

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD
COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON
MONDAY, 8 APRIL 2019 AT 10:00

Present

Councillor – Chairperson

DRW Lewis

AA Pucella

JE Williams

Apologies for Absence

Officers:

Mark Galvin	Interim Democratic Services Manager
Sharon Jones	Licensing Assistant
Andrea Lee	Senior Lawyer
Yvonne Witchell	Team Manager Licensing

7. DECLARATIONS OF INTEREST

None.

8. LICENSING ACT 2003 - SECTION 17 APPLICATION FOR A PREMISES LICENCE,
THE OLD HOUSE, LLANGYNWYD, MAESTEG

The Chairperson opened the meeting and the necessary introductions were made by those present.

The Team Manager – Licensing presented a report in order that the Sub-Committee could determine an application for a Premises Licence in respect of the above-mentioned premises.

A copy of the application form was attached at Appendix A to the report, together with the proposed licence plans.

Paragraph 3.3 of the report outlined the timings requested by the premises Licensees for the supply of Alcohol, Plays, Films, Live Music, Performance of Dance and Late Night Refreshment.

The operating schedule setting out the steps the applicant intended to promote the licensing objectives, was set out in M boxes a) to e) of the application (form). The Team Manager – Licensing stated that should the premises licence be granted, these measures would be translated into licence conditions.

She pointed out that objections to the application had been received from various members of the public who live generally within the area of the premises, and these were attached at Appendix B to the report.

In terms of the relevant planning application so made, the Team Manager – Licensing advised that no objections had been received to this, though there had been one person who had registered their support to it.

The remainder of the report gave advice that the Sub-Committee must consider and have regard to in relation to the Council's Statement of Licensing Policy and Home Office Guidance, issued under Section 182 of the Licensing Act 2003, but at the same time, considering the application on its own individual merits.

The Team Manager – Licensing confirmed that when determining the application, the Sub-Committee must also undertake its functions in accordance with the four statutory licensing objectives, as follows:-

- The prevention of crime and disorder;
- Public Safety
- The prevention of public nuisance; and
- The protection of children from harm

The Chairperson then invited the applicants to present their case.

The applicants Solicitor Mr. Perry, began by referring to the planning application made in respect of the premises, which had been submitted in accordance with the relevant legislation of the Town and Country Planning Act 1990. He emphasised that no objections had been received to this and as the Licensing Officer had recently advised Members, there had been one letter of support to such application. The application had therefore been granted under the Council's Scheme of Delegation of Functions (through Officers delegated power), with it not having been deemed necessary to submit the application to the Council's Development Control Committee for determination.

In terms of the change of hours proposed for the sale of alcohol outlined in the application before Members when compared with the previous operating hours in place prior to the licensed premises formerly closing, Mr. Parry pointed out that there was little change with just 1 hour further being requested (ie until 1.00am) Monday – Thursday, with also a similar minimal extra period for Sunday. He proceeded by confirming that the applicant would operate the new business in such a way, as to minimise any adverse impact on nearby residents including the property that resided next to the premises. Mr Perry also stressed that it was his client intention to have a good relationship with nearby residents, who hopefully would visit the premises, in order to socialise and have a meal and a few drinks etc. He also wished to advise the Sub-Committee, that his client also did not intend to open the premises every evening to the optimum hours applied for in the application, and most of the representations/objections to the application were in respect of the late opening hours so applied for. These hours had been requested purely for flexibility and on the proviso of there being a special event held at the premises. The premises would not open until 1.00am on week-nights unless a special event was being held there. Mr. Parry further added that the hours of the premises licence of the previous licensee had been fairly generous, and there had been no problems associated with the premises as a result of the late opening hours at that time. There was also a difference with the current premises compared to when it operated previously, in that the current premises would be food led drinking establishment as opposed to be a drinking establishment that also sold food. The couple operating the premises were local and Mr. Jones had previous experience operating a licensed premises in Pyle, and no problems had been experienced whilst he was running a business there. He had been a licensee there for approximately 11 years and these premises were trouble free during his term as licensee. With regard to the Old House, the custom Mr. Jones would look to attract would be local people and families, ie customers who were looking to have a family meal out. He was not looking to attract clients who would be consuming inordinate amounts of alcohol who were in any way loud or going to behave in an anti-social way. There would be the occasional function held at the premises, but these would be well controlled and Mr. Jones would ensure that noise emanating from the premises would be very minimal and also controlled during these events.

