

## STATUTORY LICENSING-SUB COMMITTEE

Minutes of a meeting held on 20<sup>th</sup> November, 2018.

Present: Councillors Mrs. P. Drake, V.P. Driscoll and K.P. Mahoney.

Also present: Licensing Officer (Vale of Glamorgan Council), Legal Officer (Vale of Glamorgan Council), Councillor Mrs. J.M. Norman, Mr. T. Watts, Mr. P. Jennings and Mr. J. Guy.

The Democratic and Scrutiny Services Officer explained the procedure to be used for the hearing and advised that a copy of the procedure was available within the agenda.

(a) Appointment of Chairman –

Councillor K.P. Mahoney was elected Chairman for the duration of the hearing.

(b) Declarations of Interest –

No declarations were received.

(c) Licensing Act 2003 – Application for the Grant of a Premises Licence – The Changing Rooms, Windmill Lane, Llantwit Major, CF61 2SU –

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

The Chairman invited the Licensing Officer to present the report, who advised that an application had been made under the Licensing Act 2003 for the grant of a Premises Licence at The Changing Rooms, Windmill Lane, Llantwit Major, submitted by Ms. Hayley Jennings. The Application was submitted on 25<sup>th</sup> September, 2018 and the Premises comprised of a changing facility, a bar and function room and were currently licensed by way of a Club Premises Certificate. The Officer also drew the Members' attention to the full operating schedule and plan related to the Application that were attached at Appendix A to the report.

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. Therefore, the Application had been referred to the Sub-Committee for determination as officers did not have the delegated authority to determine applications where relevant representations had been received and not withdrawn. Four representations were received from Other Persons during the consultation period and copies of the representations were attached at Appendix B to the report.

The Officer added that the Licensing Authority must have regard to the four licensing objectives when carrying out its functions which were:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In addition to this, once granted, a Premises Licence would generally remain in force indefinitely unless one of the following circumstances were to take place:

- The Licence was revoked; or
- The Applicant requested a licence for a limited time only; or
- The Licence was suspended; or
- The Licence lapsed due to some incapacity on the part of the Licence holder; or
- The Licence was surrendered.

The Application under consideration sought authorisation for the following licensable activities to be carried out at the Premises:

- **Sale of alcohol** 11:00 hours to 23:00 hours seven days a week;
- **Live music** 18:00 hours to 22:00 hours, Friday and Saturday and 16:00 hours to 20:00 hours on a Sunday.

Members were advised that since the Deregulation Act 2015, the provision of live and recorded music between the hours of 08:00 hours and 23:00 hours in premises licenced for the on sale of alcohol, no longer required a licence. Furthermore, the provision of music on relevant licensed premises between said hours could not be subject to licence conditions. However, if Members resolved to refuse the Application for the sale of alcohol, or reduce the hours during which alcohol could be sold; the Application for regulated entertainment may need to be considered separately.

In conclusion, the Officer added that the Application also requested some hours for indoor sporting events; however, this would not be licensable in the premises in question since it could not accommodate an audience of 1,000 people.

Following the Licensing Officer's presentation of the report, the Chairman invited Mr. Tim Watts (Applicant's Representative) to present the Applicant's case.

Mr. Watts began by thanking the Committee for the opportunity to represent Ms. Hayley Jennings regarding the Application and advised that he was accompanied by Mr. Paul Jennings and Mr. John Guy as witnesses for the Application.

Mr. Watts advised that the Premises, also referred to as the Club, had already been operating under a licence for 20 years and had been selling alcohol on the Premises for some time. During this longstanding history, the Club had not experienced any

issues that required Police attention and was also in the process of becoming a Community Asset Transfer as the Club was very much a community venue.

Mr. Watts wished to highlight that the Applicant and all individuals involved representing the Club were disappointed by the representations received as these were all from local Ward Councillors, with none directly from local residents, and one from a Vale of Glamorgan Elected Member that had an ongoing dispute with the Club.

Mr. Watts also wished to highlight that the Club currently operated its own complaints procedure and confirmed that no complaints had been received by the Club directly to date.

The Club had had problems in the past with regards to antisocial behaviour and damage caused by young people within the vicinity but these individuals were not patrons of the club and these issues had significantly declined. It was the Club's opinion that the majority of the content within the representations made by local Councillors was hearsay.

With regards to local residents, Mr. Watts introduced Mr. Jennings to provide his opinion as a local resident to the Club.

Mr. Jennings advised that his property backed on to the Club and he had not been subject to any noise pollution due to activities taking place at the Premises. Any external noise that had been heard from his property was due to individuals congregating within the skate ramp/park much further away than the Club premises and he felt that this was mainly an issue due to the fact that lights remained on at the skate park facility until quite late into the evening.

Mr. Watts continued his representations by advising the Committee that the Club was commonly known as a football club and therefore there were significant costs involved in maintaining the Premises and it was necessary for the Club to generate revenue through social events to help fund the sporting activity on site. In his opinion, given the fact that Planning Officers had also visited the Premises and deemed residential properties within an acceptable distance from the Club, it made the Other Person representations even more disappointing.

At this point, Mr. Watts invited Mr. Guy to make his representations. Mr. Guy added that there were five properties within 50 to 60 yards from the Premises but there had been no complaints received from the individuals residing within said properties. He also wished to add that it was important to note that the Club had been granted late night licences previously during which there were no instances of concern.

