

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON FRIDAY, 28 AUGUST 2015 AT 10.00 AM

Present

Councillor R Williams – Chairperson

Cllr HE Morgan

Cllr B Jones

Officers:

Katia Daw Lawyer
Andrew Rees / Mark Senior Democratic Services Officers - Committees
Galvin
Yvonne Witchell Licensing & Registration Manager

South Wales Police

PC S Rowlett

Representatives from Route 66

R Hopkins – Director
R Keeble – Director
J Keeble - Manager

1. APOLOGIES FOR ABSENCE

None.

2. DECLARATIONS OF INTEREST

None.

3. LICENSING ACT 2003: SECTION 34 APPLICATION FOR VARIATION OF PREMISES LICENCE - ROUTE 66 (FORMERLY HARWOODS), 17 COMMERCIAL STREET, MAESTEG

The Licensing and Registration Officer informed the Sub-Committee that the applicant has had discussions with the responsible authorities this morning prior to the commencement of the hearing.

The Licensing and Registration Officer reported on an application to vary the current licence to extend the timings for the licensable activities for the sale of alcohol, live music, recorded music, performance of dance which licensing activities are already permitted in the current premises licence at the times specified on the licence. She stated that the key features of the variation application are to extend the hours of licensable activities as follows:

Sale by retail of alcohol - Monday-Tuesday 1000-0200 hours Wednesday to Sunday 1000-0300 hours

Recorded music -	Monday-Tuesday 1000-0230 hours Wednesday to Sunday 1000-0330 hours
Live music -	Monday-Tuesday 1000-0030 hours and Wednesday to Sunday 1000-0100 hours
Hours open to the public -	Monday –Tuesday 1000-0230 hours Wednesday 0300 hours and Thursday to Friday 1000-0330 hours

The Licensing and Registration Officer informed the Sub-Committee that the application includes seasonal variations for the 14 day period before and after Christmas and for British summertime. She also stated that the plan accompanying the application included a new decking area on the lower ground floor which is marked as a fire exit but where no licensable activities are to take place.

In response to a question from the Licensing and Registration Officer in which she requested clarification of the proposed hours, the applicant confirmed that he proposed to open the premises to the public on Wednesdays until 0300 hours.

The Licensing and Registration Officer informed the Sub-Committee that representations had been received from South Wales Police, the Licensing Authority and the Environmental Health Department. Those representations had been agreed prior to the commencement of the hearing. The Environmental Health Officer informed the Sub-Committee that the Department did not consider the timings proposed in the application did not promote the licensing objective of the prevention of public nuisance and prevention of children from harm. As a result of discussions held with the applicant this morning he had agreed revised timings for licensable activities from Monday to Saturday and Sundays which precede Bank Holiday Mondays until 0200 hours.

The applicant confirmed the above revised hours had been agreed with the Environmental Health Department.

The applicant requested an adjournment of the hearing as he needed to seek clarification from the Planning Department as to the proposed floor layout. There may also be a need for a new application for the premises as the plans for the premises may require a substantial variation.

PC Ellis stated that he fully supported the request by the applicant for an adjournment.

The Sub-Committee adjourned at 11.40am to consider the request for an adjournment and re-convened at 11.43am.

The Chairperson informed all parties that the Sub-Committee is prepared to grant the request of the applicant for an adjournment.

The Legal Officer advised that a substantial variation to the premises licence would require a new application to be made as s.36(6)(b) prevents a variation of a license to vary substantially the premises. The Legal Officer also advised that, should the application for variation proceed as currently outlined, the Sub-Committee may be minded to undertake a sit visit to the premises, or have other evidence, to enable it to take a view as to whether the proposals are a substantial variation to the premises licence.

RESOLVED: That the Sub-Committee stand adjourned.

The applicant requested that, if possible, the hearing take place prior to 17 September 2015 as he is due to have an operation. He can attend after this date but will need his business partner to speak on his behalf.

The Sub-Committee reconvened at 10.00am on 30 September 2015 and the Chairperson welcomed those in attendance, and the necessary introductions were made.

The Legal Officer tabled plans showing the changes proposed in terms of the re-structure of the layout of the premises subject of the report.

She confirmed that under S36 of the Licensing Act, the Premises Licence cannot be varied substantially, as if it does, a new Premises Licence would need to be applied for. Variation in this instance is in relation to the floor plan and the size of the licensable area. It was therefore down to the Sub-Committee to establish if the changes to the licensable area before them on the plan were significant enough to constitute an application for a new Premises Licence, or could be deemed as a variation of the existing Licence.

Mr Keeble by way of explanation, advised that the plan had been altered from that originally proposed, in that the bar was now to be positioned more to the side of the middle ground floor near the back of this part of the premises, occupying an area of 3 square metres. Half of this area was previously a kitchen area, but the revisions would see the bar extended, as well as the inclusion of male/female toilets. All those present then examined the plan. Mr Keeble added that this location would be sound proofed as a DJ would be playing music in this area on occasions. A stairway would also be provided to an upper floor, and there would also remain a smaller kitchen area.

Members then retired with the Legal Officer, in order to establish after seeing the alterations proposed, if the application was in their opinion under the provisions of the Act, a variation to the Premises Licence or a new Premises Licence application.

Upon their return, the Legal Officer confirmed that under the terms of the Act, the application in front of Members was considered to be a variation to the existing Premises Licence, as the changes proposed to the premises were not considered extensive enough to warrant being a new application.

