

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (B) HELD IN COMMITTEE ROOMS 2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 21 OCTOBER 2015 AT 1.30 PM

Present

Councillor DRW Lewis – Chairperson

PN John GW Davies MBE

Officers:

Mark Galvin	Senior Democratic Services Officer - Committees
Andrea Lee	Senior Lawyer
Yvonne Witchell	Licensing and Registration Officer

Representatives from Porthcawl Butcher's

Ryan Bevington – Applicant
Lucy Bevington – Applicant's wife
Corinne David – Family member representing Applicant's case

Objectors (to the application) from Stoneleigh Court:

Jane Beynon – Manager
Val O'Roche – Resident
Basil Craddock MBE – Resident
Arthur Thorne – Resident
Val Lea – Resident
Ann Hughes – Resident

19. APOLOGIES FOR ABSENCE

None.

20. DECLARATIONS OF INTEREST

None.

21. LICENSING ACT 2003 : SECTION 17 APPLICATION FOR PREMISES LICENCE PORTHCAWL BUTCHERS, 104 JOHN STREET, PORTHCAWL

The Chairperson invited all those in attendance to the meeting and the necessary introductions were made.

The Licensing and Registration Officer explained that the purpose of the report was to consider an application made by Porthcawl Butchers Ltd for a new Premises Licence in respect of the above premises.

She shared at the meeting a plan showing the premises in question, a section of which (shaded red) had been allocated for the sale of alcohol ie fine wines and champagne.

The Licensing and Registration Officer added that representations to the application had been received from members of the public, who were residents of the premises of

Stoneleigh Court, a residential development situate opposite the premises in question, as well as the Manager of this development.

The Legal Officer advised that Members should concentrate on the application before them in relation to the premises itself, rather than any change of use to this or the provision of the awning which was attached to the premises.

Ms David on behalf of the applicant, then presented the application as follows:-

By way of introduction she explained that Ryan Bevington the proprietor of Porthcawl Butchers was a professional Rugby Player for the regional team, Ospreys, and also represented Wales at international level (13 Welsh caps).

Mr Bevington had a big involvement within the community, and was an active member of Porthcawl Chamber of Trade for local businesses, and the application before Members would assist in introducing local improvements for the town and Mr Bevington would work in partnership with BCBC to achieve this. He also coached Porthcawl Rugby Club and carried out local charity work, as well as attending PACT meetings. He has lived in Porthcawl all his life, and was extremely fond of the town, and therefore he wanted to invest in it.

Ms David stated that all of the objections to the applicants application for a premises licence under the Licensing Act 2003, came from Stoneleigh Court flat residents and all objections were of a similar nature. She therefore suggested that a blanket reply be made to address the concerns presented rather than the objections being addressed individually. Whilst she was able to respond to the licensing objections, she would not however address objections and comments made regarding planning matters relating to the premises. Planning permission had already been given and the change of use has not been required for this business, as the Legal Officer had alluded to earlier.

She explained that the business had applied for a licence for closed bottle sales under the Licensing Act 2003. The aim is for wines to be sold as an additional sale and to compliment meat. There would be no consumption of alcohol on the premises. This business also aimed to be a high end establishment selling high-end alcohol products ie wines, rather than a 'Bargain Booze type' cheaper off-licence product. The aim of this business is to increase the footfall in Porthcawl town centre and restore the high street with local independent retailers. Ms. David then addressed the issues raised which were summarised as follows:-

1. Further disorder and crime caused by the sale of alcohol:

a) Alcohol will only be sold in closed bottles. Customers are not able to drink their purchases within the shop. Alcohol will be stored in the staff section of the shop, away from the entrance.

b) Result of a trading business will mean an increased presence of employment within the local area. In addition the presence of staff and members of the public rather than an empty premises that was there most recently (safer).

c) Additional security to the neighbouring flats by CCTV front and rear of the lane and car park (this will also have a recording option). The car park will also have 'private property' signage, security gates and lighting. This will be an improvement to the current area that is presently derelict.

d) It is also in the interest of the business to promote a safe and presentable area. The aim is to create a high-end establishment and increase the footfall in

Porthcawl town centre for the community.

e) The business is also in close proximity to the police station and relationships have already been established with local PCSO's.

f) Discussed with surrounding neighbours – in favour of business and no objections to the sale of alcohol.

