

LICENSING SUB COMMITTEE

Minutes of a Remote meeting held on 20th June, 2025.

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

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

Present: Councillors W.A. Hennessy, G. Bruce and J.M. Norman.

Also present: Mrs. L Luani (Applicant), Mr. M. Jones (Applicant's Representative) K. Evans (Licensing Officer – Vale of Glamorgan Council), R. Price (Legal Officer – Vale of Glamorgan Council), L. Whitaker (Democratic Services Officer – Vale of Glamorgan Council).

(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 W.A. Hennessy 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 – Grant of a Premises Licence – Greek Islands, 202 Holton Road, Barry, Cf63 4hq – (La) –

The Sub-Committee considered a report which sought their determination of an application for a New Premises Licence under Section 16 of the Licensing Act 2003 for Greek Islands, 202 Holton Road, Barry, CF63 4HQ.

The hearing was attended by the Applicant (Mrs. L Luani), the Applicant's representative (Mr. M. Jones), and a representative of South Wales Police, who were in objection to the application (Ms. C. Dewhurst).

The Licensing Team Manager outlined the report to the Sub-Committee, which had been previously distributed, together with additional representations that had been published on the Vale of Glamorgan Council website alongside the meeting agenda.

The application had been submitted by Greek Islands Ltd and could be found at Appendix A to the report. The Applicant described the premises as a Greek restaurant with approximately 8 tables inside, with 4 chairs each. A plan of the premises' layout had also been circulated to Members, as additional information. Following amendments by the Applicant, which had also been circulated and published ahead of the meeting, the amended application before the Sub-Committee was for the sale of alcohol for consumption on the premises only, Monday to Sunday, from 16.00 to 22:30 each day. The Applicant had proposed enforceable conditions for the promotion of the licensing objectives, which could be found in section M of the Application. Since publication of the agenda, the Applicant had proposed some additional conditions, which had also been circulated to Members and the Police ahead of the meeting.

One representation regarding the application had been received within the 28-day consultation period. This representation was from South Wales Police as the Responsible Authority and was included at Appendix B to the report. The Police had also submitted additional information, which included a statement from Police Licensing Officer, Ms. C. Dewhurst; a list of reported incidents in Holton Road; an email from a Probation Officer and an incident log relating to an offence that had taken place on the premises. All of the information submitted by South Wales Police had been circulated to Members and to the Applicant prior to the meeting. There were no further representations submitted during the consultation period.

As relevant representations had been received during the consultation period, the Sub-Committee was asked to determine the Application, having regard to the Council's Statement of Licensing Policy, Section 182 guidance, the Application and additional information provided by the Applicant, and to any representations submitted.

Mr. Jones then presented the case for the Applicant, Mrs. L. Luani. Mr. Jones advised the following:

- Greek Islands was a family business, owned by the Applicant's Father.
- If the application was successful, Mrs. Luani was the proposed Designated Premises Supervisor (DPS) and Mrs. Luani had completed the Application.
- Mrs. Luani's husband, Mr. Louani was the Chef at the premises. Other staff members included a Kitchen Assistant and Waiting Staff. There were no under 18s employed at the premises.
- Mrs. Luani, when completing the Application, had not envisioned it attracting any objections, which was why the original application was somewhat 'homespun' and had required later amendments.
- The off-premises sales in the original application had been removed.
- The provision of music was no longer needed and had also been removed from the original application.
- The revised hours of 16:00 to 22:30 now allowed for drinking-up time before the premises closed at 23:00.

