



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Wednesday, 3 January 2024 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
N Furlong

Councillor(s)
Y V Jardine

Officer(s)

Annie Davies

Licensing Officer

Craig Davies

Lead Lawyer

Rachel Loosemore

Operational Lead – Licensing

Samantha Woon

Democratic Services Officer

Also present

Mr P Conisbee – Applicant's Representative

Mr K Shanthan – Applicant

PC N Evans – South Wales Police

PC P Jones – 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 interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

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

3 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Booze & News, 11A Nelson Street, Swansea, SA1 3QE.

The Chair welcomed all attendees requested that all present introduced themselves.

The Licensing Officer reported on the application for a Premises Licence in respect of Booze & News, 11A Nelson Street, Swansea, SA1 3QE which was received by the Authority on 10 November, 2023.

She referred to the licensing objectives, policy considerations, the guidance from the Home Office and action following consideration of the Responsible Authority's and Other Persons Representations.

Specific reference was made to the application (and plan) for a premises licence at Appendix A and A1. The location plan of the premises was detailed at Appendix B. A list of licensed premises in the area was attached at Appendix B1. Conditions consistent with the operating schedule was detailed at Appendix C.

A representation was made by one Responsible Authority (South Wales Police) at Appendix D. Two representations had been received from Other Persons at Appendix D1 and D2.

A representation had been received from South Wales Police on 24 November, 2023. The representation was based on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

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

In response to a question posed by the Lead Lawyer, all parties confirmed that they had received the supplementary information previously circulated.

The Lead Lawyer referred to the Letter in Response to Representations from PC Licensing Consultancy in which the proposed operating schedule was detailed. It was noted that the first two points would be implemented regardless of whether the licence were granted:

1. Increase of CCTV externally to the premises (photographic evidence had been previously circulated).
2. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, whether or not emanating from the Premises. The pavement outside the premises will be regularly swept and cleaned.
3. Raise the age of sale of alcohol to over 21's only.
4. No alcohol to be sold via single can sale.
5. Personal Licence holder to be on duty at all times when the premises is open for the purpose of selling alcohol.

PC Nicola Evans, Police Licensing Officer, amplified her written representations and sought confirmation that the Applicant was agreeable to the two conditions submitted by South Wales Police, namely:

1. No alcohol to be sold via single can sale.
2. Personal Licence holder to be on duty at all times when the premises is open for the purpose of selling alcohol.

In response, the Applicant's Representative confirmed that the Applicant had accepted the two conditions submitted by South Wales Police. The Lead Lawyer stated that the additional conditions submitted by South Wales Police were the same as those proposed by the Applicant's representative.

PC Nicola Evans, Police Licensing Officer, stated that representations on behalf of South Wales Police had not been withdrawn.

Mr Steve Gallagher, on behalf of Swansea Against Business Crime (SABC) further amplified his written representations regarding the undermining of the four Licensing Objectives. He detailed the issues with anti social behaviour in the area and sought confirmation from the Applicant that no alcohol had been sold outside of the permitted TENS notices as a refusal document submitted by the Applicant's Representative referred to a sale refusal.

The Lead Lawyer referred to the Application being considered on its own merits and stated that the anti social behaviour within the area could also be attributed to the other licensed premises within the area.

In response, Mr Gallagher referred to 6-7 independent businesses within the area who wished to remain anonymous for fear of repercussions from patrons. The other licensed premises situated within the Quadrant had the benefit of a security guard.

Mr Gallagher stated that the area was subject to a Public Safety Protection Order, therefore, a four pack of alcohol cans could be legitimately confiscated which would have a bigger impact on the individual as opposed to one can being confiscated.

In response to a question, the Licensing Officer confirmed that the Co-op, which was nearest to the proposed premises, had no condition preventing the sale of single cans of alcohol.

The Lead Lawyer referred to single cans in other forms, e.g. spirits and mixers and advised that a ban on the sale of single cans would also include other forms of alcohol.