Ms. Prior added that Mr. Jones together with herself had invested a considerable amount of money into the business venture which had commenced back in 2016. The project had been self-funded with the property having been the subject of some considerable restoration works. It would be a family run as opposed to a corporate business, and accommodation was available on site in order for patrons and customers to stay over of an evening if they so wished. She reiterated that events or functions would be considered as the site of the premises now lend itself to that, but the intention was that these would not be arranged too regularly, though the extended hours so applied for would give some flexibility with regard to this. The premises would also allow for employment opportunities with staff needing to be recruited to help operate the business. Mr. Jones, as had been said, had proven experience in managing effectively a licenced business and he would not allow any incidents of anti-social behaviour at the premises, just as he did not while previously managing a public house in Pyle. All due consideration would be given to the neighbours whilst the business was in operation and the operating hours up to 1.00am mid-week would not generally be utilised, as business then would be primarily for meals. Weekends though, the premises would potentially open until 1.00am for special events, ie parties where some patrons could then stay over. Both Mr. Jones and herself were Welsh speakers and were therefore looking to promote the historical element of Llangynwyd as part of the business also. They similarly also intended to employ staff who had experience in speaking Welsh, in order to try and fully compliment the history of the area the premises was located in.

Ms. Prior proceeded by advising that the emphasis on the restaurant element of the premises was confirmed by the fact that they had spent £100k in renovating the kitchen area of the premises; training of staff and the promotion of the menu.

Mr. Perry then referred to the matrix that had been tabled at the meeting, which were the responses of the applicants to the points of objection so received. He asked Ms. Prior to elaborate on some of the points made within this.

Ms. Prior commented as follows.

With regards to the adverse effect on public safety due to increased traffic flow to, from and within the village, she explained that firstly the Licensing Department had indicated that traffic issues are not relevant to the application (under licensing laws). Also, the Highways Department were involved at the time the planning application was submitted and, to accommodate the additional flow of traffic generated by the business, the applicants were asked to extend the capacity of the premises car park, and this had now been completed.

A further representation was that more people movement at night will create unacceptable public nuisance to the closely sited residential properties. Ms. Prior responded to this, by advising that through staff training they would strive to ensure patrons vacate the premises swiftly and in a manner that does not cause disruption or nuisance to local residents.

Another objection related to resultant noise from the intended licensable activities will have an adverse effect upon the regular weekly Sunday service, together with any special services (christenings, weddings and funerals, etc). The applicant's response/comment on this, was that the main activity at the premises on a Sunday will be lunchtime food which would attract inevitable custom, with the exception of an event such as a wedding/birthday event. There was no intention to operate a restaurant service on a Sunday evening therefore mitigating and/or reducing the possibility of noise disruption at the time of Sunday Church service. Noise generated as a consequence of any live music being played there for a private function would be confined to the

purpose-built function room located to the rear of the premises. The volume of music being played would be monitored constantly she added. Furthermore, owing to the lack of parking facilities in the village, users of the Parish have persistently utilised the Old House car park for special services with no objection from herself and Mr. Jones. Over the past 3 years, they had also been more than willing for wedding guests to utilise the Old House parking facilities when attending the Church.

