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LICENSING SUB-COMMITTEE

Minutes of a Remote meeting held on 18th October 2024.

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

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

Present: Councillors P. Drake, W.A. Hennessy, and J.M. Norman.

Also present: Mr. P. Harper (Applicant), K. Evans (Licensing Officer – Vale of Glamorgan Council), R. Price (Legal Officer – Vale of Glamorgan Council), A. Rudman (Democratic Services Officer – Vale of Glamorgan Council), Mr. Guignard (Interested Party), Ms. Jones (Interested Party), Mrs. Thomas (Interested Party), Mr. Lawrence (Interested Party) and Mr. Groves (Interested Party).

(a) Announcement –

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.”

(b) Appointment of Chair –

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

(c) Declarations of Interest –

No declarations of interest were received.

(d) Licensing Act 2003 – Variation of a Premises Licence – Golden Lion, 69 Glebe Street, Penarth, CF64 1EF (LA) –

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

The Chair subsequently invited K. Evans, Licensing Team Manager, to present the report to the Sub-Committee, who advised that the report was to consider an application submitted by J.W. Bassett Pubs & Bars Ltd to vary a Premises Licence under the Licensing Act 2003 in respect of Golden Lion, 69 Glebe Street, Penarth CF64 1EF.

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The Premises currently benefited from a Premises licence; PRM AS0139, attached at Appendix A to the papers, which authorised the following licensable activities during the hours stated:

The Sale of Alcohol for Consumption on and off the Premises:

Monday to Thursday 10:00 hours to 23:00 hours

Friday and Saturday 10:00 hours to 00:00 hours

Sunday 12:00 hours to 22:30 hours

Bank Holiday Friday & Saturday 10:00 hours to 00:30 hours

Bank Holiday Sunday 11:00 hours to 23:30 hours

Christmas Eve & Boxing Day plus 1 additional hour

The end of licensing hours on New Year's Eve to the beginning of licensing hours

New Year's Day

The Performance of Live Music (Indoors) and Performance of Recorded Music (Indoors):

Monday to Saturday 10:00 hours to 23:00 hours

Sunday 12:00 hours to 22:30 hours

Christmas Eve and Boxing Day to cease at 01:00 hours

New Year's Eve to cease at 01:00 hours

The Application to vary the Premises licence was made on 22nd August 2024 and was set out at Appendix B of the report. The Application sought to extend the opening and licensable activity timings to:

Sale of alcohol for consumption on and off the Premises

Monday to Sunday 08:00 to 00:00 hours

Provision of Recorded Music (Indoors)

Monday to Sunday 08:00 to 00:00 hours

Provision of Live Music (Indoors)

Monday to Sunday 11:00 to 23:00 hours

Opening Hours

Monday to Sunday 08:00 to 00:30 hours

The application included an Operating Schedule which set out the steps the Applicant proposed to take to promote the licensing objectives and said steps were detailed in Section 16 of Appendix B.

The Licensing Officer added that Live and Recorded music had been part de-regulated by the Live Music Act 2012 and therefore no authorisation was required for live or recorded music taking place at the Premises in question, between the hours of 08:00 to 23:00 hours, before an audience of no more than 500 people. Therefore, the Sub-Committee was required to consider Live and Recorded music between the hours 23:00 and 00:00 only.

Nineteen representations had been received during the consultation period from local residents in respect of the application. The representations opposed the

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requested extension in licensable activity hours that it was felt undermined the licensing objectives. A copy of the representations were provided to the Sub-Committee at Appendix C of the papers and the Applicant had provided a statement in response detailed at Appendix D.

The Licensing Officer advised that some of the representations made reference to obstruction of the highway by the Premises and that this was a separate issue which was being dealt with outside of the licensing regime by the Highways department of the Council.

In conclusion, the Licensing Officer referred to paragraph 2.7 of the report which stated that no representations were received from any of the Responsible Authorities however, added that representations were initially received from South Wales Police (SWP) that were subsequently withdrawn. Instead, the Applicant and SWP had agreed for conditions to be imposed on the license. A copy of said conditions were published and circulated to Sub-Committee members in advance of the meeting as supplementary information to the papers.