2. Youths and anti-social behaviour/underage drinking:

a) High end alcohol to be sold to compliment the products.

b) Staff to be trained and education in the 'Challenge 25' initiative. Staff will have to sign and complete training. Also to highlight the fact that it is illegal to sell alcohol to under age, therefore we will keep a record book and report back to PCSO's. Our store manager, Warren Evans, has already held a personal BCBC licence for several years (licence number BCBCL128).

c) The building was previously occupied by a pharmacy and was at one point the only pharmacy in Porthcawl town centre. The pharmacy would have been distributing drugs, such as supplying methadone to recovering drug addicts.

d) There is the subway, bus stop (main bus station in Porthcawl) and multiple active pubs and off licenses within the locality of Stoneleigh Court. These establishments were there before the Stoneleigh Court residents purchased their properties. They purchased their homes within a central town environment knowing these factors. The objections in relation to litter in the gardens and congregation in the subway are existing problems. BCBC are already supporting these improvements.

3. Increased litter and vandalism:

a) As previously mentioned there will be CCTV, metal security shutters and increased staff and public presence to discourage vandalism.

b) The applicant is a member of the Porthcawl Chamber of Trade and was attending the next PACT (Police and Communities Together) meeting on the 3rd November in Trinity Church. He wished to use his role as a shop owner within Porthcawl to improve the standards and help where possible to achieve this.

c) The applicant had already established a working relationship with PCSO Leighton Rees. In addition to this South Wales Police and South Wales Fire have already granted him their approval for this application.

d) The applicant did not want an increase of litter in the area and would work with the Town Council to eradicate any litter in the area. He has arranged private contracts to remove waste from the shop. As part of the shops cleaning rota it has been scheduled that the front of the shop and car park will be cleaned twice a day (once in the morning and after closing) to maintain high standards of the surrounding appearance. This falls into the current health and safety standards required by the national HACCP regulations by the Food Standards Agency.

e) Comments regarding the close proximity of the flats to the shop, the residents knew the close proximity and the risk of change of occupancy by shop owners when they moved into their homes (no guarantee the

shop was going to be a pharmacy in the future). In addition the comment regarding 'the constant stream of people', the flats are located in close proximity to the pavements and are located on a busy main road within the town centre. This is the main walking route into town for people who live in the centre and north parts of Porthcawl.

- f) The applicant has spoken with BCBC regarding town improvements, for example, the recent replacement of bus shelters with clear glass to prevent inappropriate behaviour. Measures are already being taken to improve this by BCBC.
- g) Recurrent points made by the residents are vandalism factors that are already happening and their flats are located in a busy town centre (opposite the main bus station).

4. Parking on the road:

- a) The applicant would like to remind the Sub-Committee that planning permission had already been granted for the use of the shop. He had not needed to change the A1 use.
- b) There is a customer car park at the rear of the property. Deliveries will also be made at the rear due to the back access of the property and for additional security and safety purposes.
- c) Outside the shop there are also double yellow lines to prevent and discourage people to park and 'nip in'. There is also an increased footfall if traffic wardens within the Porthcawl area act as a deterrent to this end. Staff would also ask customers not to park outside.

5. Hours for sale of alcohol:

- a) The Premises Licence application is on the basis of maximum trading hours of the shop. The applicant had been advised to apply for maximum hours due to the times needed during busy times such as the Christmas period. It was highly unlikely that the premises would be open later than 17:00hrs throughout the rest of year. This was advised by BCBC to avoid further applications for extension of hours in the future.

6. Workmen - increased noise and disruption:

This is a temporary measure and not relevant to the application.

7. Width and congregation under awning:

- a) The erection and width of the awning is subject to planning consideration and not relevant to this application.
- b) If the awning application is granted it will be retractable in the evenings (like all awnings in the area). Therefore, there will be no shelter for groups to congregate at any time of the year. If groups did congregate here in the day time employees at the premises would ask politely for them to 'move on' as groups would not be encouraged outside the business. It was added, during the time that during the time Mr Bevington had lived within Porthcawl, he had not witnessed groups congregating under any shop awnings in Porthcawl town, as they all retracted in the evenings.

To summarise, Ms. David stated that she hoped that she had reassured the residents of Stoneleigh Court, that Mr Bevington had every intention of complying with all the licensing objectives..

