

## STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Hybrid meeting held on 12<sup>th</sup> August, 2025.

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

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

Present: Councillors G. Bruce, P. Drake and M.J.G. Morgan.

Also present: M. Phipps (Applicant's Representative), D. Andrews (Applicant), I. Wheadon (Interested Party), N. Evans (Interested Party), M. Pritchard (Interested Party), C. Brown (Interested Party), E.J. Williams (Interested Party), N. James-Eyers (Interested Party), B. Randall (Interested Party), A. and N. Williams (Interested Parties), S. Gray (Interested Party), J. Murray (Interested Party), P. Zehetmayr (Interested Party), W. Lane (Operational Manager - Neighbourhood Services (SRS) – Vale of Glamorgan Council), R. Price (Legal Officer – Vale of Glamorgan Council), M. Swindell (Democratic and Scrutiny 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 P. Drake be appointed Chair for the duration of the meeting.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Licensing Act 2003 - New Premises Licence Application Holm House, Marine Parade, Penarth, CF64 3BD (LA) –

The Sub-Committee considered the application which sought to determine an application under Section 16 the Licensing Act 2003 for a new Premises Licence.

The hearing was attended by the Applicant (Mr. D. Andrews) and their representative, Mr. M. Phipps, as well as a number of objectors who were represented both in the Council Chamber and attended remotely.

The Operational Manager – Neighbourhood Services (SRS) 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 website alongside the meeting agenda.

Paragraph 1.4 of the report set out the proposals for sale of alcohol on the premises. Those proposals were amended by the Applicant during the consultation period, as Sunday to Thursday 12:00 to 00:00 hours and Friday and Saturday 10:00 to 01:00 hours. The report also listed the Applicant proposals in relation to additional hours for New Year's Eve, regulated entertainment and late-night refreshment. Those had been further amended by the Applicant and were detailed in Appendix E.

Twenty five representations from other persons were received during the consultation period.

M. Phipps presented the case on behalf of the Applicant, D. Andrews, advising that the premises had been licensed for approximately a decade under various licenses previously. He stated the Applicant was requesting a licence which was to be broadly on the same terms of previous licenses.

It was advised that planning officers had expressed no concern with the current operation. It was stated that parking and traffic were not licensing objectives.

The Applicant argued that the lack of active representations from the Responsible Authorities was significant as they were the experts on prevention of public nuisance and prevention of crime and disorder and were satisfied with the measures put forward by the Applicant to promote the licensing objectives.

The Applicant accepted that the video showing music was audible but also showed people speaking and, in their opinion, did not document any public nuisance.

There had been significant objections from neighbours in respect of previous applications and there had never been a review of those licenses. Committee were advised that residents had been written to and only one person engaged.

Councillor Morgan asked about parking and on-site parking. He was advised that parking considerations were not part of the licensing objectives but accepted that the premises would not wish to cause annoyance.

The Committee noted that there were no representations from Responsible Authorities, as South Wales Police had agreed conditions with the Applicant and no other representations from Responsible Authorities had been received.

Interested Parties were asked to make representations.

Mr. Gray stated that the Police and Environmental Health had only completed a tabletop exercise, which was not accepted by the Applicant. He raised issues in relation to planning and parking which the Applicant responded to by advising that they were not relevant considerations for the Committee. Mr. Gray stated that waste was still a problem.

Mr. Wheadon asked why the Applicant had advertised that the licence would be granted and referenced parking. He stated that he could hear the thumping of base to the music at 20.30 hours in his house. Mr. Phipps responded to the advert stating that he did not know about that until the day of the hearing.

Ms. Evans referred to the video stating that it had not been a quiet event and the music was audible in her house. It was a Sunday and thankfully had closed quite early. The previous owners had been approachable. Ms. Evans stated that she does not like to phone the Police in order to deal with noise incidents but approach the proprietor directly.

Mr. James-Eyres referred to the noise and that no professional assessment had been undertaken. Mr. Phipps advised that there would be events and parties on the premises but that Environmental Health had raised no issues over noise.

Mr. Murray raised a question regarding the use of the outdoor rear garden and specifically why Appendix E referred to provision of late night refreshment (indoors and outdoors) at a time later than that offered as a cut off time by the Applicant for use of the rear outdoor garden. Mr. Phipps stated that was an error and that the cut off times for use of the outdoor garden would take preference in that regard.

Ms. Randall stated that music at events tended to get louder and louder and was the type of the music people listen to do when they were drunk. Ms. Randall referred to the noise when weddings had operated previously and that she wished she had called the Police so there was a record of such complaints. She stated that she had called Holm House and had no response and went to the premises where there was no-one on reception. She had no objection to a restaurant but did not want big events as when people would be leaving, they would be calling taxis and making a noise. Mr. Phipps responded that the Applicant was not allowed to cause a public nuisance and wanted to work with residents to address any issues.