The agreed conditions included maintaining a CCTV system, a Challenge 25 policy, signs advising customers to leave the Premises quietly, maintaining an incident log and no persons under the age of 18 to remain on the Premises after 21:00 hours.

In conclusion, the Licensing Officer stated that the Sub-Committee was required to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application submitted, and any representations submitted that had not been withdrawn by the date of the meeting.

With no questions raised of the Licensing Officer, the Chair subsequently invited the Applicant, Mr Paul Harper, to present their case.

The Applicant advised that the application had been made in order that the Premises could put in place later sales to midnight during the week. The later hours as applied for had been trialled under a Temporary Event Notice (TENs) earlier in the year. The Applicant had been the manager at the Premises for 16 years and therefore considered themselves part of the local community. They had responded to the concerns of the residents by virtue of the document set out at Appendix D and stressed that local residents could contact the Applicant at any time.

Councillor Norman then asked if meals were served on the Premises and from what time? In response, the Applicant advised that a full menu was available at the Premises until 9.00 p.m. and until 10.00 p.m. when sporting events were held. In response to a supplementary question from Councillor Norman as to when the kitchen on the Premises started preparing meals, the Applicant advised that cooking currently started at 12.00 noon each day as the pub currently opened at 11.00 a.m. The Applicant stressed that the application made was to serve early breakfasts for holiday makers or customers on international sporting days only and not something that would be happening on a frequent basis.

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Councillor Hennessy then queried the need for the sale of alcohol from 8.00 a.m., to which, the Applicant referred Councillor Hennessy to the reasons as set out in his previous response to Councillor Norman's questions.

With no further questions for the Applicant, and in referring to the procedure for the meeting, the Chair noted that there were no Responsible Authority representatives present at the meeting, therefore invited all Interested Parties to make their representations.

The Democratic Services Officer confirmed the names and order of the Interested Parties that had kindly joined the meeting and, following a point of clarification raised by the Vale of Glamorgan Legal Officer, the Licensing Officer confirmed, in turn, the relevant written representation numbers as follows:

1. Mr Guignard – Representation 18.
2. Ms Jones – Representation 12.
3. Mrs Thomas – Representation 5.
4. Mr Lawrence – Representation 19.
5. Mr Groves – Representation 2.

Mr. Guignard advised that the area around the Premises was largely residential and that, if the application were approved, there would be an increase of traffic and noise that would affect neighbouring property prices. He advised that a previous issue in relation to barrels outside of the Premises had been addressed. He added that, in his personal opinion, the current opening hours for the Premises worked reasonably well and that any previous issues highlighted to the manager of the Premises had been resolved. There was a good juke box present at the Premises, but the noise carried through the door when people would go in and out of the Premises to smoke.

In response to a question from Councillor Norman, Mr. Guignard advised that his partner had lived at the property for 39 years.

When questioned by Councillor Hennessy as to whether Mr. Guignard had any objections to the current opening hours, Mr. Guignard advised that noise reports were made regularly to the Premises and that, since the smoking ban had come into place, individuals would be outside the property which would cause unacceptable noise quite late in the evening. Mr. Guignard also stressed that he had nothing against the current manager, Mr. Harper, however, he was concerned that if Mr. Harper were to leave the Premises then the situation would not be as good for local residents.

Ms. Jones then advised that her primary concerns were in relation to noise and anti-social behaviour. Noise issues were caused by individuals leaving the Premises and talking outside after closing. Ms. Jones lived a couple of houses down from the Premises and noise was an issue for her young family when individuals were talking right outside and beneath bedroom windows. Therefore, their concern in relation to the new application was that the earlier opening hours would make the issues already being experienced worse and her family would not

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get much of a break from it. Local residents were also concerned that, should the variation licence be granted on a permanent basis, there was nothing from stopping the one-off events as advised by the Applicant becoming more frequent. The instances of anti-social behaviour were daunting for her and her family, and she had witnessed individuals urinating outside and knocking doors and windows of her property. As a consequence, she had felt the need to install security cameras at her property. Ms. Jones advised that she had previously approached the Premises in relation to issues caused by deliveries to the Premises but approaching the Premises in relation to noise and anti-social behaviour was very daunting and not easy to do.