A further objection was that an increase in hours of selling alcohol would lead to noise and behaviour that will give rise to public nuisance. The applicant's response to this, was that a zero tolerance policy towards bad behaviour by patrons would be operated at the premises and the sale of alcohol to customers would be refused if they appeared to staff to be intoxicated. Staff training would also be deployed, in order to ensure patrons vacate the premises swiftly and in a manner that does not cause any disruption to local residents, including monitoring customers worse for wear as a result of consuming too much alcohol outside the immediate vicinity of the premises, so that they do not loiter, swear and cause a noise nuisance to property owners nearby the Old House. Ms. Prior reiterated that the Licence held by the previous licensee, allowed the sale of alcohol until 12 midnight, Monday – Thursday and Sunday's, with this terminating at 1.00am Friday and Saturday. The application before Members, proposed an increase of 1 hour on Sunday's, with the same licensing hours proposed for Friday and Saturday, plus a 30 minute wind-down period. She stressed the point once more, that it was not intended to operate the business until 1.00am – 1.30am (wind down) during mid-week, with the exception of a wedding reception/similar function being held during non-weekend evenings.

Ms. Prior then went onto respond to the objections/representations to the playing of live music at the premises.

Representations in this regard were that live music until 12 midnight Monday – Sunday and recorded music until 1:00am Monday-Sunday, will cause disruption seven days a week. It being alleged that the sound will carry throughout the entire village if this is not maintained to a responsible level.

In response to this, she confirmed that all music played at the premises will be maintained to a responsible level. Recorded music refers to the background music being played in the restaurant, the volume of which will not impact on local residents.

Ms. Prior accepted the concern regarding live music, however, she assured that this will be largely confined to the purpose built function room located to the rear of the premises. The volume of all music being played within any part of the premises will be monitored at all times, she added.

There was also some concern portrayed with regard to outdoor events in any marquee set-up for functions, have potentially a severe impact upon nearby residents quality of life.

She advised that the option of hosting marquee based events was welcomed, if this was requested. In respect of this type of function, she again confirmed that any music played in functions involving a marquee, will be maintained to a responsible level and be strictly monitored. That said, she did not anticipate regular marquee events being held at the premises.

Ms. Prior explained that in 2018, a marquee wedding was held on the grounds of the Old House, managed by Clever Chefs. As the premises was under construction at the time, neither herself nor Mr. Jones had any involvement in the event whatsoever. It was rather a ground rental only arrangement. Following this wedding, other than their immediate

neighbour, no residents had approached either of them to express concerns regarding the volume of the music being played at the event. This did however feature in the current objections to their application, but was obviously something they were unable to address retrospectively of the event. Ms. Prior added that any future events held in the Courtyard location of the premises would directly be managed by themselves as proprietors, as opposed to an outside company/organiser.

A further objection had been made to recorded music being played in the Courtyard and proposal for closure of the Courtyard from 10.00pm onwards.

Ms. Prior stated that, as above, she accepted the possibility that the background recorded music would be heard by immediate neighbours as the Courtyard is adjacent to their property. She added though, that the volume of this music would be monitored at all times to minimise disruption. It was not their intention to have the music played until 1.00am. As proprietors of the business, both herself and Mr. Jones strongly opposed the suggestion to close the Courtyard at 10.00pm, as this will impact significantly on their business and on customers enjoyment of that particular area of the premises. Furthermore, for residents staying at the Old House, they did not wish to restrict their use of the outdoor areas, as the extensive views and grounds were one of the main attractions of the premises.

She added that what was now an outdoor Courtyard was previously a conservatory. The conservatory housed the former restaurant, and therefore, there would have been some noise from diners and recorded (background) music playing in that area when the premises was under previous ownership. Therefore, the immediate neighbours were used to noise in that area, given that they have been living next door to the premises since 2013. Ms. Prior disagreed that the premises in its current form will cause any additional disruption compared to when it was last operating as a business. Furthermore, the neighbours were fully aware of their intention to convert the former restaurant area into an outdoor Courtyard with the addition of a newly built function room when the planning application was submitted in 2016. No objections were raised to the proposal at that time she stressed to Members. Finally, Ms. Prior pointed out that a wall that separated the Old House from the adjacent property was going to be heightened and this would also assist in blocking any possible noise emanating from the premises. The Courtyard she added, would also effectively be fully enclosed in terms of its perimeter area.

