

# DINAS A SIR ABERTAWE

## HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

## PWYLLGOR TRWYDDEDU STATUDOL

**Lleoliad:** Ystafell Bwyllgor 1, Canolfan Ddinesig, Abertawe

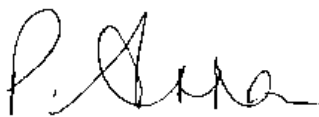
**Dyddiad:** Dydd Gwener, 6 Mawrth 2015

**Amser:** 9.55 am

### AGENDA

Rhif y Dudalen

- 1 Ymddiheuriadau am absenoldeb.
- 2 Derbyn datgeliadau o fuddiannau personol a rhagfarnol. 1 - 2
- 3 **Cofnodion:** 3 - 16  
Cymeradwyo a llofnodi cofnodion cyfarfodydd y Pwyllgor Trwyddedu Statudol canlynol fel cofnod cywir:
  - 15 Ionawr 2015; a
  - 23 Ionawr 2015.
- 4 **Deddf Trwyddedu 2003 - Gorchymyn Diwygio Deddfwriaethol (Trwyddedu Adloniant) 2014 - (Er Gwybodaeth).** 17 - 19



**Patrick Arran**

**Pennaeth Gwasanaethau Cyfreithiol, Democrataidd a Chaffael**

**Dydd Gwener, 27 Chwefror 2015**

**Cyswllt: Gwasanaethau Democrataidd - Ffôn: (01792) 637292**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON  
THURSDAY, 15 JANUARY 2015 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>
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H M Morris	T H Rees
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**Officers:**

K Clague	-	Lawyer
R Westlake	-	Senior Licensing Officer
R Loosemore	-	Licensing Officer
S Woon	-	Democratic Services Officer

**Representing Responsible Authorities:**

P C J Evans	-	South Wales Police
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**Vietnam, 36 Uplands Crescent, Uplands, Swansea:**

Mr Vo	-	Applicant
Ms M Barry	-	Vietnamese Interpreter

1 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

2 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

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

3 **LICENSING ACT 2003 - SECTION 42 - APPLICATION TO TRANSFER A PREMISES LICENCE - VIETNAM, 36 UPLANDS CRESCENT, UPLANDS, SWANSEA.**

The Chair welcomed all attendees to the meeting and requested that the Senior Lawyer outline the procedure to be adopted by the Committee in considering the application.

The Licensing Officer advised that an application to transfer a premises licence had been received on 2 December, 2014 in respect of Vietnam, 36 Uplands Crescent, Uplands, Swansea. She referred to the relevant statutory provisions, policy considerations and guidance issued by the Home Office.

She advised that objections had been received from South Wales Police in relation to the undermining of the key licensing objectives namely the prevention of crime and disorder.

In response to a question the Licensing Officer reported that the Designated Premises Supervisor (DPS) was Mr Dinh. However, it was reported that Mr Dinh had left the premises. Mr Vo has therefore been advised that he cannot sell alcohol until a new DPS has been appointed.

The Police Licensing Officer amplified her written representations in relation to the Police checks which had revealed that on 24 November 2011, Mr Vo had been found guilty and sentenced to 4 years imprisonment in relation to the production of a controlled drug (Class B Cannabis). Additionally, Mr Vo had been found guilty of dishonesty using electricity and sentenced to 6 months imprisonment to run concurrently with the above sentence. These convictions were still live.

She stated that the Licensing Authority states that the Police can make objections to the transfer in exceptional circumstances. South Wales Police made representations confident that these were exceptional circumstances.

The Police were concerned that should the application be agreed this would undermine the promotion of the key licensing objectives in relation to the prevention of crime and disorder.

The Police Licensing Officer suggested that the sentence passed demonstrated the seriousness of the offence which was relevant and would not become spent until November 2021.

She stated that a premises licence authorising the sale of alcohol was privileged responsibility and she urged Members to refuse the application as there would be only one outcome which would be to undermine the licensing objectives.

In response to a Member question, the Police Licensing Officer stated that due to the holiday period she had been unable to obtain further information regarding the conviction. However, under the sentence guidelines, it was clear that Mr. Vo took a significant role.

In response to a Member question and on the advice of the Lawyer advising the Committee, the Police Licensing Officer detailed spent convictions in respect of Mr Vo which were committed in 2005, Driving with Excess Alcohol and Driving whilst disqualified.