In answer to a question posed by Councillor Norman, Ms. Jones advised that she had been living permanently in her property for five to six years, whilst the Premises had been in operation. However, her wider family had been resident at the property for over 50 years, to which, the Chair took the opportunity to add that the Premises in question had existed as a public house since the Victorian era.

Councillor Hennessy then asked if Ms. Jones could provide more information in relation to the anti-social behaviour witnessed. Ms. Jones obliged by advising that individuals had left glasses in the vicinity of her property that were sometimes broken, and individuals would also open beer bottles against her windowsills. Individuals had knocked very loudly on her front door and swearing could be heard if individuals were having a disagreement in the street.

When questioned by the Chair as to who the instances of anti-social behaviour had been reported to previously, Ms. Jones advised that they themselves had not officially reported any anti-social behaviour to date and that other local neighbours had tried to deal with the issues themselves. However, Ms. Jones had sought the manager's support in relation to an historical issue caused by deliveries being made to the Premises.

Councillor Norman then queried if the police had been called in relation to anti-social behaviour in the vicinity and Ms. Jones advised that, if there was ever a big fight taking place on the street, then normally one or two of the local neighbours had reported the issue. Ms. Jones added that there was a separate pub also in the near vicinity and the manager of that Premises had provided her with contact details in case of any issues. In response to a supplementary question from Panel Members Ms. Jones confirmed that she could not, hand on heart, say which establishment the individuals causing anti-social behaviour had originated from, but individuals were likely travelling from the direction of the Premises in question.

Mrs. Thomas then wished to echo the representations provided thus far and noted the strong response that had been received in relation to the application from local residents. She offered her understanding of the Premises needing to operate as a business but stated that there needed to be a balance between business needs and the wellbeing of local residents. It was also noted that, should the variation application be granted on a permanent basis, there would be no mechanism for local residents to object, as had been the case with temporary event notices applied for historically. It was felt that the onus was placed on local residents to inform the Premises of any problems arising from the Premises, however, it was

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not for local residents to police the Premises but rather the licensee. Mrs. Thomas acknowledged that an historical situation in relation to bins outside the Premises had been responded to but there did not seem to be a proactive response from the management at the Premises. In terms of contact with the police, Mrs. Thomas advised that she had not contacted the police thus far as it was not felt appropriate to bother the police with non-urgent matters given current, well publicised pressures on public services. It was also not easy to make complaints directly with the Premises. Mrs. Thomas then went on to advise that it was very rare that she was able to walk on the pavement directly outside the Premises due to the number of smokers stood immediately outside. It was not preferable for Mrs. Thomas' children to walk past cigarette smoke outside the Premises and the family had found the patrons mainly to be men and quite intimidating as well as witnessed urinating on the street and leaving broken glass on the floor. Residents had the right to feel safe and secure in their local community and pollution caused by the Premises related to lighting, noise, rubbish, and vomiting. Noise from the Premises would be louder during sports events and audible from the beer garden at the Premises. The Premises was situated within a family area and therefore a balance was required. The extension to the hours as applied for were deemed excessive and not appropriate for the area.

In response to a comment raised by Councillor Norman that the later opening hours would not be a time of night for young families to be passing the Premises, Mrs. Thomas added that if the hours of the licence were extended then individuals using the Premises would be stood outside the Premises much later in the evening. Therefore, local families would not be walking past the Premises but would be hearing noise generated.

Councillor Hennessy then referred to Mrs. Thomas' written representations and the statement to the fact that there had been a smell of cannabis originating from the beer garden and therefore, questioned whether the matter had been reported to authorities. In response, Mrs. Thomas advised that she had not deemed the issue serious enough to bother the police and highlighted that if the smell was evident to local residents, then it would also be evident to staff working at the Premises.

