

STATUTORY LICENSING SUB-COMMITTEE

Decision Notice – Remote Meeting, 12th October, 2021.

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

The recording of the meeting is available [here](#).

Present: Councillors P. Drake, R. Nugent-Finn and J.W. Thomas.

Also present: Y. Witchell (Vale of Glamorgan Council Licensing Officer), PC T. Boley, S. McCarthy and S. Powell (South Wales Police), Councillors J.E. Charles, V.P. Driscoll, M.J.G. Morgan and S.T. William, M. Thomas (Vale of Glamorgan Council Democratic and Scrutiny Services Officer), R. Price (Vale of Glamorgan Council Legal Officer), S. Panchal and R. Singh.

AGENDA ITEM 1. APPOINTMENT OF CHAIRMAN –

Councillor J.W. Thomas was elected Chairman for the duration of the hearing.

AGENDA ITEM 2. DECLARATIONS OF INTEREST –

No declarations were received.

AGENDA ITEM 3. LICENSING ACT 2003 – APPLICATION FOR THE GRANT OF A PREMISES LICENCE – SEA VIEW CONVENIENCE STORE, UNIT 1 ESPLANADE BUILDINGS, FRIARS ROAD, BARRY, CF62 5TJ –

RESOLVED – T H A T the application be rejected.

Reason for decision

In reaching the decision the Licensing Sub-Committee had considered the application along with all those who have made both written and oral submissions. The Licensing Sub-Committee had taken into account the Licensing Act 2003 as amended, in particular the licensing objectives and the Home Office Guidance under s.182 along with the Council's Statement of Licensing Policy.

The Council's statement of Licensing policy reinforces the legal requirement of the Licensing Act that applications should only be approved if they promote the Licensing objectives namely:

The Prevention of Crime and Disorder,
Public Safety
The Prevention of public nuisance and
The protection of children from harm.

The Statement of Licensing Policy also states that

“The Council wishes to encourage greater community involvement in Licensing decisions and give local residents the opportunity to have their say regarding licensing decisions that may impact upon them.”

With regard to Off Licenses the Statement of Licensing Policy states:

“Some shops and supermarkets selling Alcohol have been a focus for antisocial behaviour, disorder and disturbance. This can be caused by street drinkers and underage drinkers who try to obtain, or have obtained alcohol from such premises. Due to these concerns the licensing authority will consider seriously any representations made by Responsible Authorities or other persons in relation to the effects of granting such licenses on the immediate vicinity of the premises.”

Responsibility for administration of licensing was entrusted to Local Authorities rather than justices or some other body, because, according to the White Paper (Cm 4696, 2000, para 123) there were three compelling reasons for doing so

“Accountability: we strongly believe that the licensing authority should be accountable to local residents whose lives are fundamentally affected by the decisions taken

Accessibility: many local residents may be inhibited by court processes, and would be more willing to seek to influence decisions if in the hands of local councillors

Crime and Disorder: Local authorities now have a leading statutory role in preventing local crime and disorder, and the link between alcohol and crime persuasively argues for them to have a similar lead on licensing.”

The Home Office s.182 guidance in para 9.3 states:

“Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are not frivolous or vexatious.”

The guidance goes on to say in para 9.12

“.....the police should usually therefore be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective.....”

Para 9.40 states:

“Alternatively the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives.....”

The Licensing Sub-Committee were also aware of the Council's obligations under s.17 (1) of The Crime and Disorder Act 1998 which states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including antisocial and other behaviour adversely affecting the local environment),
- (b) the misuse of drugs, alcohol and other substances in its area, and
- (c) re-offending in its area.”

The Licensing Sub-Committee had read and heard today the representations of South Wales Police and the British Transport Police and from other persons mainly living in the vicinity who have grave concerns that the granting of this application could not possibly promote the licensing objectives particularly the crime and disorder objective.

The Licensing Sub-Committee heard details of the PSPO which had recently been renewed in the vicinity, before adopting the PSPO the Local Authority had to evidence the fact that alcohol related antisocial behaviour was a serious issue in the vicinity.

The Licensing Sub-Committee considered whether any conditions could help to alleviate these concerns but felt that it would not be possible to condition this application to make it acceptable.

These were the reasons the Licensing Sub-Committee unanimously resolved to refuse the application.

The Chairman advised the Applicant that they had the right of appeal against the decision of the Licensing Sub-Committee. The appeal must be made in writing and 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 or responsibilities they should take independent legal advice.