- The revised seating plan was changed in March 2025 and now included 7 tables with 6 chairs each. The ambition was to have 34 covers at most around these tables.
- The premises had been open for approximately one year, and was a Greek restaurant serving food such as gyros, wraps and moussaka.
- The restaurant was on the ground floor. There was also a downstairs basement at the premises which was for storing food, etc. and was not in the Licensable area.
- The staffing of the premises included Mr. Louani as the Chef. Mr. Louani was the member of staff with a Greek background and therefore with a connection to the type of food served.
- The company had taken on some borrowing in order to obtain the lease and to open the premises.
- There was another company with a similar name registered with Company's House at the premises. This was because another company had previously been in the process of buying the business from the Applicant's family, and had registered in anticipation of purchase. The sale had not gone ahead, but the Companies House record remained. Mr. Jones advised that while it had initially been suspected that the Applicant's family may have attempted to change the formation of the company to circumvent Licensing processes, he understood that it was now accepted that this was not the case.
- The restaurant was in a quiet area of Holton Road, away from the main shopping precinct, opposite the Primary School. There was little passing trade and the business ran largely on word-of-mouth, with regular customers, many from the local area and others who travelled for the type of food served.
- The Applicant had advised Mr. Jones that restaurant generally attracted an 'older crowd'. The family hoped, subject to the outcome of the application, to begin an improved social media campaign to encourage more trade.
- The written Police representations referred to the level of disorder in the local area, however, the unredacted version of the occurrence record suggested that the majority of incidents reported had occurred at a different part of Holton Road, approximately 1/3 of a mile or 5-10 minute walk away from the premises. This was not to minimise the concerns, but to emphasise that the family had not experienced any problems at the premises' location.
- The restaurant had been operating to date with a 'bring your own bottle' policy, whereby customers could bring their own alcohol to drink on-site with their food, without this having caused any problems. Mrs. Luani was not aware of any issues with shoplifting in the area, as referenced in the Police submissions, or with behaviour such as littering.
- The business already operated sensible policies to encourage people to leave the premises quietly and had received no complaints or concerns from local residents, which was echoed by the lack of any residents' objections submitted in relation to the application.
- The additional submissions from the Applicant included a list of conditions extended to 10 in total, including around CCTV coverage, which could be accessed by Mrs. Luani via her mobile phone when she was not on the premises. The conditions also included the upkeep of a refusals register, the provision of relevant training to staff, requesting customers leave the premises respectfully, compliance with a 'Challenge 25' policy, and the need for under

18s to be accompanied by a responsible adult. The conditions had been drafted by the Applicant with the assistance of the Licensing Team Manager, according to what was usually deemed appropriate in the Vale of Glamorgan.

Mr. Jones subsequently advised that the next section of his representations on behalf of Mr. Luani related specifically to information about Mr. Luani, and that he understood that there had been a suggestion made prior to the meeting that this information may need to be dealt with in confidential session (Part II). Mr. Price invited Mr. Jones' view on this, given that the Police representations were already in the public domain, and references to any criminality were a matter of public record. Mr. Jones advised in response that, as the suggestion of using private session had originated from the Police representative, Ms. Dewhurst, it would be advisable to confirm with her whether she intended to share any information in addition to that which was already in the public domain. Ms. Dewhurst confirmed that her concern was that it may be necessary to safeguard the Applicant and her business from the potential for information which was already in the public domain being taken out of context by public viewers. Mr. Price advised in response, that the Vale of Glamorgan Council was governed by regulation regarding what information amounted to exempt information (and therefore a need for confidential, Part II session). He further advised that there was no exemption which would prevent this information being covered publicly, and that Licensing Sub-Committee hearings should be public proceedings. It was therefore agreed that the representations would continue publicly (in Part I). Mrs. Luani had confirmed in advance of the Hearing that she was also content for such matters to be discussed in Part I.

Mr. Jones continued by stating that the following was the sole issue of serious contention at the hearing – whether the fact that Mr. Luani had a recent conviction was such that it would prevent the grant of a licensing application for Mrs. Luani.

Mr. Jones added that he found that a key concern for Members may be the potential that Mr. Luani may be in fact running the business privately, despite Mrs. Luani being the official Manager, proposed DPS and Applicant for the premises license publicly. Mr. Jones added that Condition 1 would prevent this, and that Mr. and Mrs. Luani were well aware that Mr. Louani could only take on the role of Chef at the premises.

