



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Trwyddedu Statudol

Lleoliad: Cyfarfod Aml-Leoliad - Ystafell Gloucester, Neuadd y Ddinas / MS Teams

Dyddiad: Dydd Gwener, 14 Ebrill 2023

Amser: 9.55 am

Cadeirydd: Y Cyngorydd Penny Matthews

Aelodaeth:

Cyngorwyr: M Bailey, J P Curtice, P Downing, V A Holland, S Joy, P Lloyd, M W Locke, C L Philpott, B J Rowlands a/ac L V Walton

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Derbyn datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeluCysylltiadau
- 3 Cofnodion:** **1 - 22**
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.

Huw Evans
Pennaeth y Gwasanaethau Democraidd
Dydd Mercher, 5 Ebrill 2023
Cyswllt: 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Committee Room 5, Guildhall, Swansea

Wednesday, 26 October 2022 at 10.00 am

Present: P M Matthews (Chair) Presided

Councillor(s)

J P Curtice

Councillor(s)

L V Walton

Officer(s)

Annie Davies

Aled Gruffydd

Rachel Loosemore

Licensing Officer

Associate Lawyer

Operational Lead - Licensing

Also present

RDN

PC Nicola Evans

Applicant

Licensing Officer, South Wales Police

1 **Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

2 **Statutory Licensing Sub Committee Procedure (for information).**

The Democratic Services Officer/Associate Lawyer presented the Statutory Licensing Sub Committee Procedure/Running Order, for information.

3 **Exclusion of the Public.**

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

4 **Licensing Act 2003 - Part 6 - Application for a Personal Licence - RDN**

The Chair welcomed all attendees to the meeting and all parties present introduced themselves.

The Licensing Officer reported on the application for a personal licence in respect of RDN received on 8 September 2022. Specific reference was made to Schedule 4 of the Licensing Act 2003 at Appendix A. The application for a personal licence was outlined at Appendix B together with the objection notice that had been received from South Wales Police, at Appendix C.

PC Evans, Police Licensing Officer, outlined the objections to the application on behalf of South Wales Police in regard to undermining the licensing objectives of crime and disorder and public safety.

RDN explained the circumstances of the application and other relevant information and answered the questions of both Members and the Police Officer relating to those matters.

It was **Resolved** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Senior Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Grant** RDN's application for a Personal Licence.

Reasons for decision

- Committee determined that despite offending history applicant genuinely intended to turn life around and had abstained from using drugs.
- Committee noted applicant cited the protective factor of his daughter and did not want to jeopardise providing a future for her

- Committee impressed with the number of community events held at the premises including blue light discos to keep children off streets and prevent them from participating in underage drinking where Police ought to be present at these events
- Committee noted that all offences will be spent in March 2023.
- Committee note that if applicant reoffends this would impact upon the premises licence as well as his own personal licence.
- The Committee determined that the applicant was a fit and proper person to hold a personal licence.

The meeting ended at 10.42 am

Chair



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Monday, 31 October 2022 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
V A Holland

Councillor(s)
P Lloyd

Officer(s)

Charles Gabe
Aled Gruffydd
Rachel Loosemore

Licensing Officer
Associate Lawyer
Operational Lead - Licensing

Also present

Mr Kanapathi,
Mr Tamilkumar

Applicant's Representative
Applicant

Apologies for Absence

Councillor(s): None.

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were received.

2 Statutory Licensing Sub Committee Procedure (for information).

The Lawyer advising the Committee, presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 34 - Variation to a Premises Licence - Lifestyle Express, 187 Middle Road, Gendros, Swansea. SA5 8EZ

The Chair sought approval for an adjournment to allow Nicky, Other Persons, to attend the meeting.

Adjourned at 10.05 am

Re-convened at 10.15 am

The Chair welcomed all attendees to the meeting and advised that Nicky, Other Person, had stated that he was unwell and would not be attending the meeting.