It was considered that a large number of the points made by objectors, were factors that already were being experienced or existed. There was however, no proof in terms of evidence that the shop or the licence of alcohol would contribute to this, as the shop is located within a busy town environment. In addition, a comprehensive report had been completed by the applicant in support of the licensing objectives.

Ms David emphasised that residents (and the Manager) within Stoneleigh Court were the only people who had objected to the application. Furthermore, no objections had been made in relation to the advert posted within the local newspaper and shop window of the applicant's intention to apply for a Premises Licence. There had also been approved in the nearby vicinity an application to licence Bargain Booze, and this was situate next door to Pavilion Court, a further residential home in the current location, built in 1989.

She confirmed that the applicant had also personally received a considerable amount of support for the business from other local businesses (he's been asked to supply local cafes and pubs), as well as support from other local potential customers.

The Chairperson asked the residents and Ms. Beynon, the Manager of Stoneleigh Court, if they had any questions for the Applicant.

Ms. Beynon asked if the bottles of wine that were intended to be sold at the premises were going to be corked or screw top type bottles.

Mrs Bevington advised that the wine intended to be sold were a selection of 3 brands of red, 3 brands of white, prosecco and champagne. They would be fines wines that would accompany both the type and cut of meat purchased. As they were going to be priced towards the higher end of the market, she felt that the bottles would probably be corked.

Mr Bevington added that the alcohol to be sold would also accompany different cheeses, and that alcohol would purposely not be sold to a person that staff felt would drink this outside the premises rather than taking it home for consumption. He emphasised that first and foremost the premises was a Butcher's shop rather than a place where alcohol would be purchased from primarily, such as a customer would say from Bargain Booze or a main supermarket.

A resident of Stoneleigh Court asked what area of the premises in terms of size would be used to store alcohol for retail sale.

Mr Bevington explained that this area of the premises would be an area 1.5 metres wide, where they would be located at any one time on shelves, 40/50 bottles of different wines. He added that he would be happy if he sold around 100 bottles a year to compliment the meat that was on sale.

Ms Beynon asked what the price of champagne would be in the Butcher's shop.

Mr Bevington replied that this would be £50 and up.

Mrs Bevington added that a plan accompanied the application, and this highlighted both the area of the shop in its totality, and the area of this where the wine would be kept. This would only occupy a small area of the shop. She emphasised that the shop was a butcher's primarily rather than an off-licence.

The Licensing and Registration Officer then circulated a plan as described above by the applicant to the residents and Ms. Beynon showing the layout of the shop and the area where alcohol would be stored for sale.

Mr Bevington advised that this shop was a side investment. He was a professional sportsman and the shop would be something that he would concentrate more on when he retired from playing rugby. He once more confirmed that this was not a store that would primarily sell alcohol as a matter of routine. It had already been confirmed that only a very small area of space would be occupied with wines and champagne etc. The price of these products would be more, and in some case a lot more expensive than could be purchased from off-licences such as Bargain Booze. He and his staff would obviously operate a Challenge 25 policy in terms of customers age if they decided to purchase alcohol when they purchased meat products.

The Chairperson added that if the Sub-Committee did agree to approve the application before it today, appropriate conditions including on the sale of alcohol would accompany such consent.

Mr. Bevington further added that his shop would also close at 5pm rather than later as did off-licences and supermarkets nearby. He would also have CCTV available both within and outside the premises to the front and the rear, where people consuming alcohol on the street purchased from other retailers often congregated. This CCTV and his staff would actually assist with problems that presently existed in respect of individuals consuming alcohol on the streets and in the lanes that comprised this location.

A resident pointed out to Members that the front of the Butcher's shop would be only some 20 metres from residential accommodation. He added that if the business in terms of the butchery failed, and the application before Members today was granted, then Mr Bevington could theoretically continue selling alcohol from the premises.

The Licensing and Registration Officer advised that this was the case, however, the sale of alcohol if the butcher's side of the business failed, could only be sold from a very small section of the overall area of the premises, based on the current application. If it was intended to sell alcohol products from other areas of the premises, then a further application would need to be made for this and considered on its own merits by a future meeting of the Licensing Sub Committee.

A member noted that both the applicant and the residents of Stoneleigh Court interacted from time to time with local PCSO's in the area, in a bid to reduce petty crime and the likes of consuming alcohol in public places.