Mr. Jones went on to give information on the circumstances of Mr. Louani's conviction. He advised that neither he nor Mrs. Luani wanted to excuse or minimise the conviction, but that the incident had occurred at a time when the family were under 'immense strain', with significant stress and financial lending involved to open the restaurant. The family had young children and had been working 'around the clock' to build the business. Mrs. Luani had advised that Mr. Luani had been, at the time of the incident, associating with another person who she found to be a bad influence on him. On the day of the incident, Mr. Luani had drunk too much alcohol, which was not an excuse for his actions, but was a significant factor in them. The incident had come as a shock to Mrs. Luani, who had not thought her husband was capable of such actions. Mr. and Mrs. Luani had repaired their relationship and Mrs. Luani believed that her husband would lead a positive life supporting their family going forward. Mr. Louani had completed his probation, and Mr. Jones understood that he had done well during the probation period. Mr. Louani was undertaking 200 hours of free work. Mr. Louani had completely stopped drinking any

alcohol since the conviction. Mrs. Luani understood how the incident impacted upon her legal responsibility as proposed DPS.

The Application proposed conditions that restricted Mr. Luani's involvement in certain areas of the business, including staffing decisions and alcohol stock control.

Mr. Jones advised that while these limitations were appropriate, the Committee should be mindful of the boundaries of licensing law, and should not limit Mr. Louani in ways that the criminal court that had dealt with his conviction had not.

In response to subsequent questions from Members of the Sub-Committee, Mr. Jones advised the following:

- Although Mrs. Luani would be at the premises during busy times, it was not possible for her to be on site all of the time, and so when she was not on site, the waiting staff would be in charge of the service of alcohol, with Mrs. Luani on call for assistance if required. It was a proposed condition that the members of waiting staff were suitably trained.
- Mr. and Mrs. Luani had young children, but this was Mrs. Luani's only commitment outside of the restaurant. Mrs. Luani was dedicated to the business, and there were childcare and family support arrangements in place for the children.
- Waiting staff at the premises would understand that Mrs. Luani was in charge of all licensable activities, and that they should not defer to Mr. Luani in her absence.

Mrs. Luani then gave her representations and responses to Member questions as follows:

- Mrs. Luani's mother lived directly across the road from the family, and their children could stay with their grandmother if needed, when they were not at nursery.
- The restaurant was the family's only income and was incredibly important to them.
- Mrs. Luani had been appointed Manager of the restaurant by her father and was responsible for all legal aspects.
- Mrs. Luani's father had not applied for the premises license himself because he did not have strong enough written English skills.
- Mrs. Luani would deal with any problem customers by asking them to leave, and if they continued to create a problem she would call the Police to report it. She did not want any problems for the restaurant or the community.
- Mr. Louani would take instruction from Mrs. Luani and her father regarding the business, and would be too busy with kitchen duties to attempt to manage the waiting staff while working at the restaurant.

Ms. C. Dewhurst, representing South Wales Police then made their representations objecting to the grant of a licence as follows:

- It was a matter of significant concern to the Police than an individual connected to the management of this premises had been recently convicted

of a sexual assault (non-penetrative) and was now on the Sex Offender's Register. More concerning was that this serious sexual assault occurred on this premises. The individual remained under legal supervision.

- The individual was the Applicant's husband and had an active role as Chef at the premises.
- The Police's position was that this premises seeking to sell alcohol presented a clear and ongoing risk to the public.
- After previously applying himself, Mr. Luani had stated that he would apply for a License again, and Ms. Dewhurst felt that the Applicant was now applying on his behalf as a 'ruse' to circumvent the Licensing process, because the specific circumstances of the case would undermine the prevention of crime and disorder.
- Section 1.9 of the Revised Guidance issued under section 182 of the Licensing Act 2003, stated that: *'this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons.'*
- Ms. Dewhurst found it uncertain as to whether the Application sought to use the venue for the purpose of music and dancing.
- Ms. Dewhurst was of the opinion that waiting staff at the restaurant would defer to Mr. Louani in the Applicant's absence. She found that the premises required a manager on site, and that Mr. Louani would assume some managerial responsibilities.