In terms of extra winding-down time for Late Night refreshments at the premises, Ms. Prior confirmed that this had been applied for (for a 30 minute period), so that patrons could relax after their meal and a few drinks, including for those customers who are staying over after booking accommodation at the premises.

She explained that she was a Social Worker by profession as was her mother who was accompanying her at today's meeting, and she disputed the fact that the hours so applied for as part of the application, would increase any harm to children who live nearby the premises. She added also however, that the responsibility of children off the premises including those who lived nearby, was not the applicants responsibility in any event. It was more the responsibility of the parents of these young people. She did assure the Sub-Committee however, that patrons at the premises would be kept from harm particularly children (ie as this was one of the four Licensing Objectives).

Whilst she appreciated to a point the concern previously raised by the nearby residents in respect of noise emanating from the Courtyard area, Ms. Prior explained that it would detrimentally effect business if patrons, for example, attending a Wedding Reception in the summer months were unable to use this area of the premises as part of the events celebrations. There were doors leading into the Courtyard from the public

house/restaurant and whilst these doors would be kept closed wherever and whenever possible, including for a special event, access into the Courtyard was obviously important for these type of events, particularly when the weather was warm. She reiterated that music and noise would be closely monitored at the premises by staff, particularly in celebrations that flow from the interior out into the Courtyard area, as would the behaviour of customers. If there were any concerns raised by nearby residents over the above following an event being held there, both herself and Mr. Jones would welcome openly discussing these with residents with a view to ensuring that this would not be repeated in future.

Ms. Humphrey an objector to the application asked the applicants how they intended to monitor noise emanating from the premises. She explained that she moved to the property situate next door to the Old House in 2013. She confirmed that the previous Landlord who ran the premises terminated business at the premises at 11.00pm each day, as he was mindful of any noise nuisance that may be generated from there after these hours when occupiers of village properties would in all probability be going to bed. She was not so much objecting to the hours of business that the applicants were applying for as part of the application. However, she was concerned over possibly noise that could be heard from the Courtyard area of the premises, particularly as there was no real boundary between both premises that would successfully block of any noise from patrons celebrating there late of an evening. If the doors leading to the premises into the Courtyard were left open for any sustained period of time, then this would inevitably result in some noise being experienced to herself and her family, possible into the early hours.

Mr. Jones advised that the Old House building was very well insulated and it had double-glazed windows that would help keep any noise nuisance to neighbouring dwellings down to an acceptable level. Staff would also be suitably trained which would include ensuring that noise levels from the premises would be minimal given the circumstances of a celebratory event being held there, which would only be on occasions in any event, rather than the norm. Both he and his key staff had a wealth of experience in operating similar type premises, so they were aware of what was required in terms of operating a successful business and including in such a way, that as to not to give rise to problems being experienced by residents who reside nearby premises such as this.

Ms. Prior added that when an event was being held there that would involve patrons spilling into the Courtyard area, then staff would also regular make visits to this part of the premises during an evening, so as to ensure that the noise levels were within acceptable limits. She added that any such music being played there including background music inside the premises only, would be regularly monitored to ensure it is kept at an acceptable level.

Mr. Rees confirmed that when the event in the Marquee was previously held, he could hear music coming from that area of the premises some 250 metres away. He added that music travels far easier from an area of a licensed premises where there is a function that isn't enclosed, as opposed to it being held in the interior of the premises.

The Legal Officer advised at this point in proceedings, that the Public Protection Department of the Shared Regulatory Services team as one of the Responsible Authorities for licensing functions, could always be requested to monitor noise levels emanating from a licensed premises, if sufficient concern regarding this was raised by nearby local residents.

