



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Is-bwyllgor trwyddedu statudol

Lleoliad: Cyfarfod Aml-Leoliad - Siambr y Cyngor, Neuadd y Ddinas / MS Teams

Dyddiad: Dydd Llun, 31 Hydref 2022

Amser: 10.00 am

Cadeirydd: Y Cyngorydd Penny Matthews

Aelodaeth:

Cynghorwyr: M Bailey a/ac V A Holland

Gwyllo ar-lein: <https://bit.ly/3Cl2zz4>

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.
www.abertawe.gov.uk/DatgeliadauBuddiannau
- 3 Gweithdrefn yr Is-bwyllgor Trwyddedu Statudol (er gwybodaeth). 1 - 2
- 4 Deddf Trwyddedu 2003 3 - 39
Adran 34 - Amrywio Trwydded Safle - Lifestyle Express, 187
Middle Road, Gendros, Swansea. SA5 8EZ.

Huw Evans
Pennaeth y Gwasanaethau Democraidaidd
Dydd Mawrth, 25 Hydref 2022

Cyswllt: Gwasanaethau Democraidaidd - Ffon: (01792) 636923

Agenda Item 3



Statutory Licensing Sub Committee Procedure/Running Order

The procedure to be followed by the Committee is as follows:-

1. The Chair will:
 - Open the meeting.
 - Introduce themselves, Members of the Committee, Officers present and ask the other parties to introduce themselves.
 - Explain the nature of the decision to be taken.
 - Ask the Lawyer advising the Committee to outline the procedure to be followed.
2. Members will be asked to make any declaration of interest.
3. The Chair will ask the Licensing Officer to present the report
4. Members of the Committee will be invited to ask any relevant questions of the Licensing Officer.
5. Responsible Authorities and other persons present will be invited to ask for any clarification in respect of the report presented.

Representations – Responsible Authorities

6. The Chair will invite each responsible authority to fully outline the nature of their representation in the following order:
 - South Wales Police.
 - Trading Standards.
 - Mid and West Wales Fire Authority.
 - Health and Safety.
 - Planning Authority.
 - Pollution Division.
 - Child Protection.
 - Primary Care trust/Local Health Board.
 - Licensing Authority.
 - Immigration.
 - Other Persons.

7. The Chair will invite Members of the Committee to ask questions of each responsible authority.
8. The Chair will invite the applicant and other persons present to ask questions of each responsible authority.

Representations – Other Persons

9. The Chair will invite each of the other persons present (or their appointed spokesperson where there are a number of other persons and the nature of the representations are similar), to fully outline their representation.
10. The Chair will invite Members of the Committee to ask any relevant questions of the other persons.
11. The Chair will invite the responsible authorities and applicant to ask questions of the other persons.

The Application

12. The Chair will invite the applicant and/or the person representing them to fully outline their application.
13. The Chair will invite Members of the Committee to ask questions of the applicant.
14. The Chair will invite each responsible authority and other persons present to ask questions of the applicant.

Closing Submissions

15. The Chair will give all parties the opportunity to briefly summarise their key points and make any final points of clarification. The order will be:-
 - responsible authorities;
 - interested parties.;
 - applicant.
16. Members will consider if they need to go into private session to receive legal advice and to debate the application.
17. The decision will generally be given, with reasons, together with a summary of the legal advice provided within 5 working days of this date.



Report of the Service Manager

Statutory Licensing Sub Committee – 31 October 2022

Licensing Act 2003 Section 34 - Variation to a Premises Licence

1. **Premises: Lifestyle Express, 187 Middle Road, Gendros, Swansea. SA5 8EZ**
2. **Applicant : Kanakanayagam Tamilkumar**
3. **Application For a Variation to an existing Premises Licence SJ49941**

- 3.1 An application to vary the existing premises licence was received by this Authority on the 5th September 2022. The applicant has applied to allow the following licensable activities to take place.

Supply of Alcohol (off sales only) - Monday to Sunday 0700hrs to 2300hrs

The opening hours would be – Monday to Sunday 0700hrs to 2300hrs

Further to the application to vary and extend the supply times for alcohol, the applicant has offered modified conditions which can be found in Section M of the application form at **Appendix A**.

- 3.2 A copy of the current premises licence is attached **Appendix A1**. Members will note that the times the current licence authorises the carrying out of licensable activities are:

Supply of Alcohol (off sales)

Monday to Sunday 0800 hours to 2100 hours

Opening times

Monday to Sunday 0700 hours to 2100 hours

- 3.3 The venue is situated on Middle Road, Gendros within a highly populated residential area. The location can be seen on map **Appendix B**. At the request of one person making a representation the location of the road they live on has been identified but not that of the exact address. The second person has now also indicated that they live in close proximity to the applicant's premises.

