road, Barry. The officer presented a brief summary of the

report to Members, as well as an update since the application had been received that covered changes during the period of consultation.

Attention was drawn to the amended plan that had been submitted, circulated to all parties and published on the Vale of Glamorgan website that formed part of the application.

Members noted that the Environmental Health section of Shared Regulatory Services had withdrawn their representations subject to the inclusion of the conditions in Appendix B, forming part of the application before Members and as such were not present to present further. Also, South Wales Police had withdrawn their representations following discussions with the applicant's representative and therefore the conditions at Appendix C of the report now formed part of the application process. As such, the only matters for determination by Members were the representations within Appendix to the report. The officer further confirmed that neither of the other parties had responded to the notice of the hearing and as such were not present.

The permitted hours for the sale of alcohol applied for were Monday to Sunday 11:00 to 23:30 on and off sales each day of the week, also recorded music Monday to Sunday 11:00 to midnight and live music Monday to Sunday 11:00 to 23:00.

The application included an Operating Schedule which set out the steps the applicant proposed to take to promote the licensing objectives and were set out in Box M of the Application form at Appendix A.

The conditions for the Environmental Health element were contained within Appendix B to the report, with the South Wales Police element contained in Appendix C.

One of the representations made reference to the Public Spaces Protection Order in force on Barry Island. For information, Barry Island Seafront had been covered by a Public Space Protection Order (PSPO) since September 2017. The Order had been renewed by the Council on 7<sup>th</sup> December, 2020 and a copy of the current Order and relevant Map was attached to the report at Appendix D.

The plan originally included an outside external area to the rear of the premises, however the proposal was now only to include an area to the front of the premises and two parking spaces.

With no questions raised for the Licensing Officer, the Chair subsequently invited the Applicant's representative, Ms. D. Bollard, to present their case.

The Applicant's representative advised that her client wished to operate a bar premises known as the Bier Keller in the basement of 3-4 Paget Road in Barry. The applicant was aware of the previous reputation of the establishment and assured Members that the detrimental side of that reputation would not continue under the new licence.

The applicant had produced a list of steps in order to promote the licensing objectives as set out in the Licensing Act (2003). The premises would be open from 11:00am until midnight, with last sales at 23:30pm.

There was an area to the front of the premises that the applicant would like to apply for a pavement café licence, similar to that at Enzo's, and discussions had taken place with the Highways Department about any such possibility concerning the two parking slots that may be suitable to apply for. Those would only be used until 20:00pm, with no intention of operating that space late at night and therefore avoiding any issue for noise nuisance. The sale of alcohol would be via an app. Patrons would either be in that area whilst using the bar, or would place an order via the app. As such, the off licence aspect would only be used for drinking alcohol and not for any off sale purposes.

Signs on the arcade clearly displayed that under the Gambling Act (2005) no alcohol was permitted in the arcade. Members of staff would monitor patrons to ensure no breaches of that requirement and the applicant had already agreed to conditions submitted by South Wales Police during the consultation period.

Representations had been raised by Environmental Health that had been included in the original application regarding the rear of the premises that had been intended to be used as a beer garden but were no longer included in the application and access at the rear of the premises would only be for staff or during emergencies and therefore posed no risk of nuisance to local residents.

Therefore, the only sale of alcohol outside the premises was the area marked on the amended plan, which were the two parking bays at the front of the premises but subject to any application for a café pavement licence submitted after this application.

The Chair then asked all parties present if they had any questions of the Applicant's representative, to which Councillor Norman asked what steps would be undertaken to ensure that alcohol was not taken beyond the premises of the café itself.

The Applicant's representative assured Members that sufficient staff would be employed to ensure regular monitoring of the area, not only to monitor that aspect but also issues such as litter. Should there be any areas of concern going forward, the applicant would look at any further suitable steps as necessary.

The Chair asked if there was any CCTV at the premises; it was confirmed that CCTV would be installed.

With no further questions for the Applicant's representative, the Licensing Officer reiterated that there were no representations received from Responsible Authorities and therefore no Responsible Authority representatives were present at the hearing.

With no further questions, the Chair invited the Applicant's representative to sum up their representations. In response, the Applicant's representative said the applicant understood there had been two representations made and that those had been

addressed, particularly the concern over off sales, assured Members that alcohol would be sold responsibly and that putting up age limits was not practical.

With no other parties to consult and no further questions from the Sub-Committee, the Legal 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's representative and the Licensing Officer in attendance disconnected from the remote hearing, as confirmed by the Democratic Officer, and the Licensing Sub-Committee deliberated the application in private.

RESOLVED – T H A T a Premises Licence be granted under the Licensing Act 2003 at Bier Keller, 3-4 Paget Road, Barry, CF62 5TQ.

#### Reason for decision

In reaching its decision, the Sub-Committee had considered the application along with all those who had made representations. The Sub-Committee had 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 was 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.

The Sub-Committee were satisfied that no issues had been raised in relation to its current operation by both the Police and / or the Environmental Health Department. The Sub-Committee were of the view that if issues were to arise with alcohol leaving the area of the premises that more staff would be employed to monitor the matter and CCTV would be installed to assist with such monitoring. It was further noted that the proposal to utilise two parking spaces outside would be subject to a further application of a subsequent café street licence.