Ms. Prior whilst appreciating the points raised by the objector, added that the above function so referred to, had been co-ordinated by an outside provider as opposed to herself or Mr. Jones.

She proceeded further, by confirming that if there were any problems with any type of problems being experienced by residents arising from the operation of the premises when the business was up and running, she wished to assure those present, that the Old House proprietors would have an open door policy, whereby they would welcome residents to come forward to Mr. Jones or herself, where very possible attempt would then be made to resolve these so that they did not reoccur again in the future.

Ms. Prior went on to say that there was a wall that separated the Old House from the adjoining premises, and it was proposed that the proprietors of the licensed premises would increase the size of this to around 10 feet in height, for reasons of privacy to the adjoining neighbour as well as being some form of barrier to reduce noise levels should there be the occasional function held there, that may spill out into the Courtyard area (of the premises). The height of this wall when constructed, would also take into account the fact that the land level of the neighbouring property was higher than that of the Old House land.

Ms. Humphrey asked if the Old House building was sound proofed.

Ms. Prior advised that for the most part it was.

Mr. Rees felt that children between the ages of 12 and 16 would be susceptible to being put in a vulnerable position, due to experiencing the playing of loud music from the premises and hearing any foul language that may also be shouted out (e.g. in the Courtyard) by patrons/paying customers.

He also did not see the need for there to be an added half hour at the end of an evening for the purpose of serving Late Night Refreshments, as part of a process of winding-down. Such a course of action could encourage issues such as noise nuisance and intoxicated from customers, he added.

Ms. Prior advised that these hours run parallel with the hours for the supply of alcohol etc at the premises, until the last half hour after this ends, when customers will just be able to purchase and consume non-alcoholic beverages, such as tea and coffee. As was alluded to earlier in debate, the idea behind late night refreshments was for patrons either having a late evening meal or for those who were staying overnight at the premises.

The Chairperson asked what stance the proprietors would take, should a gang of would-be customers turn up at the premises shortly before closing looking worse for wear due to excessive alcohol consumption elsewhere.

Ms. Prior confirmed these would be turned away, bearing in mind that it was estimated that at least 70% of custom would be food based, together with the fact that staff would totally discourage drunken patrons at the premises and such customers would not be served alcohol if they seemed worse for wear. Furthermore, they would also be escorted off the premises if they were in this condition, she added.

The Chairperson added that the Rugby Union World Cup would take place in September. He asked if the premises would open for the Wales games during this tournament and/or would any TEN's be applied for the premises to open at hours for the sale of alcohol, not covered by the Premises Licence (should this be granted).

Mr. Jones reiterated, that the premises would be food based and would not encourage potential rowdy patrons to congregate together for a sport based function.

As this concluded the case on behalf of the applicants, the Chairperson then welcomed the objectors to present their case.

Mr. Rees/Ms. Humphrey confirmed that they were looking forward to the Old House opening again and they wished the business every success. However, the applicants needed to consider working with residents, in order that the business works for them without in any way hindering the lives of local residents. The main area of Llangynwyd was an historical location, and consisted of 27 properties, with 50 residents being elderly in terms of their age, as well as there also being young children residing in some of these premises. The terms of the Premises Licence so applied for, needed to ensure that there would be a minimal impact on both the older and younger element of society in Llangynwyd.

Currently crime and anti-social behaviour was virtually non-existent in this area, with another public house situate near the Old House which was trading for business, albeit for less hours than that being applied for today.

The previous Landlord of the Old House would normally open for the sale of alcohol from Sunday – Thursday until 12 midnight at the latest and if there was any live music being played there, this would terminate at 23:00.

The extra hours being applied for by the new Licensees today, meant that the premises could potentially open every day of the week for the serving of alcohol and the playing of music (recorded) until 01:00 and if the application was granted, despite what the applicants had said that the premises would not open late every night of the week for the above purposes, there was potential for them to provide this every evening. This they felt would inevitably have a detrimental impact on the residents within this area of Llangynwyd.

