



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Tuesday, 18 April 2023 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
V A Holland

Councillor(s)
P Lloyd

Officer(s)

Annie Davies

Craig Davies

Rachel Loosemore

Licensing Officer

Associate Lawyer

Operational Lead - Licensing

Also present

Mr Yannis Benekis (Part-owner)

Mr Aaryn Whitelock (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 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 Premises Licence - The Storyteller, 40-42 Princess Way, Swansea, SA1 5HE.

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 premises licence in respect of
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The Licensing Officer reported on the application for a new premises licence in respect of The Storyteller, 40-42 Princess Way, Swansea, SA1 5HE

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 and the representations made by Other Persons at Appendix D.

The Licensing Officer referred to the seven additional information emails which have been circulated to all parties.

One representation had been received from Other Persons. A copy of the representation was attached at Appendix D. The representation related to the prevention of crime and disorder, public nuisance, public safety, protection of children from harm.

The Licensing Office confirmed that the 'Other Person' was unable to attend due to work commitments.

The Licensing Officer read the response from the Other Person in respect of the additional information submitted by the Applicant as follows:

"Good afternoon. Following on from the visibility of additional information provided regarding this venue, I would like the following. Added to my objection in response, although I take on board the letter from a Pearl House resident, the building contains 42 apartments and levels of disturbance would of course vary depending upon residential location within the building. If I located at the rear of the building then of course this would be less. The other resident may not have been home the evening of the opening party, so I would still like my statement regarding that evening considered.

I have witnessed a doorman present outside the venue once when the venue was closed to the public due to a private function. Also trading hours for the storyteller of being 8:00 am to 5:00 pm Monday to Friday and Sunday, and not particularly late on a Saturday. Therefore, my concerns raised post opening parties still stand if the venue is planning to extend their opening hours once licensed. Kind regards.

Good afternoon following on from my previous e-mail, I feel it is important to share that Mr Paul Rees, who has provided a statement saying that he lives in Pearl House and has not had any noise disturbance from the Storyteller, works in partnership with the storyteller as they are photographer, maybe even on a paid basis. As Mr. Rees photographs have been published on the storyteller social media for advertising purposes. I have attached evidence of this. I appreciate that this information has arisen very close to the hearing, but I only had visibility of the statement from Mr. Rees on Friday. I feel this could potentially cause favour towards the business and question impartiality, so therefore this information should be considered. Regards".

The Chair welcomed Mr Ioannis Benekis (Applicant) and Mr Aaryn Whitelock (Applicant).

Mr Benekis advised that he sought to develop a different type of hospitality. He detailed his background having 17 years experience in different venues both in Greece and Swansea. He referred to his vision to create a venue that was accessible to everyone, offering a pleasant venue for families during the daytime within the City Centre. He referred to the location of the venue and lack of development in the area over the last few years. He stated that the venue worked with people involved in the Arts providing a stage for people to express themselves and provided a different offer and clientele to the premises on Wind Street.

He referred to a mis-communication in regard to the opening night regarding door staff and confirmed that whilst no door staff were present on that night, they would be employed at the premises on a Friday and Saturday night and any days of more expanded hours.

He referred to family safety and stated that the premises would not promote excessive drinking. He detailed the measures in place regarding staff training in relation to alcohol sales and safety of patrons at the premises.

He highlighted the use of CCTV in and outside of the premises and sighted an example of where footage of a theft outside the premises had been provided to South Wales Police.

The premises works closely with BID, local organisations and societies (a charity event was planned within the next few months). He felt that the premises had and would not add to any problems within the area and that social responsibility would be taken seriously.

He referred to the correspondence of support from Mr Rees and confirmed that Mr Rees was not an employee of Storyteller but a photographer and regular customer of the venue.

With regard to a marketing strategy, the venue relied on word of mouth and the support of patrons.

He was aware of a leaflet circulating within Pearl House regarding the venue and stated that the concerns of local residents were taken seriously. He referred to discussions with Licensing Officers following the opening event and addressed the issues regarding lack of door staff, the door being mistakenly left open after 9.30 which was subsequently closed. The venue had since been tested with closed doors and would not cause nuisance. There would not be many events and they certainly would not be on a daily or weekly basis. He reiterated that the venue did not wish to create any public nuisance and referred to the notices requiring clients to be respectful to local residents when leaving the venue.

The venue would host a charity event within the next few months working with Crisis.

In response to Members questions, Mr Benekis stated that:

- 1) There was duplication regarding conditions consistent with the operating schedule and number 5 and 7 be deleted.
- 2) He was agreeable to altering the disposal of bottle times to 9pm to 8am.
- 3) Bins are situated at the rear of the premises in a lane used by other premises and no movement of rubbish occurs at night.
- 4) A pavement licence would be sought within the next week.
- 5) A condition be included regarding outside drinking stating that the only outside drinking would be permitted within the area designated by a pavement licence.

In conclusion, Mr Whitelock stated that a great deal of time and effort had been given to the premises in order to create a multi-diverse, safe and relaxing venue (for example, a children's party had been hosted at the venue). He referred to initiatives such as providing tokens which could be used by homeless people for free hot drinks and food.

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.

The Chair thanked the participants for their attendance and advised that a decision would be provided within 5 working days.

(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

Recorded Music

Sunday – Thursday
2300 – 0030

Friday – Saturday
2300 – 0130

Supply of Alcohol

Sunday – Thursday
1200 – 0000

Friday – Saturday
1200 - 0100

1. The premises to keep up to date records of staff training and refresher training in respect of age-related sales including proxy sales to persons who are drunk and identifying and preventing drug misuse in written or electronic format available for inspection on request by an authorised officer.
2. Notices shall be predominantly displayed in all areas used externally asking patrons to respect the needs of the local residents and use the area quietly.
3. Comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system must be capable of providing pictures of evidential quality, in particular facial recognition. All recordings must be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of a Police or Authorised Officer.
4. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.
5. Notices shall predominantly displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
6. There shall be no outside drinking at the premises other than by customers using an area covered by a pavement cafe licence. All such areas to utilise non glass receptacles only.
7. No rubbish, including bottles, shall be moved, removed or placed In outside areas between 2100 hours and 0800 hours.
8. A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.
9. Save for access or egress all doors are to remain closed.
10. No glasses or glass bottle are to be taken outside of the premises by any patrons of the premises.

11. External area to be supervised by staff from premises when in use.
12. Notices to be displayed at all exits requesting patrons to smoke within the designated area.
13. No external loud speakers shall be used on or around the premises.
14. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
15. 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.
16. The premises to keep up to date records of staff training and refresher training in respect of age-related sales including proxy sales to persons who are drunk and identifying and preventing drug misuse in written or electronic format available for inspection on request by an authorised officer.
17. 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 eighteen years
18. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would fall within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009), shall be provided.

Reason for decision:

The Committee noted that no relevant representations were received from responsible authorities.

The Committee noted of the local resident's representations and their additional representations.

The Committee noted the applicant's comments and the applicants supporting information provided prior to the committee. Additionally the applicants comments regarding the local residence representations and the issues of the opening night.

The Committee noted that the applicant acknowledged the local residence concerns and as such has mitigated against a recurrence of those issues within points .2 / .7 / .8 / .10 / .11 / .12 of their modified conditions as above.

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Cont'd

Therefore the Members felt that the mitigation offered and with the modification of 5 & 7 of the conditions was sufficient and significant enough to elevate the local resident's representations regarding the effect a grant of licence would have on the licensing objectives.

The meeting ended at 11.02 am

Chair