Councillors Drake and Hennessy then clarified with Mrs. Thomas whether they had any issues with the current opening hours and how long they had been resident in their neighbouring property, to which, Mrs. Thomas confirmed that she had been resident at her property for 20 years and that they wished for the Premises to be successful however, there needed to be a balance in a residential area. Ideally, the hours would be further reduced but it was respected that the Premises was a business and therefore compromise was required.

Mr. Lawrence began his representations by advising the Sub-Committee that he had been resident in his property for over 45 years and the fact that the Premises was close to his property had been part of his decision making to purchase his property. He recalled the Applicant previously knocking on his door when they first took over management of the Premises and noted that pubs operated very differently in the past, for example, there being no beer gardens and individuals being able to smoke within the venue. Since the smoking ban had come into

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force, individuals wishing to smoke had no choice but to go onto the pavement outside the Premises which then put them onto the residential street. This had changed the atmosphere for the area around the Premises and related to his primary concern for the application in the potential increase in noise from individuals using and stood outside the Premises. He advised that some of the individuals stood outside the Premises were polite, however, some were not, and therefore he felt vulnerable walking back home having left other licensed Premises. In terms of noise, when the doors of the Premises were opened then the noise disturbance would increase and, if the hours for the licence were extended, then individuals would be stood on the residential street much later into the evening. It was recognised that both the Premises Manager and staff were active in trying to encourage patrons to leave the Premises quietly however, persons under the influence of alcohol were often difficult to manage and neglectful of any signage that maybe advising them. Mr. Lawrence stated that he had no issue with the early morning opening times other than the fact that young children would be passing back and forth the Premises on their way to school.

In response to a question raised by Councillor Hennessy as to what the nearest schools were to be residential area, Mr. Lawrence advised that Albert Road Primary School was within the vicinity and therefore there were often parents making journeys to and from the school at least four times a day.

Mr. Lawrence agreed with Councillor Norman's observation that children of school age were already passing the Premises during school hours under the current licenced hours and recognised that the Sub-Committee needed to look at the situation as a whole.

Mr. Groves then advised that he lived in a property adjoining the Premises and had done so for nearly seven years with his young family, who often slept at the front of the property based on the size of the bedroom available. Mr. Groves' primary concerns related to excessive noise and anti-social behaviour caused by the Premises such as individuals banging tables and yelling from the beer garden which was disconcerting for his young family. In addition, individuals vacating the Premises would make telephone calls and have conversations as well as drive off from the Premises very noisily which would wake his family. An extension to the hours as applied for would mean that individuals would have the opportunity to consume more alcohol, over a longer period of time, and therefore be noisier much later into the evening. It was not down to the local residents to police behaviour at the Premises and Mr. Groves advised that he would not feel safe to go into the Premises to complain and would be concerned that the anti-social behaviour would get worse if he did so. Mr. Groves added that, if the extended hours were approved, the early hours would not only be used on a one-off basis, as it was recognised that having the Premises open more would be a monetary gain for the business. He believed that when the Applicant was not at the Premises then standards would slip.

Councillor Drake then referred to Mr. Groves' written representations and queried the hours that glass bottle emptying had been experienced. In response, Mr. Groves advised that to his knowledge this was prior to 9.00 p.m. however, from a child's perspective this was late in the evening. Having broken glass frequently on

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the floor outside the Premises was not safe for young children and although the side entrance to the beer garden should only be used as a fire exit, this rule was not being adhered to and the vibrations of the opening and closing of the door could be felt inside Mr. Groves' property.

Councillor Hennessy then queried if Mr. Groves had made enquiries with the Premises manager to move refuse bins and beer barrels from immediately outside the property. In response, Mr. Groves advised that bins were moved when complaints were raised with the Applicant and the Applicant had been good to liaise with, but they were not always present at the Premises. Also, since objections had been made in relation to the barrels outside the property, the complaint had been responded to and the barrels moved. However, it was a concern that if the opening hours were extended, then more alcohol would be required and therefore the number of barrels would increase and be evident on the street again.

With no further Interested Parties present to address, the Chair provided the opportunity for all parties to raise any questions or points of clarification on the representations heard thus far.

