

STATUTORY LICENSING SUB-COMMITTEE

Decision Notice – Remote Meeting, 31st October, 2022.

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

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

Present: Councillors P. Drake, J.M. Norman and M.R. Wilkinson.

Also present: Mr. and Mrs. Holland (Applicants – Willmore’s 1938), Mr. R. Thomas (Other Person), Ms. G. Donovan-Jones (Other Person), Mr. and Mrs. Phelps (Other Persons), Licensing Officers (Vale of Glamorgan Council), Legal Officer (Vale of Glamorgan Council) and Democratic and Scrutiny and Committee Services Officer (Vale of Glamorgan Council).

AGENDA ITEM 1. APPOINTMENT OF CHAIR –

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

AGENDA ITEM 2. DECLARATIONS OF INTEREST –

No declarations of interest were received.

AGENDA ITEM 3. GRANT OF A PREMISES LICENCE – WILLMORE’S 1938, THE FORMER GOLF KIOSK, CLIFF PARADE, PENARTH, CF64 5BP –

RESOLVED – T H A T the application be granted subject to modified conditions that are consistent with the operating schedule in a way that are considered appropriate for the promotion of the licensing objectives.

Reasons for decision

Those conditions are to include:

The conditions as outlined in the representations from South Wales Police dated 30th September, 2022.

The Sub-Committee were mindful that conditions should only be attached to a licence if they were proportionate and necessary. In relation to proposed conditions by Mr. Thomas, the Sub-Committee heard no evidence of noise associated with the condition to dispose of waste, including bottles, at times that had caused nuisance. In fact, the Sub-Committee only heard evidence of waste transferral at 11.00am in line with what was requested. Again, evidence as to the arrangements for how alcohol would be consumed at the premises did not suggest that there was a need

for any additional conditions; for example, alcohol would be consumed at a table in any event. The Sub-Committee was mindful of the environmental impact of reusable plastic for drink glasses and would encourage the Applicants to explore the use of reusable composite and/or plastic as part of their management of the premises, when necessary.

The Sub-Committee was satisfied that there were issues connected to crime and disorder that had been put forward by the Other Persons, though these appeared to be ongoing and unrelated to the licensable activity proposed. Further, it was noted that South Wales Police, the responsible authority for crime and disorder, had not objected to the licence and that their proposed conditions had been agreed. It was accepted that the additional licence conditions pertaining to CCTV operation would likely operate as a deterrent at the site for instances of crime and disorder and that the Applicants had engaged with the Police as and when requested and as part of the licence process.

The Sub-Committee was satisfied that the neighbouring licensed premises was operating with a similar licence and no issues had arisen because of that licence. There were no litter issues with the premises or noise from bottle emptying etc. No evidence was produced in relation to the use of glassware at the premises.

The Sub-Committee was satisfied that the application was made in order that the sale of alcohol could take place alongside an existing business that predominantly operated as a food establishment and that the premises would not operate as a bar or off-licence in a traditional sense.

In reaching its decision the Sub-Committee had considered the application along with all those who had made both written and oral submissions and 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.

The Applicant has a right of appeal against the decision of the 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.