4. Background

- 4.1 The premises has had a Premises Licence since December 2011 allowing the off sales of alcohol. At that point the Premises Licence Holder and Designated Premises Supervisor (DPS) was Rashed Aziz, however in September 2022 the licence was transferred to Kanakanayagam Tamilkumar and the DPS became Niranshana Sureshkuma.
- 4.2 The current conditions which can be compared to those offered if the Licensing Sub-Committee grants the variation as applied for, can be found at **Appendix C**.

5. Promotion of the Licensing Objectives

- 5.1 The Licensing Act 2003 contains four licensing objectives, namely: -
- (i) Prevention of Crime and Disorder;
 - (ii) Public Safety;
 - (iii) Prevention of Public Nuisance;
 - (iv) Protection of Children from Harm.

Each of these objectives is of equal importance and the application must demonstrate how they are to be promoted.

6. RELEVANT REPRESENTATIONS

6.1 Responsible Authorities

- a) **South Wales Police**
No representations
- b) **Trading Standards**
No representations.
- c) **Mid and West Wales Fire Authority**
No representations.
- d) **Health and Safety**
No representations.

- e) **Planning Authority**
No representations.
- f) **Pollution Division**
No representations.
- g) **Child Protection**
No representations.
- h) **Primary Care Trust/Local Health Board**
No representations.
- i) **Licensing Authority**
No representations
- j) **Immigration**
No representations.
- j) **Other Persons**
Representations
 - 1. Submitted by Nicky.
 - 2. Submitted by Rosaria.

The representations are attached at **Appendix D (1) & (2)**.

7. Policy Considerations

- 7.1 In considering this application Members should have regard to the current Statement of Licensing Policy. A link to the policy is provided below.

<https://www.swansea.gov.uk/statementoflicensingpolicy>

8. Guidance Issued By the Home Secretary

- 8.1 Members should also have regard to the relevant parts of the current statutory guidance (The Guidance), issued by the Home Secretary in April 2018 in particular:

- (i) Introduction – Chapter 1
- (ii) Licensing Objectives – Chapter 2
- (iii) Applications For Premises Licences – Chapter 8
- (iv) Determining Applications – Chapter 9
- (v) Conditions attached to Premises Licences – Chapter 10
- (vi) Statement of Licensing Policy – Chapter 14

A link to the Guidance can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

9. Determination of the Application

- 9.1 The decision must be based on the individual merits of the application and the representations received, with a view to promoting the licensing objectives outlined in paragraph 5 of the report.
- 9.2 In arriving at the decision, Members should also have regard to the relevant provisions of the Policy and the Guidance as previously provided. Reasons must be provided for any departures from the Policy or Guidance.
- 9.3 In reaching the decision the Committee must, having regard to the representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:-
- a. Grant the licence subject to:
 - i) conditions that reflect the operating schedule, modified to such extent as the authority considers appropriate for promotion of the licensing objectives, taking into account those proposed to be removed and replaced by the applicant at **Appendix C** and
 - ii) any mandatory conditions relevant to the licence.
 - b. Exclude any of the licensable activities to which the application relates.
 - c. Refuse to specify a person in the licence as the premises supervisor.
 - d. Reject the application

The Licensing Sub Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Charles Gabe
Extension:	01792 635600
Legal Officer:	Aled Gruffydd

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We KANAKANAYAGAM TAMILKUMAR

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SJ049941
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 187 MIDDLE ROAD GENDROS			
Post town	SWANSEA	Postcode	SA5 8EZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£5600

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

--	--	--	--	--	--	--	--

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)
THIS IS A LOCAL CONVENIENCE STORE SITUATED IN RESIDENTIAL AREA. LOCAL CUSTOMERS WOULD LIKE THE SHOP OPEN LATER THAN 9PM AND THEY WOULD PREFER TO OPEN UNTIL 23.00 HOURS. THIS APPLICATION IS TO EXTEND THE HOURS OF SALE OF ALCOHOL FROM 21.00 TO 23.00 HOURS.

THIS IS A FAMILY BUSINESS AND APPLICANT HAS BEEN WORKING IN RETAIL STORES AND EXPERIENCE ENOUGH TO RUN THIS STORE EFFECTIVELY.