The Licensing Officer reported on the application for a Variation to a Premises Licence in respect of Lifestyle Express, 187 Middle Road, Gendros, Swansea, SA5 8EZ.

He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to application for a premises licence at Appendix A (which included modified conditions which could be viewed at section M of the application form) a copy of the current premises licence at Appendix A1, the location plan of the premises at Appendix B, conditions consistent with the operating schedule at Appendix C, the representations made by Other Persons at Appendix D1 to D2.

Two representations had been received from Other Persons. A copy of their representations were attached at Appendix D1 and Appendix D2. The representations related to the prevention of crime and disorder, public safety and protection of children from harm.

In the absence of both Other Persons (Nicky and Rosaria) the Licensing Officer read the written representations objecting to the application and which highlighted concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder, public safety and protection of children from harm.

In response to a Member question, the Licensing Officer stated that the reference to the premises selling alcohol and other products (nicotine) to underage children had been investigated. One anonymous complaint had been received which did not related to the sale of alcohol to underage children. No evidence had been submitted and Officers were not able to investigate further as the complaint was anonymous. The complaint related to the previous licence holder.

Mr Tamilkumar, Applicant, spoke in support of the Application and detailed the nature of the premises as a convenience store, operating throughout the day and evening.

Mr Kanapathi, Applicant's Representative, stated that the applicant would be changing to the DPS this week as he now holds a personal licence.

Reference was made to the lack of representations from the Responsible Authorities. Given the location of the premises in a highly populated area, only two representations had been received. The issues raised by the Other Persons related to the previous licence holder.

It was noted that the Applicant had experience in promoting the Licensing Objectives and lived locally.

The hours of operation applied for reflected the nature of the premises as a convenience store and Members' noted that customers were present at all hours throughout the day.

The revised conditions further strengthened the Licensing Objective in respect of protecting children from harm.

The Committee was urged to grant the application.

In response to a Member question, the Applicant stated that if a customer presented as intoxicated, the sale would be refused.

It was **Resolved** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Lawyer advising the Statutory Licensing Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representations made and the needs and interests of all parties in terms of the Council's Statement of Licensing Policy, Statutory Guidance and the requirements of the Licensing Act 2003

Following this determination the Sub-Committee **Resolved to Grant** the application subject to conditions consistent with the operating schedule detailed:

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.

Reason for Decision

The Committee found no evidence to support the refusal of the request.

The allegations raised by the representations regarding underage sales were not backed up by Trading Standards, Furthermore, the allegations related to the previous licence holder not the current applicant.

Finally the Committee confirmed that the residents have the opportunity to apply for a licence review if concerns arise regarding the licensable activities at the premises.

The meeting ended at 10.50 am

Chair



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 2 December 2022 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
P Lloyd

Councillor(s)
M W Locke

Officer(s)
Aled Gruffydd
Yvonne Lewis
Tom Price
Lindsey Stock

Associate Lawyer
Team Leader, Licensing
Team Leader - Pollution Control
Licensing Officer

Apologies for Absence

Councillor(s): None.

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

The Lawyer advising the Committee, presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 100 - Temporary Event Notice - Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF.

The Chair welcomed all attendees to the meeting.

The Licensing Officer reported on the application for a Temporary Event Notice in respect of Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF.

She referred to the licensing objectives, policy considerations and the guidance from the Home Office. Specific reference was made to Temporary Event Notice (TEN) at Appendix A, and the objection from Relevant Persons at Appendix B.

The Team Leader, Pollution Control and Private Sector Housing (Relevant Persons), advised that the objection to the Temporary Event Notice (TEN) submitted on the 23 November 2022 for the 8 December 2022 had been withdrawn on 29 November, 2022.

The withdrawal was made as the event applied for did not appear to be the same in nature as the event witnessed by Officers on the 4 November 2022.

