

DINAS A SIR ABERTAW

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR TRWYDDEDU STATUDOL

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Gwener, 8 Medi 2017

Amser: 9.55 am

Cadeirydd: Cyngorydd Penny Matthews

Aelodaeth:

Cynghorwyr: C Anderson, J P Curtice, P Downing, V M Evans, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas 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/DatgeliadauBuddiannau
- 3 **Cofnodion:** 1 - 9
Cymeradwyo a llofnodi fel cofnod cywir gofnodion y cyfarfod(ydd) blaenorol.



Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Iau, 31 Awst 2017

Cyswllt: Gwasanaethau Democrataidd - Tel: 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 3A, GUILDHALL, SWANSEA ON FRIDAY,
16 JUNE 2017 AT 9.55 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

C Anderson

V M Evans

L V Walton

Councillor(s)

J P Curtice

S J Gallagher

Councillor(s)

P Downing

C L Philpott

Officer(s)

L Anthony

Y Lewis

L Thomas

S Woon

Divisional Officer, Licensing, Food and Safety

Licensing Officer

Senior Lawyer

Democratic Services Officer

Apologies for Absence

Councillor(s): P Lloyd and H M Morris

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 **MINUTES:**

RESOLVED that the following Minutes be **AGREED** as correct records:

Statutory Licensing Committee - 10 March 2017;

Statutory Licensing Sub Committee – 18 April, 2017; and

Statutory Licensing Committee – 25 May, 2017.

7 **TERMS OF REFERENCE (FOR INFORMATION).**

RESOLVED that the Terms of Reference be **NOTED**.

The meeting ended at 10.00 am

CHAIR

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON FRIDAY,
28 JULY 2017 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)

L G Thomas

Councillor(s)

L V Walton

Officer(s)

Lynda Anthony
Aled Gruffydd
Samantha Woon

Divisional Officer, Licensing, Food and Safety
Lawyer
Democratic Services Officer

Officer(s)

L Anthony
C Gabe
A Gruffydd
S Woon

Divisional Officer, Licensing, Food & Safety
Licensing Officer
Solicitor
Democratic Services Officer

Gower Hotel

Mr W Parry - Solicitor
Mrs L Clayton-Evans - Applicant
Mr Clayton-Evans - Applicant

Other Persons:

Mr A Macklen Mr H Jenkins, Mrs M Phillips, Mrs F M McEwen, Mr and Mrs Sung

46 **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.

47 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - THE GOWER HOTEL, CHURCH LANE, BISHOPSTON, SWANSEA.**

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

The Divisional Officer, Licensing, Food & Safety, reported on the application for a Premises Licence in respect of The Gower Hotel, Church Lane, Bishopston, Swansea.

She 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, conditions consistent with the operating schedule at Appendix B, the location plan of the premises at Appendix C, the former licence is attached at Appendix D and representations by Other Persons at Appendix E.

Representations had been received from Other Persons. A copy of their representations were attached at Appendix E. The representations related to the Prevention of Crime and Disorder and Public Nuisance.

The Divisional Officer, Licensing, Food & Safety, in response to a question, confirmed that the external drinking area referred to in the report was the terrace at the front of the premises.

The Lawyer advising the Committee provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application. He also reminded Objectors that they were to amplify their written representations and were not permitted to introduce further issues.

Mr A Macklen further amplified the written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

Mr H Jenkins further amplified the written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

Mrs M Phillips further amplified the written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

Mrs F M McEwen further amplified the written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

Mr and Mrs Sung further amplified the written representations objecting to the application and highlighted their concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder and public nuisance.

The Lawyer advising the Committee stated that, for the purposes of the Licensing Act 2003, the objection regarding the protection of children from harm did not cover road safety issues.

Mr W Parry, Solicitor representing the Applicant, provided background to the Application. He stated that the licence for the premises had been in existence for a long time, the premises formally known as Winstons. In 2012, Winstons made an application for a Premises Licence the process for which was the same as today. If there had been representations, consideration of the matter would have been dealt

with by a Licensing Sub Committee. The process dictates that advertisements be placed in the local newspaper and premises and Council Officers check the robustness of the process.