Mr. Rees disputed the fact that all of the four Licensing Objectives would be met if the application for a Premises Licence was granted today, in that children aged 12 to 16 may be affected by functions held at the premises, given that music of an explicit nature could emanate from the premises. This would he argued, have a detrimental effect on young people who were exposed to this. He felt that music at the premises should not be played beyond the time of 22:00 hours, so as not to be a nuisance to residents and young people alike.

Concern was further raised regarding alcohol being served at the premises until 01:00 hours, with the added wind-down period until 01:30. There were access and egress limitations in the vicinity of the premises. This could give rise to large vehicles such as coaches having difficulty with the highway limitations that exist there, ie revving of engines. Also, there could be a potential problems of a number of vehicles congregating in an area where there is a limited amount of turning space, resulting in drivers beeping their horns at drivers of other vehicles, in light of incidents of the above nature possibly taking place. This could not be policed adequately by staff at the Old House, he added.

Mr. Rees reiterated the potential noise nuisance that could be caused by special events at the premises, particularly arising from those that spill into the premises Courtyard area. If noise nuisance does take place arising from the future holding of these, ie in the form of wedding and engagement parties etc, then this would inevitably lead to complaints being made by nearby residents, he stressed. He was disappointed that a representative from South Wales Police had not visited the site to note its layout and

that no objection had been raised by the Police with regard to any element of the application so made.

The business was an unknown quantity until it was fully up and running and this was a concern in itself he felt.

He also did not see any necessity for hours for both the sale of alcohol and the playing of recorded music being required Sundays to Thursdays, beyond 12 midnight, as was the case with the previous Premises Licence holder. He was more understanding of these being extended for Friday and Saturday, but felt that for midweek events the Licensees could, as it is a newly established business, apply for TEN's for events held on these days (they could have a maximum of 15 per year) and attach suitable Conditions to these, to suit each function. This would assist in pacifying residents concerns, as well as monitoring the premises for any possible noise nuisance and anti-social behaviour, on an event by event basis. If things progressed well with time, then the Licensees could put in a further application to vary the terms of their Premises Licence and extend the hours for the playing of music and sale of alcohol at the premises, for example from 23:00 to 12 midnight, Sunday - Thursday.

He emphasised that he was particularly concerned with potential noise nuisance late at night/into the early hours, and the consequences of this on neighbouring properties, particularly in the outdoor Courtyard/areas of the premises that were not sound insulated.

He also felt that more investigation should be pursued with regard to how many patrons the premises could hold at any given time, and what the estimated footfall would be at the premises both on weeknights and on the weekend.

Ms. Prior reminded those present, that the application should be considered on its own merits under the provisions of the appropriate licensing laws. If the fears raised by the objectors materialise, then obviously Mr. Jones, herself and staff at the premises would have to address these as and when they arose and take appropriate action to ensure they are not repeated. Obviously if they didn't do this, then the Responsible Authorities would take action against them which could compromise the terms of their Licence. They would ensure however, that every step is taken to ensure that this does not happen. Furthermore, she assured the Sub-Committee that the premises would be properly operated and that the concerns so raised, would not materialise into what could be regarded as a problem.

She added furthermore, that if any problems arose at the premises along the lines of that which formed the basis of the representations and objections so received, she would do the rightful thing, and apply herself for the opening hours at the premises to be reduced (on the basis of the application today being granted).

She also appreciated that residents had experienced the last 4 years of the premises being closed. Therefore, she had anticipated there being some resentment being shown by nearby residents to it being re-opened and trading again. However, their fears were based on what may happen (at the premises) as opposed to what will happen. So therefore, it was currently based on trepidation rather than factual evidence.

Mr. Rees whilst appreciating these comments, advised Members that, the process regarding the variation and/or review of a Premises Licence, was often long and drawn out. If there was a need to undertake such a course of action he added that this would take months rather than weeks, through collating evidence etc.