Officers will look to assess the noise levels from the TEN on the 8 December 2022 and organise a site visit, within the next 14 days, to discuss the events that are held at the premises with regard to Statutory Noise Nuisance.

The Sub-Committee **Resolved** the temporary event notice be **granted**.

The meeting ended at 10.15 am

Chair



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

**Multi-Location Meeting - Council Chamber, Guildhall / MS
Teams**

Tuesday, 7 February 2023 at 10.00 am

Reconvened on Monday, 13 February, 2023 at 11.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
V A Holland

Councillor(s)
M W Locke

Officer(s)

Aled Gruffydd

Rachel Loosemore

Lindsey Stock

Samantha Woon

Associate Lawyer

Operational Lead - Licensing

Licensing Officer

Democratic Services Officer

Also Present:

Tom Price – Team Leader, Pollution Control and Private Sector Housing

Randolph – Applicant's Representative

Apologies:

None.

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

The Lawyer advising the Committee, presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 100 - Temporary Event Notice - Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF.

The Licensing Officer advised that the Applicant had requested that the matter be deferred as her representative was unable to attend due to a bereavement.

Resolved that the matter be adjourned.

The meeting stood adjourned until 11am on Monday 13 February 2023.

The Chair welcomed all attendees to the Re-convened Meeting of the Statutory Licensing Sub Committee at 11.10 on Monday, 13 February, 2023.

The Democratic Services Officer stated that there were no apologies for absence. No Members or Officers present disclosed any declarations of personal or prejudicial interest.

Following formal introductions the Associate Lawyer outlined the procedure to be adopted by the Sub Committee in considering the application.

The Licensing Officer reported on the application for a Temporary Event Notice (TEN) in respect of Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF received on 30 January, 2023 for an event on 3 and 4 March, 2023.

She referred to the licensing objectives, policy considerations, guidance from the Home Office and action following consideration of the relevant persons objections. Specific reference was made to Temporary Event Notice (TEN) at Appendix A, and the objection from Relevant Persons at Appendix B.

In response to a question from Randolph (the Applicant's representative), the Associate Lawyer detailed the process for dealing with Objections from Relevant Persons which was via the Sub Committee Hearing which had been adjourned from 7 February, 2023 (at the request for the Applicant) and reconvened today.

The Team Leader, Pollution Control and Private Sector Housing (Relevant Persons), advised that the objection to the Temporary Event Notice (TEN) had been submitted on the 1 February, 2023. He advised that the reason for the objection was as a result of complaints being received in respect of the premises (Cinema and Co). Complaints had been received in May 2017, November 2021, April 2022, October and November 2022. The objections related to DJ type events that had been held up until approximately 2:00 am.

It was noted that Pollution Control Officers attended on 4 of November 2022 and were satisfied that they had witnessed a statutory noise nuisance under the Environmental Protection Act 1990.

Following the visit on 4 November, 2022, e-mail correspondence was entered into and a pre-notice letter was sent to the Applicant.

Given the nature of the premises (ground floor with residential above) an attempt was made to discuss the issues on site to see what actions potentially could be taken and how a statutory noise nuisance at a future date could be prevented. A visit was undertaken on 25 January 2023, where advice was given to the Applicant and her sound engineer.

On Friday the 27 January, 2023, following that meeting, there was a temporary event (a DJ type event) and Pollution Officers attended the premises at 9:50pm as a result of a complaint. When they arrived music was clearly audible on the highway outside the premises. Upon entering the block of flats, music could be clearly heard in the

corridors within the stairwell and also within the complainant's living room and kitchen dining area. The predominant issue being the base music being driven from the music downstairs to such an extent the floorboards and the cupboards were vibrating and could be clearly heard over the volume of conversation within the premises within the residential dwelling.

Pollution Control Officers were satisfied that the statutory nuisance was in occurrence and as a result are looking to serve an Abatement Notice under section 80 of the Environmental Protection Act 1990 to prohibit the recurrence of a statutory nuisance at Cinema and Co.