The Lead Lawyer referred to the further representation by Other Persons who were not present and stated that due consideration had been given to the contents of the representation.

Mr Conisbee, Applicant's Representative stated that the manner in which the premises was previously managed was relevant as the Applicant had given due consideration to all the issues raised in the representations. He referred to the previous licence lapsing and had it not been for that, the Applicant would have been unaware of any issues as there were no objections to the temporary event notices.

He detailed the measures adopted by the Applicant introducing a refusals book which covered refusals in respect of alcohol, vapes and cigarettes. The premises had not sold alcohol since 12 November, 2023 and yet individuals continued to congregate in the vicinity.

The Applicant's representative confirmed that the refusal referred to in the documentation was as a result of the premises not selling alcohol.

He stated that the Applicant was content to introduce measures such as only selling alcohol to patrons over 21 years of age, additional CCTV cameras (which had already been installed at the front of the premises) and refusing to sell single cans of alcohol. He referred to particular types of alcohol that may be attractive to street drinkers which had an alcohol level of 6.5 ABV and above. He stated that the Applicant was keen to engage with agencies to resolve any issues.

Mr K Shanthan, Applicant, confirmed his agreement to his Representative's statements.

In response to Member questions the Applicant's Representative stated that:

1. When alcohol was not being sold at the premises, individuals were still congregating in the proximity of the premises.
2. The Applicant was keen to keep the front of the premises clean and tidy and had pride in the premises.
3. The Applicant was considering a change of name of the premises.
4. The Applicant was in agreement to refuse sale of single cans of alcohol.
5. The Applicant did not want to add or be a catalyst to any issues in the area.

The Lead Lawyer shared a map of the area and it was confirmed that individuals congregate in Nelson Street, Plymouth Street and the Quadrant area.

In conclusion, the Applicant's Representative referred to the efforts the Applicant had made to proactively mitigating the issues highlighted in the representations. He stated that the Applicant's experience and ethos would be a benefit and not a hindrance.

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.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

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
Monday – Sunday
0600 - 2200 hours

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - all crimes reported to the venue.
 - all ejections of patrons.
 - any complaints received concerning crime and disorder.
 - any incidents of disorder.
 - any faults in the CCTV system.
 - any visit by a relevant authority or emergency service.
2. CCTV shall be installed, operated, and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria. The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and time of the person checking, shall be kept and made available to police or authorised council officers on request. The police must be informed if the system will not be operating for longer than one day of business for any reason. One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering. The system will provide coverage of any exterior part of the premises accessible to the public. The system shall record in real time and recordings will be date and time stamped. Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to police or authorised council officers on request, (subject to the Data Protection Act 1998) within 24 hours of any request, and at all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request.
3. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises.
4. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the council or police at all times whilst the premises is open.
6. A first aid box will be available at the premises at all times.
7. A fire safety risk assessment will be completed as per government guidelines on an annual basis (Regulatory Reform (Fire Safety) Order 2005) And produced to authorised officers of the council, police, and the Fire Service upon request.

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8. All exit routes and public areas shall be kept unobstructed, shall have non-slippery and even surfaces, shall be free of trip hazards and shall be clearly signed.
9. Notices will be prominently displayed in the premises requesting customers to leave quietly and respect the residential nature of the area.
10. The removal of rubbish to outside the premises will not take place between the hours of 9pm and 7am.
11. The Licensee shall instruct members of staff to make regular checks of the exterior area immediately around the premises, remove any litter emanating from the premises.
12. The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years without having first provided identification. Only a valid British driver's licence showing a photograph of the person, a valid passport or proof of age card showing the 'Pass' hologram are to be accepted as identification. Military ID Cards can also be accepted. Notices and/or posters advertising the Challenge 25 policy shall be placed in prominent positions at the premises.
13. All staff members engaged, or to be engaged, in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to Age-Restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
14. All such training is to be fully documented and signed by not only the employee but the person delivering the training. Training records shall be kept at the premises and made available upon request to either Police Officers or an authorised officer of the council.
15. Staff employed to sell alcohol shall undergo training upon induction. This shall include, but not limited to, the premises age verification policy, dealing with refusal of sales, proxy purchasing, identifying attempts by intoxicated persons to purchase alcohol, and identifying signs of intoxication.
16. Increase of CCTV externally to the premises.
17. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, whether or not emanating from the Premises. The pavement outside the premises will be regularly swept and cleaned.
18. No alcohol to be sold via a single can sale with an alcohol ABV over 6.5%.
19. Personal License Holder to be on duty at all times when the premises is open for the purpose of selling alcohol.