The Premises Licence being sought today mirrored the one issued in 2012. However, there are more safeguards. By way of background, in February, 2017, the company went into liquidation and the liquidator made a mistake (this was nothing to do with the current Applicant) and failed to revive the licence. Between 2014 and 2015 the premises was poorly managed which may have led to the business becoming bankrupt. The former licence was not revoked on review as there was never a review of the premises licence.

The Applicant proposes to run the premises as a Country House Hotel, not a pub, club, late drinking den or disco. The Applicants intention is to run an establishment that offers fine dining and weddings on the weekend.

He referred to the bundle of documents filed and circulated to Objectors which he hoped would demonstrate that the premises would be operated correctly, with relevant policy and procedures and a team of trustworthy people.

He referred to the inclusion of Mrs M Phillips letter in the bundle of evidence and explained that this was merely to evidence that the additional information had been sent and received by objectors.

He stated that bins would be relocated to the back of the Hotel in an acoustic bund.

There had been a comprehensive solution to the problems associated with noise escape. DJ's would be appointed and controlled by the Hotel. Live musicians would be sourced from an approved Hotel list. He made reference to other steps in relation to sound, including sound limiters and provided a detailed overview of its operation. He confirmed that no loud speakers would be situated in the lobby and the sound management plan, which had been agreed by the Environment Department, would be maintained. He referred to the robustness of the sound management conditions and detailed the outcomes should any of the conditions be breached.

He reported that the function room doors had been reinstated to an acoustic standard and the outside area would not be used beyond 2300 hours.

He stated that signage and staff would be assisting patrons to specific areas and external smoking and areas would be robustly managed and remain within the curtilage of the premises. On special events, the car park would be monitored and links would be established with a preferred taxi company. He stated that the procedures for the management of the premises had been developed by people who know their business and are trustworthy.

He referred to concerns about alcohol consumption and he reiterated that the premises was not intended to be a drinking den or a night club.

In relation to perceived problems with migration, similar premises in the area are licensed until the same time and should they present at the premises they would not be welcome.

There is a comprehensive CCTV clause built into application.

Concerns raised regarding traffic is a highways matter and not appropriate for discussion today.

The lighting at the premises is soft and unobtrusive.

The Solicitor representing the Applicant stated that the level of concern within the application demonstrated a commitment to peacefully co-exist.

He stated that the different menus which was an indication that the premises is not intended as a disco, a drinking club or pub that is not what it is about.

He referred to the letters of objection received and dealt with the issues raised in the absence of the authors of the letters, the points raised included that:

- Late Night Refreshment will cease at 00:00 hours and refers to the provision of tea/coffee etc;
- No Rubbish (including bottles) shall be removed between 23.00 and 08.00 hours;

Mr Parry stated that in relation to the request for Late Night Refreshment times, it would not be beneficial to the licensing objectives to have to refuse the purchase of tea and coffee thirty minutes prior to the premises closing.

The Solicitor representing the applicant referred to the Thwaites Case which he felt was relevant in this application. The case related to concerns expressed about crime and disorder. The High Court Judge stated that the Police were experts in Crime and Disorder and therefore it should weigh most heavily with the Committee in favour of applicant that the Police had not raised any objection or representations in respect of Crime and Disorder.

Protection of Children from Harm has already been addressed.

In response to questions from Other Persons, the Solicitor representing the Applicant stated that:

- The Applicant has applied for 01:30 hours during the week. This is normal practice and is not an indication that they will be trading until that time throughout the week;
- Whilst the Applicant will not have complete control on the manner in which Patrons leave the premises, they will do their utmost to forge good relationships with local taxi providers;
- Migrant drinkers will be discouraged from the premises by conditions and effective management;

- These premises are intended to be run as a Country House Hotel with fine dining not for random drinkers to come in after they are 'tanked up';
- Live music will take place indoors only;

The Lawyer advising the Committee stated that restrictive covenants are legally binding, however, there is a different regime for dealing with such matters.

The Solicitor representing the Applicant invited Mrs L Clayton-Evans to conclude.

Mrs Clayton-Evans stated that she had been in hospitality for many years and had set up teams of management internationally. They had recently been successful turning another, similar, premises into a fine dining venue, which was frequented by local residents and their children. She referred to the commitment and professionalism of her employees and detailed the training, policies and procedures that had been developed in order to achieve her expectations of a beautiful Gower hotel.