Ms. Humphreys again raised concerns about activity taking place in the premises Courtyard. She did not want to be faced with the option of having to close doors and windows at her premises in the summer months when it was hot, in order to block out any noise from this area of the Old House. She also went to bed by 22:00 hours, particularly on weekdays when she was working next day. She was concerned that the Courtyard would still be open after this time every night of the week. She felt that there should be a Condition attached to any Licence granted, along the lines that the doors and the windows at the premises should be closed at all times, in order to reduce potential noise levels.

She like others wanted the premises to be successful, but to do so, it needed to be operated in a responsible manner. Ms. Humphreys had some concerns also, that granting the application as it stood, would set a precedent resulting in the landlord of the nearby Public House also putting in an extension of hours within which to trade.

The Legal Officer interjected by stating that the Sub-Committee only had powers today to determine the application that was before it, as opposed to what other nearby premises may do following any decision made upon this application.

Mr. Rees advised that the hours attached to the Premises Licence held by the premises previous landlord were regarded as 'generous,' but the hours being applied for today were beyond that. He definitely did not see any justification in the premises being open for the purpose of Plays, Films, Live Music and Performances of Dance beyond the hours of 23:00 hours during the week, and therefore felt that the extra hour so applied for, ie until 12 midnight may result in noise nuisance for residents going into the early hours when residents nearby were attempting to get a decent nights sleep. He did understand however, the rationale behind having flexibility here on weekends and Bank Holidays. He wished to once more point out to Members, that the new Courtyard area had previously in the old premises been a Conservatory, and this would have been more sound proof than the Courtyard would be.

A Member pointed out that amplified music was permitted in the premises up until 23:00 hours in any event, without separate consent required through a Premises Licence.

Ms. Humphreys appreciated this, but added that they could go beyond this hour should the application before Members today be granted for the timings requested.

As this concluded debate on the application as per the evidence of both parties, the Chairperson asked both parties if they had anything to add as part of their summing-up, commencing with the objectors.

Mr. Rees advised that whilst the objectors wanted the premises to succeed as a business, this needed to work not just for the applicants but for the community and residents nearby also. The opening times associated with the Premises Licence held by the previous proprietor of the premises were described as 'generous,' and yet the application before Members was for the hours of licence to be increased beyond that. He felt that as part of a process of monitoring, it would be better if the licensing hours for the sale of alcohol were for no later than 12 midnight at the premises with recorded/live music to also terminate at this time (on weekends) but earlier than this on weekday nights. For any special functions whereby the applicants wished to extend opening hours after this time, this could be achieved through applications for Temporary Event Notices (TENS), as they could apply for a maximum of 15 of these per year. Objectors were concerned with the fact that there would be a noise nuisance at the premises, especially through late night revellers leaving the premises into the early hours of the morning on a Friday/Saturday, but more particularly in the week. Quality of life issues needed to be considered for residents of the 27 properties situate nearby the premises.

Mr. Perry then summed-up the case for the applicant.

He noted the objectors wanted the Old House to succeed, so therefore, he could not understand the reasoning behind some of the objections that had been shared with those present today. He emphasised that the business would be food led and that it was not intended as a venue that would attract patrons who intend consuming copious amounts of alcohol. He noted the objectors were raising representations to the hours of opening applied for, ie for the sale of alcohol etc, but these were only minimally longer than the hours contained in the Premises Licence of the previous proprietor. Mr. Perry thought that it was unnecessary to keep applying for TENS as an objector had suggested, as it was more logistic and appropriate to have appropriate flexibility within the scope of the hours of the Premises Licence, so applied for. If there are any unanticipated problems at the premises, the Licensee has a considerable number of years experience in the trade and was well equipped to resolve any problems should they arise there. The proprietors had committed a lot of investment in the business to make it more of a restaurant than a public house and this was supported by a Business Plan. The Licensee was only interested in attracting decent clientele as opposed to revellers. If there was a function being held there including this being extended to the Courtyard area of the premises, the Licensee would control this function including any noise nuisance from the playing high volume music. A number of the representations were based on 'if's' and 'but's', as opposed to what will happen. As the premises would be operated effectively however, the fears of the objectors he felt would not be realised. If the Courtyard was shut at 10.00pm, then this was have a considerable impact on business at the Old House, particularly with regard to celebratory events such as Wedding Receptions and Birthday parties etc. This structure was very similar to the structure that existed there before the building had been renovated in any event, Mr. Perry added. Bad language etc in the Courtyard would have a negative effect on business, so therefore, the proprietors would ensure that patrons do not resort to such action. If they did, they would simply be escorted off the premises. The Licensee wished to get on with owners of the neighbouring properties and, should they have any concerns regarding the manner in which the premises operated, then he would put steps in place to eliminate such issues going forward.