The Licensing and Registration Officer referred to the original report distributed to Members and other parties, however, she was aware that developments had recently taken place between the applicant and statutory bodies including the Police. She added that the applicant for this variation of Premises Licence was now Mr R Hopkins, as a result of a transfer of the Premises Licence to him dated 8 September 2015.

The Public Protection Department had made representations to the application, but following discussions with the applicant, these had now been withdrawn on the proviso that certain amendments are made to the original application in respect of the playing of live/recorded/karaoke and disco music. The agreed times were now, Monday – Saturday 10.00am – 2.00am, Sunday and Easter Sunday 12 noon – 1.00am, and Sundays preceding Bank Holiday Mondays 12 noon – 2.00am. The other Conditions ie 2, 3 and 4 were to remain in place.

In terms of representations made by the Licensing Enforcement Officer shown in Appendix D (page 43/44) to the report, the Licensing and Registration Officer confirmed that agreement had also now taken place with the applicant, resulting in amended Conditions being proposed and agreed between both these parties for inclusion in the Premises Operating Schedule.

The Chairperson then invited PC Rowlatt to give a resume of the submission of the Police, which had now been revised following agreement with the applicant.

She referred to various meetings with regard to this application.

She added that South Wales Police believed that the following restrictions must be applied to reduce any potential of crime and disorder and to promote the public safety objectives at the premises.

The application had requested the sale of alcohol until 3.00am Wednesday to Sunday, and an increase in hours 14 day prior and post to Christmas day. The following issues were the same as those outlined in the original objection from the Police

1. The sale of alcohol will be Monday to Saturday 10.00am – 2.00am. Sunday 1.00am with an additional hour to be granted on Bank Holiday Sundays.
2. The seasonal variations for an extra hour for British summer time shall be approved.
3. The 14 extra days to trade before and after Christmas do not support the licensing objectives and will not be granted.
4. Supply has been applied for sales on the premises only.

The following were changes agreed between the applicant and the Police.

Hours the premises are open to the public

1. Monday to Saturday 10.00am – 2.30am
2. Sunday 10.00am – 1.30am with an additional hour to be granted on Bank Holiday Sundays.
3. The seasonal variations for an extra hour for British summer time shall be approved.
4. The 14 extra days to trade before and after Christmas do not support the licensing objectives and should not be granted.

The premises should also be granted with the following additional Conditions PC Rowlatt stated:-

Prevention of crime and disorder

19. One member of door staff will be employed from 10.00pm until closure every Thursday, Friday and Saturday. Two members of door staff will be employed on the premises every evening prior to a Bank holiday from 10.00pm until closure.
20. Two further members of door staff will be employed from 11.00pm until closure every Friday and Saturday night. One further member of door staff will be employed from 11.00pm hours every evening prior to a Bank holiday until closure.
21. When the smoking area is being utilised, door staff will regularly monitor the smoking area for noise, capacity levels and to prevent entry, re-entry.
22. No smoking will be permitted outside the front of the premises, except for exceptional circumstances.
23. No music will be played in the smoking area, beer garden at any time.
24. No music downstairs after 1.30am.

The following Conditions that currently exist on the Premises Licence will be amended to the following:-

General – All four licensing objectives

1. The risk assessment will be written, readily available and produced on request by authorised Officers.

Prevention of crime and disorder

13. No drinks (fluids / alcohol) will be consumed in the designated smoking area of the premises after 1.30am where the outside area will be closed to patrons.
14. Any persons found in possession of illegal drugs will be reported to the Police immediately.
16. The Premises Licence Holder will operate a drugs search policy. Notices on entry will be displayed. A refusal will result in no entry.

Public safety

9. No glass will be allowed outside the premises, including the designated smoking area at any time. Plastics will be used.

A Member asked if there was a curtilage outside of the premises where patrons could smoke.

Mr Hopkins confirmed that there was just an open area outside of the premises where people could smoke, notwithstanding whether or not they were customers, as this area was not in the ownership of the licensed premises. He added however, that if patrons did congregate in this area and deposited cigarette ends, then staff would clean these and any other rubbish up that emanated from customers using the premises.

As this concluded debate on the matter, Members retired to consider the matter further, whereupon on their return, it was

RESOLVED:

The Sub-Committee considered the floor plans both relating to the premises as they were currently licensed and as they would be licensed under the application to vary the Premises Licence.

The Sub-Committee noted there are two additional areas to be licensed, namely:-

1. An area that was formerly a kitchen will now be included as a bar area.
2. The stairwell will now be a licensed area.

The Sub-Committee considered the size of these two areas in comparison to the whole building and previously licensed area. It noted the new area was only a small percentage of the total previously licensed area, and therefore, Members did not feel it was a substantial variation.

Under Section 36(6) (b) the Sub-Committee noted that Section 35 of the Act, cannot vary a licence so as to substantially vary the layout of the premises. Because there was no such substantial variation, the Sub-Committee were happy to deal with the application as a variation, and therefore they did not require the applicant to make a new application.

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The Sub-Committee noted both the original and the amended application to vary the previous licence of Route 66, including the varied Conditions.

The Sub-Committee noted that following the amendments to the application, the Public Protection and Licensing Departments of the Council, and the South Wales Police Enforcement Officer had withdrawn their representations subject to the agreed Conditions being included in the operating schedule.

As such, the amended application to vary the existing Premises Licence be approved the Sub-Committee advised.

The meeting closed at 11.47 am