THE EXISTING CONDITIONS HAVE BEEN UPDATED AS ENCLOSED. THE ENCLOSED CONDITIONS WILL REPLACE THE CONDITIONS ON THE CURRENT PREMISES LICENCE.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	07.00	23.00			
Tue	07.00	23.00			
Wed	07.00	23.00			
Thur	07.00	23.00			
Fri	07.00	23.00			
Sat	07.00	23.00			
Sun	07.00	23.00			
			<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	07.00	23.00	
Tue	07.00	23.00	
Wed	07.00	23.00	
Thur	07.00	23.00	
Fri	07.00	23.00	
Sat	07.00	23.00	
Sun	07.00	23.00	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. A CCTV system shall be installed at the premises which has 31-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick.
2. The CCTV cameras shall cover the entire premises, including the till area where payment is made for alcohol and all areas in which members of the public have access, including ingress and egress. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
3. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.
4. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25. The only acceptable forms of identification shall bear the photograph, date of birth and a holographic mark.
5. New staff shall receive induction training at the commencement of their employment at the premises, including dealing with incidents and prevention of crime and disorder, underage sales training, and serving to persons in drink and proxy sales prior to being allowed to sell alcohol. This training shall be recorded.
6. All staff involved in the sale/delivery of alcohol shall receive training in underage sales, serving to persons in drink and how to deal with abusive and aggressive customers – this shall be recorded and kept for a minimum of one year.
7. Staff refresher training shall take place every 6-12 months and will be recorded.
8. The DPS shall ensure that there is an up-to-date written letter of authority record for all staff working at the premises who sell alcohol.
9. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names

of any other staff involved or to whom the incident was reported. This register shall be made available for inspection by South Yorkshire

10. A refusals register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, staff member challenging the sale and identification checked. This register shall be made available for inspection by South Wales Police or Local Authority Enforcement Officers immediately upon request.

b) The prevention of crime and disorder

AS DETAILED ABOVE

c) Public safety

AS DETAILED ABOVE

d) The prevention of public nuisance

AS DETAILED ABOVE

e) The protection of children from harm

AS DETAILED ABOVE

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or



- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	SIGNATURE - NIRA SURESH , 02/09/2022
Capacity	LICENSING AGENT

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
ARKA LICENSING CONSULTANTS TRIDENT BUSINESS CENTRE 89 BICKERSTETH ROAD LONDON			
Post town	LONDON	Post code	SW17 9SH

Telephone number (if any)	07803 903897
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) CONTACT@ARKALICENSING.CO.UK	

Swansea Council is the data controller for the personal information you provide on this form. We are collecting this information as part of our obligation under **Licensing Act 2003**. Your information will be used to help us fulfil our legal obligation and will not be used for any other purpose. We will not share your data with third parties unless we are required or permitted to do so by law.

Data protection law describes the legal basis for our processing your data as necessary for compliance with a legal obligation. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate **privacy notice** on our website (www.swansea.gov.uk/privacynotice).

LICENSING ACT 2003

**Premises Licence
Part A**

Premises licence number

SJ049941

Part A1 – Premises Details

Lifestyle Express 187 Middle Road Cwmdu			
Post town	Swansea	Post code	SA5 8EZ
Telephone number			

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol

Monday to Sunday 0800 hours to 2100 hours

The opening hours of the premises

Monday to Sunday 0700 hours to 2100 hours

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off

C

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

KANAKANAYAGAM TAMILKUMAR



Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

NIRANSHANA SURESHKUMAR



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Holder Number :  Merton Council

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made under the Premises Licence -

(a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or

(b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-

(a) a holographic mark or

(b) an ultraviolet feature.

6. The responsible person must ensure that -

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Where the Premises Licence allows Exhibition of Films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.

3. Where

(a) The film classification body is not specified in the licence, or

(b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

If the Premises Licence has conditions in respect of Door Supervision (except theatres, cinemas, bingo halls and casinos)

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of the Act.

2. but nothing in subsection (1) requires such a condition to be imposed:

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or

(b) in respect of premises in relation to:

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act.

3. For the purposes of this section:

(a) "security activity" means an activity to which paragraph 2(1) (a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula -
 $P = D + (D \times V)$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the

sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale/ supply of alcohol occurs. Equipment must be maintained in good working order, be correctly timed and date stamped , recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has

been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.

3. A Challenge 21 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification, bearing their photograph, date of birth and a holographic mark.

4. Premises to keep up to date records available for inspection of staff training in respect of age related sales.

5. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of 18.

6. New employees shall undergo induction training in relation to the sale of age restricted products immediately on commencing employment and a record shall be kept of such training.

7. Premises to keep up to date records available for inspection of staff refresher training in respect of age related sales.

