

STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote Meeting held on 8th July, 2024.

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

The Meeting recording is available [here](#).

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

Also present: S. Murphy (the Applicant), K. Evans (Licensing Team Manager, Vale of Glamorgan Council), R. Price (Legal Officer, Vale of Glamorgan Council), Dyfri Owen, Sarah Candy, Pete Williams, Adrienne O'Sullivan, Keith Davies, Mark Ferda, Rebecca King and Emma Henwood (Objectors to the application) and K. Bowen (Democratic Services Officer Vale of Glamorgan Council).

(a) Announcement –

Prior to the commencement of the business of the Sub-Committee, the Interim Head of Democratic Services read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

The officer also advised that a copy of the procedure for the meeting was available to Elected Members within the agenda papers which had been circulated in advance of the meeting.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor P. Drake be elected as the Chair for the duration of the Sub-Committee hearing.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Licensing Act 2003 – Grant of Premises Licence – Hickman Restaurant, 38 Windsor Road, Penarth, CF64 1JJ (LA) –

The Chair welcomed those present to the Sub-Committee hearing and thanked the Interim Head of Democratic Services for making introductions and advising of the procedure for the hearing to be followed as contained within the agenda.

The Chair subsequently invited the Licensing Team Manager to present the report to the Sub-Committee. The Licensing Manager advised that the application before the

Committee was for a Grant of a Premises Licence at Hickman Restaurant, 38 Windsor Road, Penarth, Vale of Glamorgan CF64 1JJ. The Applicant sought the sale of alcohol, regulated entertainment (de-regulated in part) and the sale of late night refreshments. The hours requested in respect of the aforementioned Licensable activities were as follows:

Sale of Alcohol – Sunday to Thursday 10:00 to 23:00 hours
Friday and Saturday 10:00 to 00:30 hours.

Recorded Music (Indoors and Outdoors) – 23:00 to 00:30 hours Friday and Saturday.

Late Night Refreshment – 23:00 hours to 00:30 hours Friday and Saturday.

A number of objections from local residents had been received which were contained within the report. The following objectors were also present at the meeting to make their representations: Dyfri Owen, Sarah Candy, Pete Williams, Adrienne O’Sullivan, Keith Davies, Mark Ferda, Rebecca King and Emma Henwood.

Having regard to the procedure for the hearing the Applicant, Mr. Sean Murphy, was then invited to present his application it being noted that some conditions had already been agreed with South Wales Police which were attached at Appendix C of the report.

Mr. Murphy, Director of Hickman’s Restaurant Ltd., advised that the intention was to open as a family friendly restaurant with the aim being not to upset anyone and that he wanted to work with the premise’s neighbours who would hopefully be his customers. He stated that his application was in line with other venues in the location, namely The Pilot, Bears Head and Bar 44 and that he was not intending to open until the time applied for, save for on the odd occasion for parties. Mr. Murphy further advised all present that he intended to work alongside his neighbours and didn’t want to be tarred with the same brush as other venues in the area which were referred to as noisy establishments. He stated that he was happy to discuss the hours, happy to operate until 23:00 hours. Mr. Murphy further advised that he used to run The Pilot and was part of the Knife and Folk LTD company that ran other premises. He stated that he wanted to listen and work with everyone.

The Chair then asked all parties present if they had any questions of the Applicant, Mr. Murphy.

Adrienne O’Sullivan (Objector) commenced by asking what the capacity in the venue was and was advised that the ground floor had 76 seats, upstairs there were 40, the bar area had a capacity for 50 people, the mezzanine area 20 and the private room 30.

Peter Williams made the following observations: He had been pleased that the Applicant has got in touch with him, he referred to issues with other premises owners and referred to the extended hours being applied for. The Applicant stated that the extension would only be for parties. Mr. Williams however, observed that the capacity would be in excess of 200 people every other weekend and that this would cause noise. He stated that he had called the Police in the past advising that the

warning signs were there having regard to the proposed times which he said would be a problem for local residents and considered that 23:00 hours for stopping the sale of alcohol would be more appropriate and considerate to residents. He drew attention to the Bears Head which he said caused local hassle with the clientele leaving at 00:00 hours (midnight). Mr. Williams said if the application went through as applied for he would have to consider looking for somewhere else to live as the application was adding to existing problems.