Mr Bevington confirmed that this was the case, and that he also attended PACT meetings to establish matters that included problems such as the above, that were ongoing in Porthcawl town, and more particular, within the area of his premises and Stoneleigh Court. He confirmed that his shop would be glass fronted and his staff would be vigilant in ensuring that there were no issues of anti-social behaviour ongoing within the general area located outside the premises. He added that there was the Police station opposite the premises, though these days it was mostly unoccupied. He reiterated that the presence of CCTV at the premises would assist in the prevention of crime and disorder.

Ms Beynon on behalf of residents of Stoneleigh Court confirmed that both the residents and herself had a good relationship with the local PCSO's.

A Member of the Committee asked the applicant if he intended to advertise the fact that wine would be available in the premises for sale to accompany meat products.

Mr Bevington confirmed that there would be a sign up in the shop to this effect and possibly flyers would be distributed locally too, dependent upon the outcome of today's meeting.

As this concluded questions regarding the case of the applicant, the Chairperson asked Mr Beynon and residents to outline the reasons as to why they had objected to the application.

Ms Beynon explained that she was the Manager of Stoneleigh Court, and that the application before Members had caused considerable unrest to the residents that resided there.

A lot of these residents were frail and not in good health, and there were already considerable problems with people consuming alcohol in the immediate vicinity of the premises which caused a disturbance to the residents particularly if these individuals became intoxicated. There was regularly a need to contact the Police in order that they could come and remove these people from the area surrounding the premises. Whilst she and residents accepted that these were problems that were already in existence, it was felt that the opening of a further retail premises that could sell alcohol would exacerbate such problems and have an accumulative effect on a current problem.

These people would not just consume alcohol and generally make a nuisance of themselves she stated, but they would also urinate in and around Stoneleigh Court which was upsetting for the residents there. She also accepted that there were both public houses nearby and other retail establishments that sold alcohol. However, a lot of the residents who purchased flats in Stoneleigh Court had not been made aware by the seller of these establishments nearby, and if they had, some of the residents would have in all probability, looked to purchase a flat elsewhere. Residents seen this latest retail premises also as an off-licence as if the application before Members today was granted, then this would include a provision for alcohol to be sold at the premises.

A lot of individuals consumed both alcohol and drugs in this area of Porthcawl and near the subway. Both the Police and residents wished to see this reduce, and it was felt that this wouldn't take place if yet another premises where alcohol could be purchased from, was introduced.

The same problems existed in the area of Pavilion Court nearby which was a similar type of establishment to Stoneleigh Court, and also was situate either side by alleyways that connected different streets, where these individuals would congregate in couples or sometimes gangs. She questioned why a Butcher's store would wish to sell alcohol, when other stores nearby provided for this. She did not necessarily agree with the applicant that CCTV provided in and immediately outside the premises would deter acts of anti-social behaviour.

A resident added that the location of the premises was inappropriate for a licensed premises, ie immediately next to Flat numbers 85 – 97 Stoneleigh Court, where most of the residents there were infirm and elderly. There was a bus stop opposite the Butcher's also where these individuals consuming alcohol could gather. There was not enough highway within this location he added.

Ms. David assured the objectors that appropriate Conditions could be placed on the licence if it was granted, in order to alleviate the concerns they had made.

The Licensing and Registration Officer confirmed that on page 21 of the report, Section M, certain Conditions had been volunteered by the applicant. The applicant she added may be in favour of offering certain other Conditions having heard today's objections and representations, as could the Sub-Committee if it resolved to grant the application.

Ms. David advised that the sale of alcohol in a Butcher's shop was innovative and forward thinking, and would attract a different kind of customer to the shop. The CCTV footage would also be recorded and could be given if required to the Police, should any crime or anti-social behaviour occur either in or outside within the vicinity of the premises and nearby residential accommodation. Security rollers would also be provided at the shop to prevent breaking and entry when the shop was closed. The shop was presently empty, and outside this and in the car park immediately to the rear of the premises there were people drinking and taking drugs. If the business was in operation there would always be 4 staff working at the premises and this together with the presence of CCTV would deter these existing occurrences, particularly in the car parking area.

Mr Bevington added that mostly people became intoxicated later in the day rather than earlier, and as he had previously advised, his shop would be closed at 5pm each day. He added as part of his submission that the business would also be supporting local charities.