8. All un-mixed spirits will be displayed behind the counter and supplied on a counter service basis only.

Annex 3 – Conditions attached after a Hearing by the Licensing Authority

Annex 4 – Plans

Submitted with the application dated 30th September 2011
Ref Middle3.fp.3

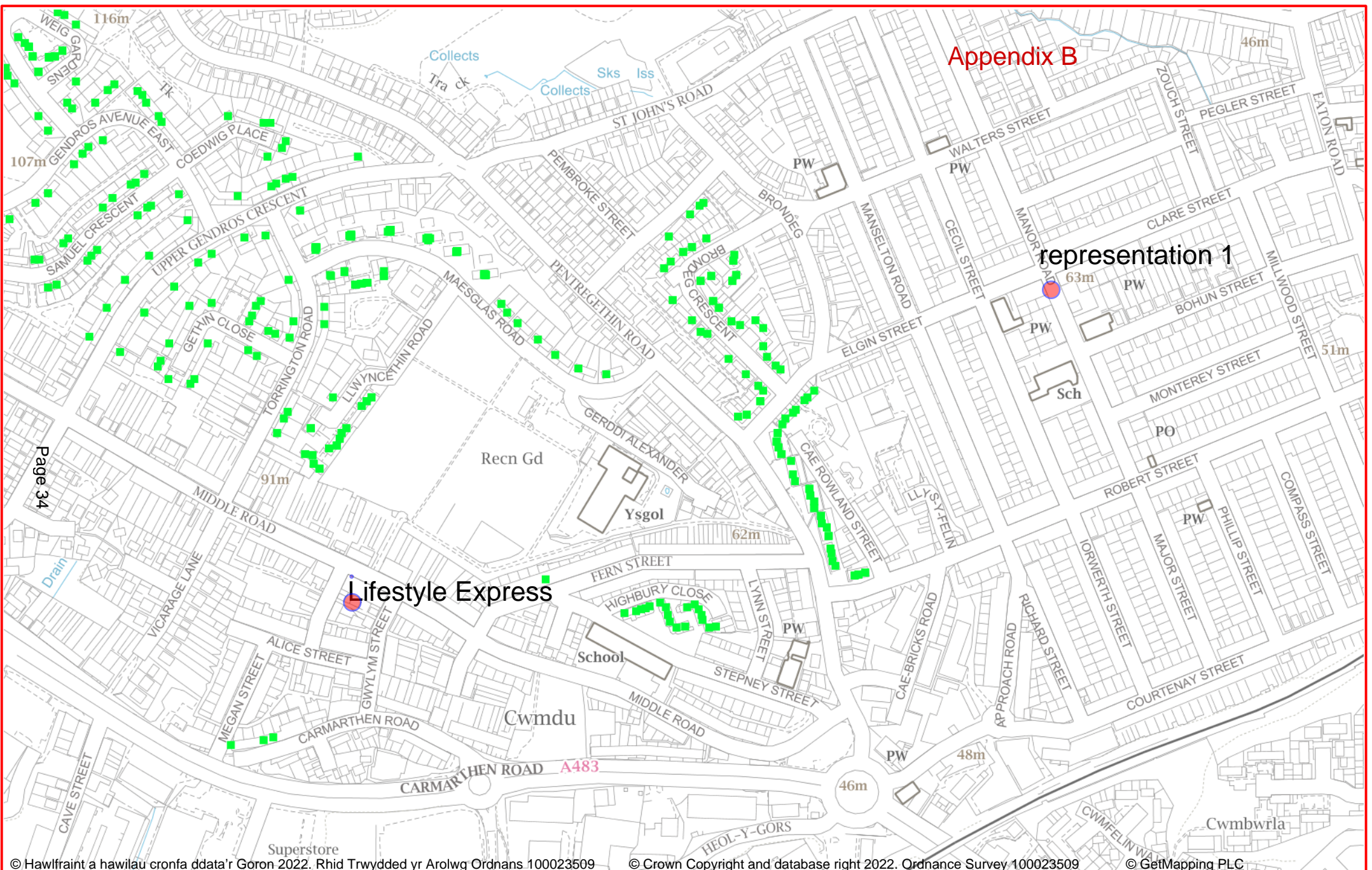
Director of Place	
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Authorised Officer	
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Dated: 02/09/2022

Ref: DPS/RW

representation 1



Current Conditions (since 2011) (to be removed should the variation be granted)

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale/ supply of alcohol occurs. Equipment must be maintained in good working order, be correctly timed and date stamped , recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.
2. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
3. A Challenge 21 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification, bearing their photograph, date of birth and a holographic mark.
4. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
5. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of 18.
6. New employees shall undergo induction training in relation to the sale of age restricted products immediately on commencing employment and a record shall be kept of such training.

