

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 31 JULY 2014 AT 10.30 AM

Present

Councillor R Williams – Chairperson

G Thomas

JE Lewis

Officers:

Katia Daw	Lawyer
Rachel Morris	Senior Licensing Assistant
Yvonne Witchell	Licensing and Registration Officer
Mark Galvin	Senior Democratic Services Officer - Committees

402. APOLOGIES FOR ABSENCE

None

403. DECLARATIONS OF INTEREST

None

404. LICENSING ACT 2003: SECTION 34 APPLICATION FOR VARIATION OF PREMISES LICENCE WALNUT TREE 110 PISGAH STREET KENFIG HILL BRIDGEND

The Assistant Chief Executive - Legal and Regulatory Services submitted a report in respect of an application for a variation of the Premises Licence in force at the above premises, and representations that had been received from a member of the public in relation to this.

The Licensing and Registration Officer referred to the background of the report, which was attached to the main report at Appendix A whilst a summary of the application was shown at Appendix 'B' (together with a location plan).

The application sought to vary the current licence to extend timings for licensable activities for the sale of alcohol, indoor sporting events, live music and recorded music which licensing activities are already permitted for in the current premises licence at the times specified within the licence.

The Licensing and Registration Officer confirmed to the Sub-Committee that the applicant had amended the original variation application for licensable activities, after consulting with both the South Wales Police and the Public Protection Department (of the Council). A copy of the amended timings were shown at Appendix 'C' to the report.

She added that both the Public Protection Department and the South Wales Police had withdrawn their representations.

The Licensing and Registration Officer then confirmed that a representation had also been received from a member of the public, and this was shown in the form of a letter at Appendix 'D' to the report. The applicant was aware of this letter of representation.

The Chairperson of the Sub-Committee, following the conclusion of Members being given a résumé of the report by the above Officer, asked the applicant if he wished to speak upon his application.

Mr Baker confirmed that the application was as illustrated in the report, and that the premises was just a small public house situate on a main road in Kenfig Hill. He added that the Police regularly patrolled this road and that little or no trouble occurred at his premises as it was well managed and controlled.

When the premises was full to capacity, only 80 patrons were present there at any one time, and they did not all come in and leave at the same time so there was no real disturbance to the next door property/retail premises, when patrons visited and left the premises of an evening.

He added that no complaints had been received in respect of the premises, including from the resident(s) who lived next door. The owner(s) of this dwelling had however previously asked him if he would consider erecting a small fence on the boundary wall that separated the pub and their property, as patrons when drinking outside the public house were putting their glasses on this wall. He agreed to this request, and erected a small fence which resolved the issue.

Mr Baker explained that next door to the opposite side of his premises was an Indian Restaurant, then there was a Kebab House, a Chinese restaurant, then a betting shop.

He added that when music is played at the premises, the owner(s) of the house next door never heard this, as the pub had now been re-designed to stop noise as a result of playing of music emanating from the premises. A member of staff from the Council's Public Protection Department had visited the premises since it had been re-designed to introduce improved sound proofing and was happy with the re-design works as well as noise levels as a result of the playing of music.

The Licensing and Registration Officer asked if there was a sign in the premises requesting patrons to leave the premises of an evening quietly.

Mr Baker confirmed that there were such signs present, and these were situated at the entrance to the premises. He added that he and his staff had conformed with everything that had been asked of them in terms of the application, and that all he wanted was to be able to continue in operating an effective business and making a livelihood.

The Chairperson asked Mr Baker how long he had been at the Walnut Tree.

He replied that he had been Designated Premises Supervisor there for the last twelve months.

A Member asked where the speakers were situated within the premises, and what blocked off the noise from these.

Mr Baker advised that these were situate in a room at the back end of the pub, and between this room and the property next door there were the public toilets. Effectively therefore, there were two walls between the speakers and the next door property between which there was the toilet area itself.

As this concluded debate on the application, Members retired to consider this further. Upon their return, it was

RESOLVED: The Sub-Committee was aware that the original application to vary the Premises Licence had been amended following consultation with the Police and Environmental Health Department and Members were only therefore dealing with the amended application that was before them today.

The changes requested under the amended application were as follows:-

- (1) A half hour extension on non-standard days (currently 12.30am requesting 1.00am).
- (2) Alteration to music times to match supply of alcohol times (currently 11.00pm every day, to be extended to 12.00am on Thursday to Saturday).
- (3) The beer garden to be moved.
- (4) The removal/alteration of some conditions (including allowing children to stay until 9.00pm whereas previously this was 6.00pm).

All of the proposed amendments had been agreed with the Police and Environmental Health Department.

A member of the public had objected to the original application, but following the application being varied, they agreed to all of the variations except the extension to the hours on non-standard days. The reasons for this objection was the noise associated with customers leaving the premises. This is relevant to the licensing objectives of both crime and disorder and public nuisance, and the Sub-Committee considered these very seriously and spent time considering whether the proposed amendment would affect these.

The Sub-Committee took into account that there had been no reported problems in the past at the premises. The Sub-Committee also noted that the applicant had complied with all the conditions of his Premises Licence including displaying notices requiring customers to leave the premises quietly. The extension being requested was only for non-standard days and only for an extra 30 minutes of opening. The Police and Environmental Health Department were happy with this request. If problems did arise as a result of this extension, members of the public would be able to address these, or the Police would be able to take any appropriate action.

The Sub-Committee having considered Section 9 of the Home Office Guidance, were happy therefore to grant the application.

The meeting closed at 11.30am