

STATUTORY LICENSING SUB-COMMITTEE

Minutes of a Remote meeting held on 2nd May, 2025.

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

The recording of the meeting is available [here](#).

Present: Councillors P. Drake, W.A. Hennessy and J.M. Norman (due to unforeseen circumstances, Councillor M.J.G. Morgan was unable to attend and therefore Councillor Hennessy attended instead as the Reserve Member).

Also present: N. Jarjis (Applicant), W. Rathore (Applicant's Representative), W. Lane (Operational Manager – Neighbourhood Services (Shared Regulatory Services – Vale of Glamorgan Council)), Councillor Dr. I.J. Johnson (Vale of Glamorgan Council), M.E. Thomas (Democratic Services Officer – Vale of Glamorgan Council) and R. Price (Vale of Glamorgan Council Legal Officer).

(a) Announcement –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer 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”.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor P. Drake be appointed Chair for the duration of the meeting.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Licensing Act 2003 – Grant of Premises Licence – Dominos, 15-17 Holton Road, Barry, CF63 4HA (LA) –

The Sub-Committee considered the application which sought the provision of late-night refreshment Monday to Sunday 11.00pm to 5.00am.

The hearing was attended by the Applicant and their representative, Walaiti Rathore.

The Licensing Officer outlined the report to the Sub-Committee which had been previously distributed together with the additional representations.

Representations were received from Councillor Dr. Johnson and Barry Town Council, which were as appended to the report.

The Responsible Authorities, South Wales Police and Environmental Health, made relevant representations and agreed conditions for inclusion on the licence with the Applicant and therefore the application for the grant of a licence was not opposed.

The Applicant's Representative stated that:

The application should be granted as applied for, with the conditions in the operating schedule and the Police and Environmental Health Department's agreed conditions. The issues identified as the starting point were that the application was not for regulated entertainment or sale of alcohol. The Sub-Committee were told that the Applicant was a multi-site franchise employer, employing 1,400 employees. It was an organised and professional organisation. They had several sites in similar places that operated late and into the early hours of the morning. They had internal procedures where they closed the front of the store and the drivers were instructed to work in a quiet and professional manner.

The Responsible Authorities, firstly the Police, had reached an agreement. The Police were generally supportive of the application and generally happy with the conditions volunteered. They had required the wording to be modified, and an additional condition imposed. They were satisfied the licensing objectives would not be undermined.

The Sub-Committee were told that agreement had also been reached with Environmental Health who were the main Authority who dealt with noise, and they had no issues which were issues raised by the Other Persons. There had been no recorded complaints against these premises.

Councillor Dr. Johnson was contacted in order to work in partnership with the Applicant, however he wanted a public hearing, and the difficulty was there was no evidence to support the representation from him. The representation was described as short, generic and speculative. No actual evidence of any complaints had been referred to. No evidence of local emotion on the application was evident and that there was not a single allegation to justify not granting the licence. Reference was made to the relevant case law and it was reiterated that there was no evidence upon which to not grant the licence. It was stated that the planning decision was a "cut and paste job". Case law and guidance stipulated that planning policy and considerations were two separate regimes. Planning and licensing could legitimately differ.

It was important to note that the Planning team had not made any representations and would take the view that they would get involved at the planning stage. They were the main source of advice in matters concerning planning.

Councillor Henessy asked if other Dominos outlets were open until 5.00am. It was confirmed that about 300 sites operated, and this Applicant operated about 14 and

many operated to 5.00am without issue and with any necessary procedures put in place to mitigate any concerns that had been raised subsequently.

The Applicant / their representative was asked about noise potentially impacting nearby residential premises and what they would do to stop this. The location was next to a residential area / street with a lot of children / families on it. It was advised that a permissive approach was required and that any problems would be dealt with by a review. The conditions would become part of the authorisation. Speculation about what might happen could not be taken into account.

Other Persons

Councillor Dr. Johnson stated that he felt the Applicant was doubting his objection and that he was the local Member, a resident and a regular user of the store. His concerns were the later licence being proposed and mitigation to be put in place to prevent problems. He stated that he was grateful to the Applicant reaching out to him but felt that an evidential record was important if concerns arose in the future. The local public houses and take aways generally closed around midnight. The main concern was the noise generated by vehicles and conversations taking place late at night. Councillor Dr. Johnson asked about the vehicles taking delivery from the front of the property and not from the rear car park. The second issue was the route through a residential street which could be used as a "rat run" and this would lead to an increase of vehicle traffic.

Councillor Dr. Johnson was thanked for his representations by the Applicant's Representative. The parking at the front as an alternative was not a problem. The Applicant had a very good record and that if there were concerns people could approach the Applicant directly. He stated that there was no evidence of any problems. He stated that conditions on the highway could not be imposed as the highway was a highway. Councillor Dr. Johnson stated that the complaints should be dealt with in a formal manner. He also welcomed the fact that the issue had been raised around the potential for noise connected to late night delivery and the importance of mitigating or 'future proofing' the issues identified around this.

The Licensing Officer added there had been discussions between the Applicant and Environmental Health and the agreed conditions were covered in the supplementary information provided prior to the meeting. There was an element of minimisation contained within these, such as addressing other noise caused by these activities and switching off engines where the delivery drivers were parked / waiting. The Officer explained to the Committee that should issues occur if the license was subsequently granted, then the Licensing Act could be used to take a 'stepped' approach in order to engage with the business and put in place any mitigations or enforcement measures to address resident concerns over noise, etc. There were also options under the Environmental Protection Act which could be utilised, if required as well (including statutory nuisance powers).

The Applicant's Representative stated that the term 'future proof' had been raised but this could not be a consideration when licensing the premises, taking into account the licensing regime.

It was stated that as it was a new application, the Applicant was entitled to have it considered on its own merits and it was a permissive regime. It was stated therefore that the representations were flawed. The Applicant had a proven track record and referenced the Council's own policy.

The responsible Authority should support the application, and the application was designed to stagger the operation of the premises.

It was confirmed that the delivery drivers would be using their own cars or similar and these would not be commercial, delivery van type vehicles used.

With no other parties to consult and no further questions from the Sub-Committee, the Democratic Services Officer and the Legal Officer confirmed that the Sub-Committee would go into private deliberation, with the decision on the application to be provided to all parties by the Licensing Authority within five working days.

Following this, the Applicant, their representative, Councillor Dr. Johnson and the Licensing Officer in attendance disconnected from the remote meeting, as confirmed by the Democratic and Scrutiny Services Officer, and the Licensing Sub-Committee deliberated the amended application in private with the support of the Council's Legal Officer. The Licensing Sub-Committee subsequently

RESOLVED – T H A T the application as applied, for together with the agreed conditions of the Responsible Authorities appended to the report and the conditions in the operating schedule, be granted.

Reason for decision

In reaching the decision the Sub-Committee had considered the application along with all those who have made both written and oral submissions. The Sub-Committee had 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.