7. Premises to keep up to date records available for inspection of staff refresher training in respect of age related sales.
8. All un-mixed spirits will be displayed behind the counter and supplied on a counter service basis only.

Proposed Conditions to replace the current conditions if the variation is granted as applied for.

1. A CCTV system shall be installed at the premises which has 31-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick.
2. The CCTV cameras shall cover the entire premises, including the till area where payment is made for alcohol and all areas in which members of the public have access, including ingress and egress. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
3. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.
4. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25. The only acceptable forms of identification shall bear the photograph, date of birth and a holographic mark.
5. New staff shall receive induction training at the commencement of their employment at the premises, including dealing with incidents and prevention of crime and disorder, underage sales training, and serving to persons in drink and proxy sales prior to being allowed to sell alcohol. This training shall be recorded.
6. All staff involved in the sale/delivery of alcohol shall receive training in underage sales, serving to persons in drink and how to deal with abusive and aggressive customers – this shall be recorded and kept for a minimum of one year.

7. Staff refresher training shall take place every 6-12 months and will be recorded.
8. The DPS shall ensure that there is an up-to-date written letter of authority record for all staff working at the premises who sell alcohol.
9. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. This register shall be made available for inspection by South Yorkshire
10. A refusals register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, staff member challenging the sale and identification checked. This register shall be made available for inspection by South Wales Police or Local Authority Enforcement Officers immediately upon request.

Appendix D(1)

*From: Nicky [REDACTED] <nicky[REDACTED]@gmail.com>
Sent: 22 September 2022 15:11
To: EVH Licensing <EVH.Licensing@swansea.gov.uk>
Subject: To vary the premises licence for Lifestyle Express, 187 Middle Road,
Gendros Swansea. SA5 8EZ*

CAUTION: External email - Do not click links/open attachments unless you recognise the sender and know the content is safe

Dear licensing team, I am emailing you in regards to the following application which has been submitted by Kananayagam Tamilkumar

To extend the sale times of alcohol from 0800hrs to 0700hrs and from 2100hrs to 2300hrs each day, and to modernise and increase the conditions attached to the licence.

I would like to exercise my right as an area of the area to express my concern and objection to the extension of selling alcohol at this premises. My reasons are outlined below

- The premises is known locally to be in breach of its licence by selling alcohol and other products (nicotine) to underage children*
 - There is no genuine reason as to why the hours are to be extended from 7am to 11pm*
 - The extended hours could potentially put those in vulnerable situations (e.g. alcohol addiction) extended hours to purchase*
 - The extended hours of sale of alcohol through the proposed time will attract unwanted attention/persons to the store in possibly an already intoxicated state*
- Please treat this as a formal objection. My door number and post code are as follows : [REDACTED] SA5 9PA*

Could you please confirm receipt of this email and confirmation that my concerns and objection have been recorded against this application.

Thank you

--

Regards

Nicky [REDACTED]

From: Rosaria [REDACTED] Rosaria. [REDACTED]
Sent: 25 September 2022 13:10
To: EVH Licensing <EVH.Licensing@swansea.gov.uk>
Subject: 187 middle road lifestyle express SA5 8EZ

CAUTION: External email - Do not click links/open attachments unless you recognise the sender and know the content is safe

Good morning with this mail I am confirming my disagreement regarding the lifestyle express shop changes requested I will explain my points in order with your guidelines

-Prevention of crime and disorder in this area there are already many vandalism activity as damage of private property like I had myself to pay a professional to get it sorted and install a ring camera and audio device trying to discourage those acts, the entry to my house door obstructed by bicycles and scooters laying right outside my house pavement, rubbish and glass from broken bottles dangerous for both kids and dog on walks, leave the shop open for late hours will keep growing that decaying situation

-Public safety selling alcohol to late hours will only make they shop more of a meeting point to drink and make noise easily taking into fights and public disorders

-Prevention of public nuisance the request of the shop owner shows a lack of respect for the neighbourhood as being in a residential area after a certain hours should be living in quiet in the respect of the residents working hours and habits, in my case I have to wake up at 2 o'clock in the morning to work and I deserve some peace to rest like anybody else does

-Protection of children from harm selling alcohol and having the shop as meeting point for teenagers and adults give a bad example to the children who emulate those attitudes like asking to people to buy vape pen liquid.

In the email it was said that the parking issue won't be taken in consideration that is still an obvious problem that won't disappear by ignoring it.

Thanks for your attention and work I trust in your judgment that will lead to an appropriate decision ~~in respect of all the residents.~~