Reason for decision:

The Committee noted representations had been made by one Responsible Authority (South Wales Police) at two representations had been received from Other Persons

The representation received from South Wales Police on 24 November 2023 was based on the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The two additional representations received from Other Persons being SABC and a local trader which related to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

All parties confirmed that they had received the supplementary information previously circulated.

The Committee noted no representations had been received from Trading Standards, Mid and West Wales Fire Authority, Health and Safety, Planning Authority, Pollution Division, Child Protection, the Local Health Board, or Immigration.

The Committee took into consideration the responsible authorities enhanced representations as provided during the Committee.

The Committee noted that the applicant had engaged with the responsible authorities prior to the Committee and modified conditions had been discussed which would further promote the objectives.

The Committee noted that although the assurances satisfied the police representations, they did not rescind their representations.

The Committee noted that the applicant acknowledged all representations.

The applicant confirmed a willingness to work with responsible authorities to assist in the resolution of local issues emanating from the premises.

The Committee noted the applicant had engaged with parties with a view of mitigating the representative's concerns, as such the applicant had offered additional and/or modified conditions.

Stating points 1 and 2 would be implemented regardless of whether the licence was granted:

1. Increase of CCTV externally to the premises (photographic evidence had been previously circulated).
2. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, whether or not emanating from the Premises. The pavement outside the premises will be regularly swept and cleaned.
3. Raise the age of sale of alcohol to over 21's only.

4. No alcohol to be sold via single can sale.
5. Personal Licence holder to be on duty at all times when the premises is open for the purpose of selling alcohol.

The Committee noted that the applicant had provided evidence that point 1. CCTV had already been implemented and that during the use of TENS the applicant had implemented an all-encompassing refusal log, which had been provided to the committee in the additional information.

The Committee noted the applicant's awareness in promoting the objectives by conditioning the regular checks of the area immediately outside the premises and to ensure a personal license holder to be on duty at all times when the premises is open for the purpose of selling alcohol.

The Committee noted the applicant's willingness to raise their age of sale of alcohol to over 21's only, however such a condition is not enforceable in line with legislation. The Committee were satisfied that condition 12 sets out that they will operate a Challenge 25 policy.

The Committee noted that during discussion the applicant's representation further modified point 4. of their additional submission "no alcohol to be sold via single can sale" to "No alcohol to be sold via a single can sale with an alcohol ABV over 6.5%". The representative futured the reasoning for the addition of "ABV over 6.5%" by way of his experience as a licensing consultant and in his previous employment as a police officer dealing with licensing. The point was further discussed by South Wales Police and the representative from SABC with the committee equally acknowledging their comment and experience in the area.

In conclusion, the Committee felt that the mitigation offered, with modification by way of inclusion of the additional conditions 16, 17, 18 and 19 were sufficient and significant enough to alleviate the representations to promote the licensing objectives.

Right of Appeal:

Following receipt of this notice you have a right of appeal to the Magistrates Court.

An appeal must be made in writing to the Chief Executive of the Justices for the Magistrates Court within 21 days from the date of receipt of this notification.

The meeting ended at 11.18 am

Chair