There is an appeal period within an abatement notice once it is served of 21 days and that notice is to be served this week. Therefore the proposed event would fall within that appeal period.

In conclusion, the Team Leader Pollution Control and Private Sector Housing stated he was satisfied that a statutory nuisance was likely to recur from this premises should the event be held, and therefore an objection to the Application is made on those grounds.

In response to a question from the Applicant's Representative, the Team Leader Pollution Control and Private Sector Housing stated that:

- Two experienced Pollution Officers attended the premises to gather evidence in order to determine the existence of a statutory noise nuisance. The nature of evidence gathering encompassed the duration, intensity, locality and suitability of the building. Officers witnessed regulated entertainment which was an activity which the Applicant is not licensed for and the premises was unable to contain.
- In relation to a building of this nature and use, Officers would look to set a noise limit potentially upon discussion with appropriately qualified acousticians.
- There is a recurrence of the statutory nuisance and numerous letters/email of complaint have been received from tenants.
- For this particular site, when the residential development took place, conditions were placed as part of the planning process for certain levels to be achieved. However, that was for the licensed use of the premises, the provision of the DJ Entertainment for example, was not the licensed use and is a different sound pressure to the licensed use. The normal everyday use from the cinema, has not generated complaints.
- Discussions with the Applicant regarding appropriate levels to carry out future events will form part of the abatement notice when that notice is served, Officers would be happy to discuss that point.
- Following receipt of the Abatement Notice, the Applicant would need to ensure that work is carried out and designed in an appropriate way to satisfy the Council that once implemented, it would mitigate and prevent the statutory nuisance recurring.

The Team Leader Pollution Control and Private Sector Housing stated that he was satisfied that a statutory nuisance was likely to recur and given the lack of evidence from the Applicant the objection remained.

The Applicant's representative stated that, in his opinion, the process should be more robust at the time of any complaint. He referred to the lack of consultation with the Applicant on the night Pollution Officers attended and that the Applicant had not been party to the details of the complaint.

In response to a question regarding the Abatement Notice, the Associate Lawyer stated that the role of the Committee Hearing today was to determine whether or not the event on the 3/4 March should go ahead.

The Team Leader Pollution Control and Private Sector Housing confirmed that a site meeting had been held on site prior to the event in January, with advice given about acceptable noise levels.

The Applicant's representative stated that he was unable to detail what steps could be taken to allow the proposed event on 3/4 March to proceed without concern.

In response to a question regarding sound protection, the Team Leader Pollution Control and Private Sector Housing stated that as part of the initial planning process, documentation would be available on the planning portal and the Applicant would be able to access these details.

The Applicant's representative queried whether Pollution Control Officers had attended on all the dates referred to in the Complaints log. The Team Leader, Pollution Control and Private Sector Housing confirmed that Pollution Control Officers were present on 4 November 2022 and 27 January, 2023 and that the Applicant had been advised following the Pollution Officers evidence gathering. This was followed up with email correspondence which resulted in a site meeting on 25 January, 2023 where advice was given. Further advice was given after 27 January, 2023, where the Applicant was informed that the Council were in the process of drafting an Abatement Notice under the Environment Protection Act 1990.

In response to a question from the Chair, the Applicant's representative stated that he was not aware of discussion with the neighbours who had made complaints and was unsure of any measures the Applicant had put in place to avoid any occurrence of noise nuisance.

It was **Resolved** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Associate Lawyer gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the

Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Refuse** the application.