Mr Vo (via Mai Barry, Vietnamese Interpreter), stated that he did not know what he needed to apply for the licence. He stated that his conviction was in the past and had no bearing on the current application.

The Lawyer advising the Committee explained the legislation and highlighted what Members needed to take into account. She also detailed the opportunity presented

to Mr Vo to explain the circumstances around the convictions and if he disagreed with what the Police had submitted to put representations forward.

The Lawyer advising the Committee sought confirmation that Mr Vo understood the legislation and requirements of the Committee in determining the application.

Mr Vo (via Mai Barry Vietnamese Translator) confirmed that he understood the legislation and process to be followed by the Committee.

The Lawyer advising the Committee asked Mr Vo (via Mai Barry, Vietnamese Interpreter) whether he wished to say anything to the Committee with regard to why he was making the application and the circumstances of his convictions.

In response to Member questions, Mr Vo (via Mai Barry, Vietnamese Interpreter) stated that:

- he knew it was wrong to commit the crime and he paid and went to prison. He stated that he had lost a lot during the time he had committed the crime;
- he wanted a fresh start, to be good and did not want to commit another crime relating to Cannabis;
- he had the idea for the business and was not expecting to be involved, it was the first time he had done this;
- he had borrowed money to buy furniture from a friend not a relative.
- he wanted to make a living and was not aiming to be rich.
- He was asking for a last chance to have this licence to pay the rent and workers and sell alcohol.
- he knew he had committed a big crime and was looking for leniency.
- he had arrived in the UK in 1981;
- Despite his poor understanding of English he did not foresee any difficulties interacting with customers;
- He grew 120 Cannabis plants in his home (although the Police had charged him with growing 400 plants);
- Following his release from prison he arrived in Swansea just before Christmas 2014;
- Despite the Police charge, he was unaware that the electricity meter had been tampered with and it was the fault of the person living at the premises before him;
- He did not fully understand the Police charge regarding the theft of electricity and admitted he was guilty;
- He was working in a restaurant in London at the time of the offence. When he left prison he continued to do ironing and work in the restaurant in the evening;
- He was living on the money returned from the deposit he had previously paid for the rented flat;
- He was living alone above the restaurant when he was growing the Cannabis;
- He had been told he could earn a lot of money selling Cannabis but did not know who he was going to sell it to;
- He had arrived in the UK via Singapore having left Vietnam for asylum reasons;
- He accepted the spent convictions detailed by the Police and outlined the background details in respect of them.

In response to a question by the Police Licensing Officer, Mr Vo (via Mai Barry, Vietnamese Interpreter) stated that he was renting the Vietnam Restaurant in Uplands from the previous owner, Mr Dinh. The premises had a 1 year lease, following the expiration of this lease it would be available for another 5 years.

The Police Licensing Officer advised that Mr Vo could trade at the premises until 11 pm but would be unable to sell alcohol.

In conclusion Mr Vo (via Mai Barry, Vietnamese Interpreter) stated that he was very frustrated with his standard of English and was hoping to be given another chance as if he did not have the licence he would suffer significant loss as he had borrowed money to furnish the premises.

He confirmed his understanding regarding his ability to trade until 11 pm without the ability to sell alcohol. However, he felt this was pointless as customers would want to buy alcohol.

The Police Licensing Officer stated that other restaurants had a 'bring your own alcohol' policy and had been successful.

The Lawyer advising the Committee referred to the Police representation regarding the undermining of the licensing objective relating to the prevention of crime and disorder. She sought clarification from the Police as to on what basis it was being submitted the circumstance of Mr Vo's conviction and the undermining of the crime prevention objective were tied together.

The Police Licensing Officer stated that the Police concerns focussed around drug offences and the ability to commit these offences at any property. Additionally, Mr Vo's offence had not been spent.

Mr Vo (via Mai Barry, Vietnamese Interpreter) stated that he did not know that his previous offences would cause so many problems and he would not have gone into the business.

In response to a question from Mr Vo (via Mai Barry, Vietnamese Interpreter), the Licensing Officer confirmed that Mr Vo could ask a relative or acquaintance to apply for the licence.

Mr Vo (via Mai Barry, Vietnamese Interpreter) stated that he did not have someone in mind and confirmed his understanding that should the Committee not grant the licence he would be unable to sell alcohol.