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 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** the application subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below.

1. A written risk assessment shall be carried out by the Premises Licence Holder or Designated Premises Supervisor on each event held at The Gower Hotel and when deemed necessary, SIA registered door staff to be employed. The written risk assessments shall be made available for inspection on request by an Authorised Officer.

(Please note that the number of door supervisors should be dependant on the type of business you run, the crowd profile, and certain events that you run as a premises.)

Members of the Public Present Number of door Supervisors

1 - 100	2
100 - 250	3
250 - 500	4
500 - 750	5
750 - 1,000	6
1,000 - 1,250	9
1,250 - 1,500	10
1,500 - 2,000	12

2. A register of door supervisors (Safer Swansea Partnership Register or like detailed bound numerical register) to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed, and the register to be available for inspection on request by an Authorised Officer.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, all areas where the public have access and any external drinking areas. Equipment must be maintained in good working order, the system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence Holder/DPS must report failure to the Police/Local Authority.
4. An incident book to be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff 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 Local Authority.
5. Premises to keep up to date records of staff training and refresher training in respect of age related sales including proxy sales, 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.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
 7. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable form of identification shall bear their photograph, date of birth and holographic mark.
 8. A log shall be kept detailing all refused sales of alcohol. The log will include the date, time and reason for the refused sale and a means of identifying 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. 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.
 10. Other than for off-sales in sealed containers, no drinks are permitted to leave the licensed and external consumption area as shown on the deposited plans.
 11. No consumption of alcohol or other refreshments to be permitted after 23:00 hours in the external drinking areas.
 12. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set a level determined by and to the satisfaction of an authorised officer of the public protection service's Pollution Control Division to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of the officer from Environmental Health Services. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Public Protection Service.
 13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 14. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.
 15. A sound management Plan, which has been agreed by the Pollution Control Division of the Environment Department, City and County of Swansea, shall be maintained to contain noise within the curtilage of the premises.
 16. Contact details of DPS to be provided to neighbours in the event of any issues arising at the premises.
 17. The bins will be situated at the rear of the hotel within an acoustic bund (barrier).
 18. Any DJ who performs at the premises shall be engaged by the DPS or premises management rather than by a patron of the premises.
 19. Live musicians performing at the premises shall have been approved by the DPS or premises management prior to them performing.
 20. Doors and windows will not be propped open during the time that regulated entertainment takes place within the building.
 21. The Function Room doors shall be of acoustic control standard and save for the purpose of access to and egress from the Function Room shall be closed during times when regulated entertainment takes place within the Function Room.
 22. The DPS or some other member of staff who has received appropriate training from the DPS shall monitor the level of noise perceived to be escaping the building.

23. Signage shall be in place at the premises to direct patrons to use any designated outside areas.
24. Any outside area used by patrons for smoking shall be monitored by a person tasked by the DPS with such monitoring.
25. Patrons using any outside area shall be required to remain within the curtilage of the outside area and encouraged to remain close to the premises building and not close to the boundary of the premises and any adjacent properties.
26. The DPS will establish links with a preferred taxi company and all such taxi companies shall be informed by the DPS to instruct their drivers to telephone the premises upon arrival and to remain in their vehicles.
27. The management of the premises shall monitor the use of patrons of the car park and shall encourage all patrons to park their vehicles within the car park and to park responsibly.
28. Patrons shall not be permitted to bring alcohol to the premises.
29. Management will monitor the consumption of alcohol outside of the building and shall not permit its patrons to consume alcohol outside the curtilage of the premises.
30. The consumption of alcohol outside the building shall be confined to the designated external drinking areas.
31. Any external lighting within the grounds of the building shall be by way of unobtrusive soft uplighters and shall be monitored by management so as to keep light pollution caused to neighbours to a reasonable minimum.

Reason for Decision

The Committee took consideration of the valid concerns of the residents and responses by the management. Additional conditions were agreed to promote the Licensing Objectives. The suggestion made by Bishopston Community Council regarding a contact number to be provided so that neighbours can contact the responsible person to foster relationships between the residents was agreed.

The meeting ended at 12.48 pm

CHAIR