Reasons for Decision

- 1) The Licensing Sub-Committee noted that the Pollution Control Officer raised concerns from neighbours regarding a statutory noise nuisance. It was noted that the complaints related exclusively to the premises' DJ nights and not to any film screenings held.
- 2) There was no evidence before the Licensing Sub-Committee of any attempts made by the Applicant to engage with the complainants regarding the noise concerns raised.
- 3) It was recognised that sound proofing measures to reduce noise pollution cannot be installed in the timescale before the event.
- 4) The Applicant provided no evidence of steps that would be taken to promote the licensing objectives other than turning the music volume down. Since the noise of the crowd would also add to the noise generated by the event and that cannot be controlled by the volume of the sound system, then the Licensing Sub-Committee were not satisfied that that would be an appropriate step without the additional measure of sound proofing.

The meeting ended at 12.13 pm

Chair



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 3 March 2023 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
J P Curtice

Councillor(s)
M W Locke

Officer(s)
Annie Davies
Craig Davies
Yvonne Lewis
Samantha Woon

Licensing Officer
Associate Lawyer
Team Leader, Licensing
Democratic Services Officer

Also present:

Mr Jordan
Mr Tamilkumar
PC N Evans
Sgt C Dicks
PC P Jones

Applicant's Representative
Applicant's Representative
South Wales Police
South Wales Police
South Wales Police

Apologies for Absence

Councillor(s): None.

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no personal or prejudicial interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

The Lawyer advising the Committee, presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 17 - Application for a New Premises Licence - 11 Mayhill Road, Mayhill, Swansea, SA1 6SZ.

Following formal introductions the Associate Lawyer outlined the procedure to be adopted by the Sub Committee in considering the application.

The Licensing Officer reported on the application for a new premises licence in respect of 11 Mayhill Road, Mayhill, Swansea, SA1 6SZ.

She referred to the licensing objectives, policy considerations, guidance from the Home Office and action following consideration of the relevant person's objections. Specific reference was made to application for a premises licence at Appendix A and A1, the location plan of the premises at Appendix B, a list of licensed premises in the area at Appendix B1, conditions consistent with the operating schedule at Appendix C, the representations made by the Responsible Authorities at Appendix D and the representations made by Other Persons at Appendix D1 to D2.

PC Evans referred to the representation submitted on behalf of South Wales Police on 6 February 2023 which related to the prevention of crime and public nuisance.

She referred to the proposed opening hours as Monday to Sunday 08:00 to 02:00 and that the convenience store was in a high density populated area. It was noted that convenience stores and shops have historically attracted an element of anti-social behaviour as they tend to be a congregational area.

She referred to the Applicant's responsibilities in adhering to the four licensing objectives and suggested that on the balance of probabilities (having checked all the other premises in the Townhill/Mayhill area with their respective finishing times being 23:00) that the application would attract members of the public not only within the locality but outside the area to attend in high numbers. This could cause anti-social behaviour, further alcohol issues and disturbances in the street due to the public wanting to continue to drink at such a late hour.

In response to Member questions, PC Evans stated that similar premises in the vicinity close at 23:00 hours and should the Applicant be minded to amend the application to close at 23:00 then the Police would have no objection.

Two representations had been received from Other Persons. A copy of their representations were attached at Appendix D1 and D2. The representations related to the prevention of crime and disorder and public nuisance.

Councillor C Anderson (Ward Councillor and Other Person speaking on behalf of Councillors D H Hopkins and L V Walton) further amplified his written representations. He stated that the objection was not against the application for an off licence in the location but of the closing time of 02:00 hours. He referred to similar premises closing at 23:00 hours in the area. He stated that he was concerned regarding the possibility of noise nuisance and anti-social behaviour. He confirmed that there would be no objection should the Applicant amend his application to close at 23:00 hours.

The Chair referred to the representation from Other Persons at D2 which was duly noted by the Committee.

Members discussed the closing times of premises within the area and the City Centre.

In response to a question from Mr Jordan, Applicant's Representative, Members confirmed that they had received the additional documents.