The Police Licensing Officer stated that there would possibly be further Police objections should Mr Vo identify a family member or acquaintance to apply for a licence as Mr Vo remained the driving force of the business.

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 Committee stated that this is an application by Mr Vo for the transfer of the premises licence in respect of the premises known as Vietnam, 36 Uplands Crescent, Swansea.

She stated that the Sub Committee had heard from the applicant, Mr Vo, assisted throughout by a translator, Ms Barry, to whom they were grateful. The Sub Committee had also heard submissions from Jayne Evans on behalf of the Chief Officer of South Wales Police, who served notice under section 42(6) of the Licensing Act 2003 that he was satisfied that the exceptional circumstances of the case are such that the granting of the application would undermine the crime prevention objective. Specifically, the police rely upon the two relevant convictions of Mr Vo for:

- a. Production of a controlled drug (Class B Cannabis) for which he was sentenced to 4 years imprisonment; and
- b. Dishonestly using electricity for which he was sentenced to 6 months imprisonment to run concurrently.

Both convictions are dated 24 November 2011.

The decision of the Members was to **REFUSE** the application for the following reasons:

1. Having regard to the police notice and submissions, and the evidence of the applicant, the Members consider rejection of the application appropriate for the promotion of the crime prevention objective.
2. The Members accept and place great weight on the objection made by the police, who they reminded themselves are the lead on matters of crime and disorder. In particular, the Members took account of the nature of the conviction, being a serious drug conviction, and the fact the conviction is still very recent. As submitted by the police, it is a relevant conviction and Mr Vo has not spent a relevant period of rehabilitation; in fact, had the full 4 year sentence been served he would still be in prison.
3. Although there were no further details of the convictions available from the police, having had regard to the sentencing guidelines for the offence of the production of a controlled drug, the Members accepted the police evidence that given the sentence of 4 years that was imposed, Mr Vo's culpability and the scale of production must have been significant, despite what Mr Vo had stated.
4. The Members had regard to the Home Office Guidance, and in particular paragraphs 8.94 and 8.95 which provide that objections to this type of application



should only be made in truly exceptional circumstances. They were satisfied in this instance that such exceptional circumstances exist and that there is evidence that if the application was to be granted, the licensing objective of the prevention of crime and disorder would be undermined, given Mr Vo's recent conviction for a serious drug offence.

Whilst the Members heard that Mr Vo has other previous convictions, namely driving convictions in July 2005 and January 2007, which Mr Vo accepted, they did not consider these to be relevant to the application and did not take them into account in arriving at their decision. Similarly, there was some discussion regarding the position in respect of the lease of the premises and the intended identity of the Designated Premises Supervisor. Again, although the Members express some concern over these issues they did not take account of the same in their decision.

The meeting ended at 11.38 am

**CHAIR**

# CITY AND COUNTY OF SWANSEA

## MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 6, GUILDHALL, SWANSEA ON FRIDAY,  
23 JANUARY 2015 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>
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C L Philpott	P Lloyd
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**Officers:**

L Thomas	-	Senior Lawyer
R Westlake	-	Senior Licensing Officer
R Loosemore	-	Licensing Officer
S Woon	-	Democratic Services Officer

**Representing Responsible Authorities:**

N Bailey	-	Licensing Officer, South Wales Police
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**Petro Gas Group UK Ltd**

S Gibson	-	Applicant
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4 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

5 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

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

6 **LICENSING ACT 2003 - SECTION 34 - APPLICATION TO VARY A PREMISES LICENCE - ABERTAWA SERVICE STATION**

The Chair welcomed all attendees to the meeting and requested that the Senior Lawyer outline the procedure to be adopted by the Committee in considering the application.

The Licensing Officer advised that an application to vary a premise licence was received by the Authority on 1<sup>st</sup> December, 2014 in respect of Abertawe Service Station, Fabian Way, Swansea, SA1 8PA.

She referred to the relevant statutory provisions, policy considerations and guidance issued by the Home Office.

She advised that objections had been received from South Wales Police in relation to the undermining of the key licensing objectives namely the prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm.

The Police Licensing Officer amplified his written representations in relation to the licence variation application.