Emma Henwood referred to three queries and concerns: If a party was taking place how was she to make any concerns known. In response Mr. Murphy advised that he would be on site most of the time, especially in the early days and would be happy for people to have his email and to come in and see him. They could also contact the licensing authority and environmental health. He also advised that in addition complainants could contact him through social media. Mr. Murphy stated that The Pilot was a very well-run venue and the restaurant would be run the same way. Ms. Henwood drew attention to incidents of anti-social behaviour from another premises from which her husband had been threatened and referred to a balloon having been left in the tree outside her premises. She also commented that in her view the authority for any redress was not very good. In referring to a local premises which was now closing earlier she enquired whether the Applicant would consider letting them in to his. Mr. Murphy said that if other people wished to come to his premises he would let them in if they were not drunk and entering within licensing hours. Mr. Murphy also commented that he was a food operator, he would manage any issues and drew an analogy with another premises he ran in Llantwit which was also well managed.

Rebecca King enquired as to whether it was the intention for the bar if granted to 00:00 hours (midnight) for it to be open every weekend? The Applicant said it would not. Ms. King said that although she was looking forward to the bar opening she was concerned about anti-social behaviour including incidents of patrons to other venues gathering outside. Councillor Norman asked what time last orders in the kitchen would be and was advised this would be 21:00 hours.

Mr. Dyfri Owen advised that he was pleased with how the building looked however he had attended a previous Licensing Committee hearing for the local RAFA club and had been unsure at that time if the decision had been unanimous to grant that licence. He drew attention to the considerable noise element that would emanate from the premises if the current application was to be granted. Mr. Murphy in response said that he would be more than happy for the residents to get in touch with him to discuss any issues. Mr. Owen however advised that it did not matter how many times he had called the Police or the Shared Regulatory Service department in the past relating to the previous business, nothing had happened. He stated that he could categorically guarantee the hours applied for would cause nuisance, shouting, swearing and fighting etc. He stated that even if they were nice people, they could still be noisy with alcohol referring to taxis and noisy drunk people outside his house when the premise would close. Having regard to the process for informing Regulatory Services out of hours, the Legal Officer advised of the process stating that an out of hours service was in place for the three Local Authority areas within the Service. Mr. Murphy stated there would be an half an hour drinking up time so that if the Committee were minded to approve the application till 23:00 hours drinking

up time would conclude at 23:30 hours, he also agreed that Pier and Piano areas could be disruptive. However he stated that his team were well trained and could manage people and he was willing to work with Mr. Owen and all local residents

Mr. Owen also commented that it was music to his ears that the Applicant had said that he would be happy to be licensed until 23:00 hours on Fridays and Saturdays as his concern if the hours applied for were approved was that trouble would go on until 01:00 hours in the morning.

Sarah Candy, agreeing with the representations made by other objectors, enquired as to how the noise from open windows would be managed. Mr. Murphy stated that there were no rear facing windows and that the rooms were climate controlled. The Applicant also responded that he wanted to work with the community and did not want issues with neighbours. Mrs. Candy's husband, who was present on the call, referred to a noise management policy and anti-social behaviour to which Mr. Murphy responded accordingly. Reference was also made to the extraction system which was due to be installed which Mr. Murphy advised was a planning stipulation.

Mr. Pete Williams commenting further said that he agreed with the speakers who had spoken advising that it all looked good on paper but the reality in his view would be different. He however concluded by saying that he would be happy as would others if the licence ended at 23:00 hours.

Having regard to other objectors in the meeting the Chair enquired if they wished to make any representation with Mr. Ferda and Mr. Keith Davies echoing the views of the other objectors as outlined above.

With all parties having the opportunity to make their representations and with no other parties to consult and no further questions from Members of the Sub-Committee, the Chair advised that the Sub-Committee would go into private deliberation, with the decision on the application to be provided to all parties as soon as possible after the meeting and with written confirmation of the Sub-Committee's reasons to follow.

RESOLVED – T H AT the application be granted as follows –

- the terminal hour for all activities applied for to be 23:00 hours Monday to Sunday;
- the conditions as modified within the operating schedule, as agreed with South Wales Police in a way that was considered appropriate for the promotion of the licensing objectives and as contained within Appendix C to the report with the conditions.

Reasons for the decision

Having regard to the representations, contained within the report, the evidence presented at the hearing, the responses of the Applicant and having taken into account the Licensing Act 2003 as amended, in particular the licensing objectives

and the Home Office Guidance along with the Council's Statement of Licensing Policy.

The Sub-Committee in reaching their decision were concerned that disturbance would be caused in a primarily residential area should licensable activity take place beyond the hours of 23:00 hours. The Sub-Committee were mindful that with the addition of the closure of the premises and people leaving the area that the terminal hour would allow for patrons to leave the area within a reasonable time.