A Member noted that the Premises currently operated on a licence up until 21:00 hours, with customers needing to vacate the property by 22:00 hours and asked what procedures would be in place if later timings were to be granted. Mr. Watts advised that there was already ample signage around the venue asking patrons to leave the premises respectfully and there were also Responsible Adults such as Ms. Jennings on site during events to monitor customer behaviour and to support

customers leaving the Premises. Mr. Guy also added that the Club was linked with the local Pub Watch Group that demonstrated the Club's wish to operate a respectful business in the community's best interest.

A Member asked if the staff employed at the venue had also received training to prevent public nuisance, to which, Mr. Watts advised that they had.

The Chairman asked Mr. Jennings to clarify how far his private property was from the Premises. To which, Mr. Jennings advised that his property was approximately 50 to 60 yards from the Club. As a supplementary point and in recognising the business need to generate extra revenue, the Chairman asked if the Club was trying to develop into a pub for the Llantwit Major area. Mr. Watts advised that the Club was not wishing to become a pub for the Llantwit Major area however, wished to request later licensable activity timings to accommodate screenings of football games and a request already received from a local darts teams who would wish to operate games much later than the Club was currently able to accommodate. If the Club was unable to accommodate these requests, then it would lose much needed revenue as the Club would need to close earlier than patrons would wish to stay. As a developing business, the Club did not have much option but to expand its activities to remain open and to continue to operate as a football club.

The Chairman thanked Mr. Watts for his representations on behalf of the Applicant and asked if any other parties had any questions to raise.

With there being no further questions and/or Responsible Authorities present, the Chairman invited Councillor Mrs. J.M. Norman to make her representation in her capacity as an Other Person.

Councillor Norman advised that complaints had been received from local residents during ward surgeries held by Local Elected Members and therefore there was adequate evidence to suggest that residents were unhappy with the Club specifically, however, residents had not approached the Police to date regarding their concerns as they did not yet feel that the nuisance warranted valuable police time.

At this point, Mr. Watts wished to note his concern with Councillor Norman reading representations that had not been provided in advance within the Committee papers. The Legal Officer clarified that Cllr Norman was not reading from previously unseen written representations and advised that, if that was the case, then Cllr Norman would not be permitted to do so.

Councillor Norman continued by stating that the Premises was currently operating under a Planning Condition that specified that the Premises should be shut by 22:00 hours and therefore queried whether the condition alone was adequate to refuse the Application. The Legal Officer advised that the Sub-Committee was only able to consider and had the authority to deal with licensing conditions and therefore a Planning Condition could not be taken into consideration on the matter.

Following Councillor Norman confirming that she had nothing further to add, the Chairman invited all other parties to raise questions of Councillor Norman's representations.

The Chairman shared his confusion over the fact that local residents had not gone as far as to approach the Police with their frustrations and noted that there had been no objections raised by Responsible Authorities, to which, Councillor Norman added that if local residents contacted the Police every time that they were subjected to a disruption caused by individuals passing their homes late at night then they would feel as if they were becoming a nuisance themselves. A later licence, if granted, would mean that the Police would need to be informed as the disturbance would be classed within antisocial hours. Councillor Norman also wished to add that the residents being disturbed by the noise pollution were elderly individuals as well as young families.

The Chairman thanked Councillor Norman for her response but noted that any issues raised with the Police would then build a record of the nuisance being experienced. After which, Councillor Norman advised that local residents would be advised to approach the Police in the future.

Mr. Watts wished to ask how it was possible to identify that the nuisance being caused was due to individuals using the football club as there had been antisocial behaviour and nuisance caused by young people in the near vicinity to the Club but they were not using the facilities or associated with the Club. Furthermore, when the Club was in operation, there had been very few instances of antisocial behaviour as the Responsible Adults present acted as a deterrent for the young persons. Councillor Norman advised that her representations were built solely on the complaints she had received at local ward surgeries and at least once a month Local Ward Members were receiving complaints specifically about the football club.

With no further questions, the Chairman invited all parties to sum up their representations to which all parties confirmed that they had nothing further to add. After which, the Chairman invited the Applicant's Representative to provide a closing statement; however Mr. Watts advised that he had nothing further to add.

There being no further discussions, all parties retired from the Chamber to allow the Sub-Committee to consider the Application in private.

On returning, the Chairman confirmed that the Application was for a Grant of a Premises Licence at The Changing Rooms, Windmill Lane, Llantwit Major, in the Vale of Glamorgan and that the Application sought the following licensable activity:

The sale of alcohol 11:00 hours to 23:00 hours, seven days a week.

In delivering the decision of the Sub-Committee, the Chairman summarised the verbal and written representations received by all parties and the comments received during the hearing as set out in the minutes above.

The Chairman advised that following consideration of the Application, the representations from the Local Authority's Licensing Department, the Applicant's representatives and Other Persons, and having considered the Home Office Guidance along with the Council's Statement of Licensing Policy also taking into account the Licensing Act 2003 (As Amended) and the Licensing Directives, the Licensing Sub-Committee

RESOLVED –

(1) T H A T the Application be granted.

Reason for decision

There had been no recorded complaints to Environmental Health or the Police regarding the Premises. The Premises had operated, without incident, for 20 years and the noise referred to by local residents may be attributable to other licenced premises in the near vicinity, but there was no direct evidence of nuisance associated with the Premises.

The Licensing Sub-Committee advised that the Applicant had a right of appeal against the decision of the Sub-Committee and that this had to be made in writing within 21 days to the Cardiff and Vale of Glamorgan Magistrates Court. Should the Applicant be in any doubt as to their legal rights and social responsibilities they should take legal advice.