Ms. Jones then asked why the local residents providing verbal representations had been asked how long they had lived near to the Premises and Councillor Norman advised that the question was raised to gauge the length of time to which the concerns had been experienced by local residents.

In response to a comment raised by the Legal Officer that no representations had been received from the Environmental Health Department of the Council, and therefore no evidence produced of a statutory nuisance in the form of vibrations originating from the Premises, Mr. Groves and Mrs. Thomas advised that they were not aware that they had to report noise complaints to the Environmental Health Authority and stated that local residents should have been provided with support in order to make such a complaint. In response, the Legal Officer advised that it was public knowledge that residents could report noise complaints to the Environmental Health Department of the Council and that the Committee would take into account the written representations, as well as what had been said by all Interested Parties during the meeting, in making their decision.

With no further questions, the Chair queried if the Licensing Officer had any further comments they wished to raise in summary of their case, to which, the Licensing Officer advised that they had nothing further to add.

The Chair subsequently invited the Applicant to make their closing statement. The Applicant advised that the bins for the Premises were now inside the beer garden and that the barrels were no longer evident on the street but rather locked away and secured. Two ashtrays were in place outside the Premises and the pavements outside the Premises were swept three to four times each day. The Applicant added that individuals were asked to smoke outside the property but were not able to take their drinks outside with them. They reiterated that the morning opening times as applied for would not be taking place frequently and that they were not of the opinion that residents should need to police the Premises

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however, if the management at the Premises were not made aware of issues, then necessary solutions could not be implemented. There were two very good Premises supervisors in place who were in regular contact with the Applicant. The backdoor gate at the Premises was not used after 11.00 p.m. and it was not possible to lock the rear gate as it was considered a fire exit. As per South Wales Police colleagues, the Premises had a strict no drugs policy and therefore staff displayed a zero tolerance towards any form of drug use. If drug use was identified, then individuals involved were asked to leave the Premises and banned for life.

The Chair then asked the Sub-Committee Members for their final questions in relation to the case and posed a question themselves in relation to the disposing of vapes at the Premises. In response, the Applicant advised that currently disposable vapes were disposed of in the general waste however, given the Chair's concerns in relation to this and the causing of fires due to vapes being incorrectly disposed of, the matter would be looked into following the meeting.

Councillor Hennessy acknowledged the Applicant's previous statement that opening the Premises from 8.00 a.m. would not be a regular occurrence however, asked the Applicant if they could provide any reassurance that the granting of the variation would not result in earlier opening times taking place on a frequent basis, to which, the Applicant advised that management at the Premises had no plans or desire to open the Premises any earlier on a regular basis.

With no other parties to consult and no further questions from the Sub-Committee, the Democratic Services Officer confirmed that the Sub-Committee would go into private deliberation, with the decision on the application to be provided to all parties by the Licensing Authority within five working days.

Following this, the Applicant, Interested Parties, and Licensing Officer in attendance disconnected from the remote meeting, 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 for a variation of the hours as applied for, together with the conditions agreed with South Wales Police, be granted.

Reasons for decision

In reaching its decision, the Sub-Committee had considered the application along with all those who had made both written and oral submissions. It 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 Sub-Committee were satisfied that the Applicant had demonstrated a considerable time of operating the Premises under the existing licence with little incident. There were no representations from the police in respect of crime and disorder and those matters referred to by other persons could not be directly attributable to the Premises current operation. Similarly, issues relating to noise in

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the vicinity of the Premises could not be attributable to the management of the Premises and no representations had been received from the Environmental Health Department indicating past issues of noise associated with the Premises amounting to a statutory nuisance were before the Committee. The Sub-Committee were satisfied that when issues had been raised with the Premises, that the Applicant had addressed these by and large to the satisfaction of the residents. The Sub-Committee were satisfied that when the Premises had trialled extended licensing hours that none of the Licensing Objectives had been triggered. The Sub-Committee were mindful that should the variation impact the Licensing Objectives and based new evidence and/or investigations by the Responsible Authorities, the licence could be reviewed.