



City and County of Swansea

**Minutes of the Statutory Licensing Sub Committee
2018**

Council Chamber - Guildhall, Swansea

Tuesday, 20 November 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
N J Davies

Councillor(s)
S J Gallagher

Officer(s)

Aled Gruffydd
Yvonne Lewis
Rachel Loosemore
Allison Lowe

Lawyer
Team Leader, Licensing
Licensing Officer
Democratic Services Officer

Apologies for Absence

Councillor(s): None

1 Disclosures of Personal and Prejudicial Interests.

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

2 Licensing Act 2003 - Section 17 - Application for a Premises Licence - On Board Surf & Coffee, 464 Gower Road, Killay, Swansea, SA2 7DZ.

The Chair welcomed all attendees to the meeting and 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 On Board Surf & Coffee, 464 Gower Road, Killay, SA2 7DZ. She referred to the Licensing Objectives, the Licensing Policy considerations and the Statutory Guidance from the Home Office. Specific reference was made to the details in the application for a premises licence, the location plan of the premises at Appendix A and conditions consistent with the operating schedule at Appendix B. No representations had been received from the responsible Authorities. However, several representations had been received from Other Persons. A copy of their representations was attached at Appendix C. The representations related to the prevention of crime and disorder, public safety and prevention of public nuisance.

Mr Morse, John Morse Solicitors on behalf of several residents amplified the written representations objecting to the application and highlighted their concerns in relation

to undermining the Statutory Licensing Objectives in relation to the prevention of crime and disorder, public safety and prevention of public nuisance.

Councillor Jeff Jones, on behalf of several other residents 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, public safety and the prevention of public nuisance.

On behalf of Mr Williams and herself, the applicant Ms Spencer, outlined details of the premises, which was a small independent business, trading as such for the last 11 years. She stated that as local high streets had been suffering in the current financial climate, that they had been considering the future of the business. She explained that they had a good relationship with the locals, many of whom they considered friends. The average age of their customers was around 50 years of age made up of groups of women who met for lunch, school mums and people on their way to and from the beach. Local crime prevention meetings were also held at the premises. It was a bespoke business where two local artists displayed their paintings and where customers often stayed longer than intended. They wished to enhance the choice and diversity of produce that the business could offer, which could provide them the opportunity to increase their revenue. The aim was to create a place where individuals, couples and families could meet to enjoy a beverage. She outlined Mr Williams's personal circumstances, explaining that he would reside in the flat above the premises. They had discussed the idea of selling the odd glass of wine or craft beer to their existing clientele who had responded positively. The music would continue as background music only.

In response to Councillors questions, the applicants responded:

- There would only be 15-25 people on the premises at any one time;
- The drinking areas would include the patio at the front and a rear enclosed private garden;

Following the applicants submission, Mr Morse requested that the applicants consider amending the hours of operation to reflect the current planning conditions.

In response to general questions, the applicants responded that:

- They fully intended to comply with the planning conditions and were aware that they would need to submit a further planning application if they wanted to vary their opening hours;
- The areas that were currently being utilised for serving beverages would remain the same and a table service would be offered, with no bar area available. However as the application was for the whole of the premises, a relaxed atmosphere where patrons could browse the items for sale whilst drinking a beverage was intended. She identified other similar successful cafes that offered this kind of experience;
- They didn't expect an excessive number of customers due to their location, nor the alcoholic sales to be high, with only the odd glass of wine or craft beer being sold.

Closing Statements were provided from Ms Spencer and Mr Morse.

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 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 of the Council.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
3. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
4. No consumption of alcohol or other refreshments to be permitted after 2100 hours in the external drinking area.
5. External drinking area to be regularly supervised by staff from the premises when in use.
6. A Challenge 21 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.

7. 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 authorised officer of the Council.
8. Premises to keep up to date records available for inspection of staff training in respect of age related sales.

Additional conditions:

9. No glass bottles to be emptied, moved, removed or placed in outside areas between 2100 hours and 0900 hours.
10. 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 incidents and the action/outcome. The book must be kept available for inspection by the Police and authorised by the Licensing Authority.
11. Loud speakers shall not be placed outside the premises 464 Gower Road, Killay, Swansea.
12. A direct number for the Designated Premises Supervisor/Manager (DPS) shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity if requested.

Reasons for Decision

The representations were all concerned with planning criteria, which is separate from the licencing criteria. They cannot be used to turn the application down. Should planning be amended to allow later opening hours in the future then conditions have been imposed to mitigate the risk of noise later in the evening.

The meeting ended at 11.20 am

Chair