As this concluded the agenda business, the meeting stood adjourned and all parties retired from the meeting in order that the Sub-Committee could make a decision upon the application.

Upon the meeting reconvening, it was

RESOLVED:

The Sub-Committee considered the application for the grant of a premises licence for the Old House, Llangynwyd, Maesteg.

The Sub-Committee heard from the Applicants that they intend to run the premises as a Country Inn with accommodation for guests. The Applicants informed the Sub-Committee that their application is only for an extra hour on a Monday to Thursday and that they do not intend to keep the premises open to this hour each evening but want the flexibility to do so for events at the premises. The applicants also informed the committee that they had run a public house in a difficult area in Pyle without any difficulties. The applicants explained that the business was going to be food led and they had invested heavily in the kitchen and the staff training in relation to this aspect of the business. They also explained that they

have no intention of serving food on a Sunday evening when church services were taking place, they explained that they had a good relationship with the church and have been allowing them to use their car park during services for their parishioners. The applicants also explained that they will operate a zero tolerance policy for noisy and unruly customers as this was not the clientele they wanted at the premise. They explained that the conservatory at the premise was taken down and made into a courtyard where customers could enjoy a meal and a drink in the summer months. They explained to the Sub-Committee that they wanted to host weddings and events at the premises. The Sub-Committee also heard from the objectors who explained that the premises was situated in a small village consisting of 27 properties. They explained that the previous licence holder at the premise shut the business at 11pm during the week but had a licence until 12 midnight. The objectors were concerned that allowing the premises to be able to open until 1am each evening would not promote the licensing objectives and were concerned about public nuisance by way of noise nuisance and public disorder due to the noise at the premise and customers arriving and leaving during those late hours. The objectors were also concerned about the increase in traffic to the village and also music been played during the early hours. One of the objectors lived next door to the premise and was concerned that the noise from the new Courtyard would cause a noise nuisance and affect the enjoyment of her garden and property and disrupt sleep. The other objectors also agreed that the noise from the new courtyard would cause a noise nuisance and made representations that that area should only be licensed until 10pm. The objectors also made representations that all doors and windows should be closed after this time to inhibit any noise emanating from the premise. The Sub-Committee when considering the information from all parties have to make a judgment as to what steps are needed to promote the licensing objectives. The Sub-Committee can only make this determination based on evidence. The presumption is always to grant the licence unless there is evidence to the contrary. The Sub-Committee have taken into consideration that there are no representations from the responsible authorities namely the Police and Public Protection who have considered the application and decided that they do not wish to make any representations so do not have any concerns about the premises. Unfortunately, the Sub-Committee heard no evidence that convinced it that the extended opening hours proposed will cause a public nuisance and will not promote the licensing objectives. The objectors have accepted that they do not have any evidence and their representations were based on the fear of what might happen.

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In addition all the steps offered to promote the licensing objectives will be added to the licence with the exception of No's 1 and 4 in box a, no 1 in box c, and 5 and 6 in box e.

Therefore, the Sub-Committee granted the application.

The meeting closed at 12:00