Mr. Brown stated that he was a resident of Marine Parade and that using the outside space on Friday and Saturday to 23:00 hours was not reasonable and he asked about New Years Eve and the use of the garden. Mr. Phipps stated that New Years Eve would close at the same time as New Years Eve would fall on that specific day of the week.

The video which had been referred to which was not able to be published online alongside the papers was played to all present at the Sub-Committee hearing and an image shown was confirmed as having been taken on 27<sup>th</sup> July, 2025.

Mr. Gray stated that nearby properties were only three meters away from the premises and even though the sound on the video had not sounded loud on a phone it had still spoiled his father's weekend.

Mr. Wheadon stated that he had looked at other premises licences in Penarth and stated they did not operate as late as the requested hours within the application. A restaurant with a bar was border-line acceptable to residents, a late-night venue was not. He asked what the reason was for the extension after normal hours, however Mr. Andrews was not able to connect with audio at this point.

Mr. Gray asked Mr. Phipps about the management of the hotel and having no control over the guests staying at the hotel, adding that hosting up to 200 people would not make it an intimate venue. Mr. Phipps stated that capacity at the venue was dealt with by fire risk assessment and was not able to talk about the Air BnB side of the business. He was asked about children staying in the rooms and their protection.

Mr. Murray asked about the length of the licence. He stated that the previous hotel was a very different business to the one being proposed in a very quiet residential area. He stated that he wanted to support Mr. Wheadon's points. Mr. Phipps stated that the building was the same as previous operations at the venue.

Mr. Andrews re-joined the meeting and stated the timings of closure were based on reservations and a three-hour allocation as it was a premium high-end environment. Mr. Wheadon stated that all other nearby premises closed at 23:00 hours in Penarth. Mr. Gray stated that he supported Mr. Wheadon and disputed Mr. Phipps. Mr. Phipps accepted that the proposed hours were less than had originally applied for but would not be looking to reduce them any further.

Ms. Evans stated that she believed that the Applicant wanted to hold special events late into the night and that last orders at 21:00 hours finishing at 23:00 hours would have less impact. She advised that the area was a quiet residential area and that disturbance of sleep would have a large health implication.

Mr. Andrews stated that if they were to be granted the licence they were of course planning for the future but had not assumed they would be granted the licence.

Mr. Gray reiterated points that he had raised throughout the hearing at length, many of which were not relevant considerations for the Licensing Sub-Committee.

Mr. Murray stated that it was a quiet residential area and not a comparable area to the other premises operated by the Applicant which were based in Cardiff.

In make their closing statement, Mr. Phipps stated that there was a history of the premises operating and that there were conditions imposed within the application including waste disposal which were reasonable and proportionate. The Police had not objected to the application, neither had Environmental Health. Tranquillity was not a licensing objective. He stated that lots of issues had been raised but that 01:00 hours on Friday and Saturday night seemed to be the only issue which had already been considered by Officers. Mr. Phipps appreciated there were anxieties that would not materialise. The only other condition put forward was to offer contact details for management on site so they could raise any concerns directly. The written representations of all parties had been taken into account.

With no other parties to consult and no questions from the Sub-Committee, the Democratic and Scrutiny Services Officer and the Legal 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, their representative, the Interested Parties and the Operational Manager – Neighbourhood Services (SRS) in attendance disconnected and left the hearing, as confirmed by the Democratic and Scrutiny Services Officer, and the Licensing Sub-Committee deliberated the application in private with the support of the Council's Legal Officer.

The Licensing Sub-Committee subsequently

RESOLVED – T H A T the application be granted:-

- for the sale of alcohol between the hours of 12:00 to 23:00 hours Sunday to Thursday and 10:00 to 00:00 hours Friday to Saturday (provision of late-night refreshment indoors only 23:00 to 00:00 hours Friday and Saturday);
- with no additional hours being granted for New Years Eve;
- with the closure of the outside space for the consumption of alcohol and / or food, and the playing of music recorded or live must take place at 22:00 hours Monday to Saturday and 20:00 hours on a Sunday.

The conditions as outlined by South Wales Police contained at Appendix B were to be included on the licence.

#### Reasons for decision

In reaching its decision, the Sub-Committee were mindful of the residential area in which the premises was located and the proximity to neighbouring property which was residential in nature. They were satisfied from viewing the video evidence and the representations from other persons that noise would emanate from the premises. The noise should cease at 22:00 hours Monday to Saturday and 20:00 hours on a Sunday, that being considered a reasonable and proportionate time, in outside areas in order not to affect the local community. The Sub-Committee also considered that patrons leaving the area would impact local residents and had restricted the hours accordingly.

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