Mr Jordan referred to the lack of representations from Public Health and the small number (only two representations) from Other Persons. He referred to the takeaway which was situated next door to the premises which was open until 01:30 hours. He stated that any potential parking difficulties were merely speculation and in any event, were not a licensing consideration. It was noted that the Applicant had made a substantial investment in the area. He referred to the Statement of Licensing Objectives and specifically to the lack of evidence regarding any of the representations. He stated that the Applicant, as an experienced retailer did understand the concerns, however, he did not foresee any issues arising and there have been no complaints in respect of the other shops. Furthermore, he premises would benefit from external CCTV.

Mr Tamilkumar, Applicant, referred to the road where the premises was situated was very busy and that there was a demand for a premises to sell alcohol until 02:00 hours. He stated that he resides above the shop and owns a further premises on Middle Road. Furthermore, he stated that he had no idea why the Police felt there would be problems.

Further to a suggestion from Mr Jordan, the Associate Lawyer sought clarification regarding a modification of the application to 12:00 Sunday to Thursday and 01:00 Friday and Saturday.

In response to a Member question, Mr Tamilkumar stated that there was a demand for the sale of alcohol after 23:00 hours and the Licensing Officer sited examples of premises within the City Centre with 24 hour licenses.

In response to a question from South Wales Police, regarding upholding the licensing objectives, Mr Jordan referred to the staff training document and sought confirmation that the document had been circulated.

Resolved that the meeting adjourn until 11am to allow Officers to circulate the staff training document to all present.

Adjourned at 10:44 pm

Reconvened at 11:00 am

The Associate Lawyer confirmed that Mr Jordan was experiencing technical difficulties which prevented him from re-joining the meeting. Following a conversation with Mr Jordan and Mr Tamilkumar, the Associate Lawyer confirmed that the meeting could proceed in the absence of Mr Jordan.

The Licensing Team Leader referred to the conditions attached to Mr Tamilkumar's premises in Middle Road and suggested that these conditions be added to the Operating Schedule.

In response to a question from South Wales Police, Mr Tamilkumar stated that he was respectful of the Mayhill area despite seeking a later trading time than his premises in Middle Road.

The Associate Lawyer sought confirmation of the previous modification to the Application and Mr Tamilkumar stated that he wished the Committee to consider the revised hours.

In conclusion, Mr Tamilkumar stated that whilst he sought an application until the early hours, levels of demand would determine whether he would actually trade until that time.

It was **Resolved** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Chair indicated that the Sub-Committee's decision would be published within five working days of the Committee and would take account of the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **Resolved** to **Grant** the application subject to the conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below:

Supply of Alcohol/Opening hours

Monday to Sunday
08:00 – 23:00

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.

The meeting ended at 11.30 am

Chair



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Thursday, 16 March 2023 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
P Downing

Councillor(s)
L V Walton

Officer(s)

Annie Davies

Craig Davies

Yvonne Lewis

Rachel Loosemore

Samantha Woon

Licensing Officer

Associate Lawyer

Team Leader, Licensing

Operational Lead - Licensing

Democratic Services Officer

Also present

Nick Bailey – Police Licensing Officer, SWP

PC Paul Jones – Police Licensing Officer, SWP

1 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

The Lawyer advising the Committee presented the Statutory Licensing Sub Committee Procedure, for information.

3 Exclusion of the Public.

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

Resolved that the public be excluded for the following items of business.

(Closed Session)

4 Licensing Act 2003 - Section 37 - Application to Vary Licence to Specify Individual as Premises Supervisor - Rileys American Pool and Snooker, 34 Castle Street, Swansea, SA1 1HZ.

The Chair welcomed all attendees to the meeting.

The Licensing Officer advised that the Applicant had withdrawn the Application on Monday, 13 March 2023.

Members discussed the process of Applicant withdrawals and requested that, in future, Applicants be invited and encouraged to attend the Committee meeting in these circumstances to explain the reasons for withdrawal and or lateness of the withdrawal.

Resolved that it be noted that the Application was withdrawn by the Applicant.

The meeting ended at 10.08 am

Chair