Ms. Dewhurst continued by making the following objections to the amended conditions submitted by the Applicant:

- The withdrawal of off-sales would curtail some of her concerns, but certainly not all concerns regarding crime and disorder in the area, or regarding the incident involving Mr. Louani.
- The installation of CCTV would assist with capturing any crime and disorder within the customer area, but not within the staffing area, which would be of concern.
- The upkeep of an incident book would make for good record-keeping regarding any incidents crime and disorder and would correspond with the CCTV condition. However, due to the Applicant's close relationship with the offender, she was dubious as to whether this would be adhered to.
- Staff training regarding alcohol sales delivered by Mrs. Luani may not be appropriate, and professional, classroom-based training may be needed.
- The condition relating to bottles and glass would be the risk of violence, but could be taken one step further, with non-glass vessels being used.
- The addition of another licensed premises without conditions such as Security Industry Authority (SIA) staffing would lead to further crime and disorder in the area.

Ms. Dewhurst then outlined some of the details relating to the serious offence that had taken place at the premises. These were detailed within the Supplementary Information submitted by South Wales Police, which was circulated to all Members prior to the meeting. Ms. Dewhurst argued that this incident meant that the premises

was not in accord with the type of high quality and well-managed venues that the Council had stated should be on offer in Barry, in its Corporate Plan.

Ms. Dewhurst also raised the matter of duplicate records on Companies House for the business, and argued that these suggested evasive actions on the part of the family.

Ms. Dewhurst advised that she found that conditions restricting Mr. Louani's subsequent working life had not been applied to him following his conviction, because the judge involved in his case had not been aware that Mr. Louani was, at the time, a Personal License holder. Ms. Dewhurst added that she had subsequently informed Cardiff Council that he held a Personal License, who had contacted Mr. Louani to instruct him to relinquish it.

Mrs. Luani subsequently explained the following, in response to Ms. Dewhurst's representations, and in closing:

- Mrs. Luani was not the manager of the premises when the serious incident occurred.
- Mr. Luani was regretful of the serious incident.
- Mr Luani did not read, write or speak English well.
- Mrs. Luani understood why the Police were making their representations.
- The family wanted to run a licensed premises within the rules and with the appropriate conditions.

In response to subsequent questions from Mr. Jones, and in addition to that stated above, Ms. Dewhurst confirmed that there had been no incidents reported to the Police relating to this premises, other than the one serious offence by Mr. Louani. Ms. Dewhurst also advised that the premises was not in a Cumulative Impact Area, where the number of licensed premises could be limited due to their density contributing to crime and disorder, but that the incidents of crime and disorder listed in her representations were still relevant.

In closing, Mr. Jones advised that:

- He found the main area of objection to be Mr. Louani's conviction.
- Mr. Louani had not been found to be at high risk of reoffending, as there was no Sex Offender's Prevention Order in place.
- The criminal courts were the appropriate body to gauge the risk of future offending.
- An SIA security staff condition would be disproportionate for a sit-down restaurant in the Vale of Glamorgan.
- If there were any concerns among the Sub-Committee regarding the potential for dancing at the restaurant, as raised by Ms. Dewhurst, the Applicant would be happy to add a condition in relation to this.

As there were no further comments or questions, the Principal Lawyer subsequently advised that the Applicant would be informed of the decision on their application

within 5 working days, and the Sub-Committee subsequently retired for private deliberations, within which it was subsequently:

RESOLVED – T H A T the application for a Premises License be granted, including all the additional conditions submitted, with the exception of the need for door supervision staff, and with the condition relating to stock control being amended to 'alcohol stock control'.

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 although there had been representations made by South Wales Police in respect of a member of staff who worked at the premises, which the Sub-Committee gave careful consideration to, these did not directly relate to the Applicant, and did not amount to grounds to refuse the application that were within the Sub-Committee's remit. The Sub-Committee were satisfied that Greek Islands had been operating with alcohol being brought to the premises by customers without this having caused issues to date. The Sub-Committee were satisfied that the other incidents of crime and disorder outlined in the Police submissions were in relation to other premises on Holton Road, and should therefore not affect the granting of this licence.

The Sub-Committee were satisfied that the conditions being imposed as above were appropriate, and were mindful that, should the granting of this licence impact the Licensing Objectives, based on new evidence and/or investigations by the Responsible Authorities, the licence could be reviewed.