He stated that the application was to increase the hours for the sale of alcohol and late night refreshment so that the licensable activities are permitted 24 hours a day. The application is one of several generic applications that Petrogas Group UK Ltd had submitted in Swansea. The other applications were in respect of Burrows Service Station and Wychtree Service Station.

He stated that the applications did not take account of the differences between sites or location of the service stations.

He stated that Abertawe Service Station is located on the A483 travelling away from Swansea and was close to both Blaen y Maes, which has a large residential population and an area known locally as Garden City which is also a residential area.

He referred to the 16 cameras, including the external cameras, and the direction of recording which were indicated on the site diagram.

He stated that he had visited the premises and following discussions with staff discovered that the working practices had been altered some months ago with the garage door having to be locked at 10.00 pm to combat the number of instances of theft and abusive behaviour to staff from walk-in customers.

He advised that he had examined the site and wished to object to the extension of hours for the sale of alcohol for the following reasons:

- Under the working practices at the premises, there is a lone member of staff employed from 10.30 pm until 6.30 am each day. Working practices had already changed to combat existing problems at the site. Having to deal with potentially intoxicated persons for sales of alcohol during these times the member of staff would be placed in a position of vulnerability and would be faced with the choice of serving those persons who are not in a fit state to be served or risk the confrontation that a refusal of sale may bring.
- The proposal is to serve alcohol through a hatch at the counter area of the premises. This area, in its current form, would be unsuitable as the point of service for anything other than single bottles or cans of drink due to its size. Should a case, or 'slab', of drinks be purchased it is not likely to be met kindly by the customer for the shop assistant having to decant bottles and cans from secure packaging solely to fit them through the hatch increasing the possibility that the door will have to be opened to pass bulk purchases to customers, thereby putting the lone worker, and the shop, at much greater risk. The hatch would also be a barrier in assessing the demeanour of a customer due to the fact

that it would not be possible to assess whether the person smelled of intoxicants, thus removing one of the strands of assessment. This could leave a member of staff with little training in aspects of age related sales dealing with problem customers so he suggested a condition should the Sub Committee be mindful to approve the application.

- With regard to public safety, “staff will be trained to be alert to any potential danger to customers and react accordingly”. He questioned how staff would be trained and by what means a lone member of staff would be able to diffuse a situation from inside the premises during the hours requested in the application. He stated that he did not believe the applicant could promote this objective against an issue they identify.
- In relation to public nuisance the application states that no-one will be permitted to hang around the premises. He questioned how this would be achieved.
- With regard to CCTV cameras picking up any disturbances, the current setup of cameras do not cover any of the areas accessible by foot.
- In relation to the protection of children from harm, he expressed concern regarding proxy sales.
- He questioned how a lone member of staff would summon help should the need arise.

He stated that he did not believe that the application addressed the promotion of the licensing objectives adequately in respect of the extra hours requested for the sale of alcohol given the potential issues involved. Additionally, given the location of the premises and the current and proposed operating practices he stated that the granting of the licence would contravene the licensing objectives.

However, should the Sub Committee be minded to grant the licence, he detailed proposed conditions to address the issues previously highlighted.

In response to Member questions, the Police Licensing Officer stated that:

- Incidences of anti-social behaviour had been reported at the premises. However, he was unsure of exact details. Incidents tended to be reported at the premises between 18.00 to 01.00 hours.
- The condition relating to consuming soft and alcoholic drinks within the curtilage of the premises were to prevent individuals sitting on the forecourt drinking.
- He confirmed that the conditions could be adapted to apply to the situation.
- He detailed the location of the serving hatch on the plan and stated it would be situated by the till.

The Lawyer advising the Committee sought clarity regarding the condition relating to the “absolute minimum of delay in relation to the production of CCTV footage”. The Police Licensing Officer confirmed that a reasonable time (1 or 2 hours) in order to interview someone in custody.

The Applicant stated that 3 applications were being considered. He detailed the background of Petro Gas Group UK Ltd which had been in operation since 2007. He stated that the company owned 56 sites in South of England and Wales, 55 of which were licensed to sell alcohol. 51 of the sites were 24 hour alcohol sites and had not caused problems. Of the remaining 4 premises three were considered unsuitable for 24 operation and 1 was classed as a garage. The 3 applications were generic and the businesses were operated in the same generic manner.

The 3 Swansea sites had been a recent acquisition in early November/December 2014. There had been local hostility with members of staff as working practices had changed to best practice in what had previously been poorly operated premises.