Ms Beynon contested this statement, adding that youths and other individuals were causing a nuisance and drinking alcohol at any given time of the day including in the morning.

A Member noted that the shop would close at 5pm each day. He further noted that the alcohol on sale at the premises in the form of fine wines, would generally accompany meat purchased from the premises, and would be more expensive than those that would normally be purchased from off-licences and supermarkets. He also stated that there were existing places nearby that sold alcohol both from the above establishments and public houses. He therefore asked Ms Beynon if she really expected youths and other people who caused a nuisance on the streets as a result of alcohol and drug taking, to purchase alcohol to consume on the street from the Butcher's shop, bearing in mind that this was more accessible in existing establishments, and at far cheaper prices.

Ms. Beynon confirmed, that whilst taking on board the Members sentiments, professional people as well as young unemployed people (for example) had a reliance on alcohol, and they could purchase more expensive wine from the Butcher's and consume it in their car or in the nearby bus station. She added that she knew a number of professional people with money who were heavy consumers of alcohol. If someone was an alcoholic or reliant upon alcohol, they would drink any time of today including early in the morning.

The Legal Officer commented that it was unlikely however, that professional people who were alcohol dependent, would become a nuisance by forming groups in alleyways and urinating etc, as was the case with the youths causing problems both at present and historically also.

The Chairperson asked Ms Beynon if she had ever had cause to contact 101 to seek non-emergency assistance from the South Wales Police due to problems connected with youths causing problems for residents that were alcohol related.

Ms. Beynon confirmed that this was a fairly regular occurrence.

A Member pointed out that a small amount of grant monies had been allocated through BCBC for the purpose of combating anti-social behaviour by young people in the location of Porthcawl.

As there were no further questions raised by either the applicant(s), Ms Beynon, nor the residents, the Chairperson asked all parties to sum-up.

Ms. David advised that all the issues raised today through representations and objections could be dealt with by Conditions being attached to the application. She felt that on this condition the application would support all of the licensing objectives. She reiterated that the presence of CCTV would help prevent existing incidents of crime and anti-social behaviour in this area of Porthcawl. She added that Premises Licences had been applied for successfully by other businesses in this part of Porthcawl, including by The Rock Public House, the RAFA Club and the Spar supermarket amongst others. She felt that residents of Stoneleigh House would have been aware when they purchased their property that there were a number of different licensed premises within the immediate location of this premises. If the application before Members today was granted, she assured all those present that the applicant would work with statutory bodies and the residents also to improve the current situation regarding anti-social behaviour including the consumption of alcohol outdoors in this particular location.

Ms Beynon confirmed that the only point she wished to raise in terms of summing-up the representations and objections so raised at the meeting, was that there were too many establishments in this area of Porthcawl already with a licence to sell alcohol and that a further such premises trading in this way would result in an exacerbation of the problems that presently existed there and as elaborated upon at today's Hearing.

RESOLVED:

The Sub-Committee considered the application for a premises licence from Porthcawl Butchers at 104 John Street, Porthcawl. Members had heard from the applicant and his representative and have also heard from the objectors to the application, from Stoneleigh Court.

The Sub-Committee had considered the licensing objectives and address them as follows:-

Crime & Disorder:

After hearing the representations from both parties the Sub-Committee have decided that granting a licence would not breach this objective, the applicant has explained that he only intends to sell high-end wines and champagne, in addition to which he has offered a number of Conditions to prevent any crime and disorder.

Public Nuisance and Public Safety:

Youth and anti-social behaviour - The Sub-Committee, after hearing the evidence presented by both parties, decided that granting a licence would not increase youth and anti-social behaviour, again due to the fact that the applicant is a butcher's shop that will only sell a limited range of wine and champagne and the applicant has offered a number of Conditions to prevent anti-social behaviour.

Increased litter and vandalism - As these premises are a butcher's where the customer's main aim will be to purchase meat and wine to accompany their purchase, then, the Sub-Committee have decided that this will not increase litter and vandalism.

The Protection of Children from Harm

No representations have been received from the relevant body.

On this basis and in light of the above, the Sub-Committee decided to grant the application.

The objectors were advised of their right of appeal to this decision through the Bridgend Magistrates Court within 21 day from them receiving notification of the decision.

The meeting closed at 2.37 pm