Petro Gas Group UK Ltd was an experienced operator, trading profitable sites which had been desirable for local businesses. The operation of a 24 hour licence for the sale of alcohol was not because people come from miles away to get a drink from a petrol station. Customers purchases are not purely alcohol, they consist of hot drinks, cereal etc. Every 5 or 6 customers buy a bottle of wine increasing the basket spend from £5 to £10. The premises were not intended as a drive through bottle store.

The Applicant confirmed that he had not received emails or any communications from South Wales Police.

In relation to the Police concerns regarding the citing of CCTV cameras, he was content for cameras to be redirected to cover point of sale (hatch). Indeed, the citing of CCTV cameras at the point of sale operates in every single site owned by Petro Gas Group UK Ltd.

He confirmed that the store closed to public at 22.00 hours (application says 23.00 hours) and re-opened at 06.00 hours. These hours are rigidly enforced. The single staff member working through the night is locked in and there is no situation that the door is open. A security guard is operational at Abertawe Service Station between 22.00 and 04.00 hours.

Petro Gas UK Ltd are not interested in people coming to get 24 cans. There is a limit to what is available and packs will not be broken down. The hatch enabled single cans and bottles to be sold.

Staff at the premises would be trained to reproduce CCTV date within a reasonable timescale. Should there be a serious incident the garage would be shut and therefore Police will get images. As a general rule, customers do not attend throughout the night.

The company discourage individuals hanging around not least because of the flammable nature of product being sold.

In respect of proxy sales whilst training is provided it is difficult to deter this at any time of the day.

Petro Gas Group UK Ltd have operated 51 24 hour sites since 2007. They run a profitable operation and there has never been a problem at any of the sites.

He referred to the conditions suggested by the Police should the Sub Committee be minded to grant the application. Whilst he was happy to embrace, some were not workable particularly in relation to ensuring the Personal Licence Holder was on site at all times. Additionally, he stated that none of the representations heard had suggested a need for such a condition.

He referred to the Abertawe site as unique in so far as a security guard was employed between the hours of 22.00 – 04.00 hours. This was a condition of the existing licence. He stated that he was content to extend the provision of a security guard by 2 hours.

In summary he stated that the Abertawe Service Station and the others had not previously been managed effectively. He reiterated his statement that Petro Gas Group UK Ltd was experienced in the 24 hour sale of alcohol and had not experienced any problems in any sites since 2007. He urged the Sub Committee to agree the application as submitted.

In response to Member questions, the Applicant stated that he had not had a conversation with the Police Licensing Officer (or received any email) and confirmed that there would be no cheap alcohol promotions at the premises.

The Police Licensing Officer requested an Adjournment in order to discuss issues with the Applicant.

The meeting Adjourned at 10.55 a.m.

The meeting Reconvened at 11.35 a.m.

The Lawyer advising the Committee sought clarify from the Police Licensing Officer regarding additions and modifications to the conditions.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant in respect of all 3 applications.

The application in respect of **Abertawe Service Station** had therefore been amended and agreed as follows:

**Supply of Alcohol** – Monday to Sunday 08.00 hours to 02.00 hours;

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A 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 request of a Police or Authorised Officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or Authorised Officer recent data or footage and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the forecourt.
7. A security guard shall be on site on Thursdays, Fridays and Saturdays between the hours of 22.00 and 06.00 hours.
8. A log shall be kept detailed 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.
9. There shall be no admittance to the shop premises between 22.00 and 06.00 hours.
10. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
11. Preventative measures to be put in place (and agreed with Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The application in respect of **Burrows Service Station** had therefore been amended and agreed as follows:

**Supply of Alcohol** – Monday to Sunday 08.00 hours to 02.00 hours.

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A 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 request of a Police or Authorised Officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or Authorised Officer recent data or footage and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the-forecourt.
7. A log shall be kept detailed 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.
8. There shall be no admittance or re-admittance to the shop premises between 22.00 and 06.00hours.
9. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
10. Preventative measures to be put in place (and agreed with the Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The application in respect of **Wychtree Service Station** had therefore been amended and agreed as follows:

**Supply of Alcohol** – Monday to Saturday 24 hour sales.

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A 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 request of a Police or Authorised Officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or Authorised Officer recent data or footage and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the forecourt.
7. A log shall be kept detailed 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.
8. There shall be no admittance or re-admittance to the shop premises between 22.00 and 06.00hours.
9. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
10. Preventative measures to be put in place (as agreed with the Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The meeting ended at 12.04 pm

**CHAIR**

## REPORT OF THE DIVISIONAL OFFICER LICENSING, FOOD AND SAFETY

STATUTORY LICENSING COMMITTEE - 6<sup>th</sup> MARCH 2015

FOR INFORMATION

### LICENSING ACT 2003 THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014

#### 1.0 Background

1.1 The Licensing Act 2003 (“the Act”) established a unified system of regulation for:

- § the sale and supply of alcohol
- § the provision of regulated entertainment, which includes live and recorded music, dance, plays, films, indoor sporting events and boxing and wrestling
- § the provision of late night refreshment which is the sale of hot food and hot drinks between the hours of 11.00 pm and 05.00 am.

Schedule 1 of “the Act” further describes the provision of regulated entertainment.

1.2 Since the introduction of “the Act”, there have been a number of changes, particularly in respect of regulated entertainment, which has involved a deregulation of certain activities.

1.3 The most significant change to date was the introduction of the Live Music Act 2012. This removed licensing controls for live amplified music in venues with an audience of up to 200 persons, and live non amplified music in venues, with no restriction on audience size. In both cases, however, the exemption is only allowed between 08.00 and 23.00 hours.

- 1.4 Further amendments to schedule 1 were made by The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013. This Order also removed licensing requirements for plays and performances of dance, with audiences of up to 500 persons, and indoor sporting events with audiences of up to 1000 persons. These activities are also subject to operating times of 08.00 to 23.00 hours.

## 2.0 Changes

- 2.1 Further changes to schedule 1 will be made by the introduction of the Legislative Reform (Entertainment Licensing) Order 2014 (the “LRO”) which will come into force on 6<sup>th</sup> April 2015.
- 2.2 The circumstances where the “LRO” will have effect on deregulating certain types of entertainment are summarised as below:

### § **Entertainment by Trusted Providers**

Trusted Providers include local authorities, health care providers and schools. The provision of regulated entertainment by a Trusted Provider, on their own premises, will be exempt from entertainment licensing between 08.00-23.00 with no audience limit.

The sale or supply of alcohol is still subject to an authorisation, under “the Act” which is a premises licence or Temporary Event Notice.

### § **Live music in alcohol licensed premises**

The audience limit for a performance of live amplified music in alcohol licensed premises or in a place of work, where alcohol is not sold or supplied, between 08.00-23.00, will be raised from 200 to 500 persons.

### § **Recorded music in alcohol licensed premises**

Any playing of recorded music in alcohol licensed premises will be deregulated when it takes place between 08.00-23.00 for audiences of up to 500.

### § **Live and recorded music exemptions**

Trusted Providers, outlined above, will be exempt from entertainment licensing when making their own premises available to third parties for live and recorded music activities between 08.00-23.00 for audiences of up to 500.

Community premises, that is, church halls, chapel halls, village halls, parish halls, community halls and other similar buildings that are not licensed to supply alcohol will be exempt from entertainment licensing requirements for live and recorded music between 08.00-23.00 for audiences of up to 500.

§ **Travelling circuses**

Travelling circuses will be exempt from entertainment licensing in respect of all descriptions of entertainment, except an exhibition of a film or a boxing or wrestling entertainment, where the entertainment or sport takes place between 08.00-23.00 with no audience limit.

§ **Greco-Roman and freestyle wrestling**

Greco-Roman and freestyle wrestling will be deregulated between 08.00-23.00 for audiences of up to 1000.

Greco-Roman and freestyle wrestling are ancient combat sports and are Olympic sports which are governed by a national body – British Wrestling.

§ **Incidental film**

An exhibition of a film, that is incidental to another activity, is exempt from licensing but only where the other activity is not an entertainment set out in schedule 1.

### **3.0 Implementation**

- 3.1 As previously stated the “LRO” will come into force on 6<sup>th</sup> April 2015. An explanatory document has been published and can be found by the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/328492/Entertainment\\_Licensing\\_Legislative\\_Reform\\_Order\\_Explanatory\\_Document.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/328492/Entertainment_Licensing_Legislative_Reform_Order_Explanatory_Document.pdf)