



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Statutory Licensing Sub Committee 2018

**At:** Council Chamber - Guildhall, Swansea

**On:** Tuesday, 20 November 2018

**Time:** 10.00 am

**Chair:** Councillor

**Membership:**

Councillors: J P Curtice, N J Davies, P Downing, S J Gallagher, P Lloyd, P M Matthews, H M Morris, C L Philpott, B J Rowlands, L G Thomas and L V Walton

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### Agenda

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interests.  
[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)
- 3 Licensing Act 2003 - Section 17 - Application for a Premises Licence - On Board Surf & Coffee, 464 Gower Road, Killay, Swansea, SA2 7DZ. 1 - 25

A handwritten signature in black ink that reads 'Huw Evans'.

**Huw Evans**  
Head of Democratic Services  
Thursday, 8 November 2018

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Contact: Democratic Services - 636923



Cyngor **Abertawe**  
**Swansea** Council

**Report of the Divisional Licensing Officer  
To the Statutory Licensing Sub Committee  
20<sup>th</sup> November 2018**

## **Licensing Act 2003 Section 17 Application For a Premises Licence**

- 1. Premises: On Board Surf & Coffee, 464 Gower Road, Killay, Swansea, SA2 7DZ**
- 2. Applicant : John Stuart Williams & Nicola Louise Spencer**
- 3. Application For A New Premises Licence**
- 3.1 An application for a new premises licence was received by this authority on the 25<sup>th</sup> September 2018. The applicant has applied for a premises licence to allow the following licensable activity to take place.

### **Supply of Alcohol**

**Monday to Wednesday 1000-2300 Thursday to Sunday 1000-0000**

### **Late Night Refreshment & Recorded Music**

**Thursday to Sunday 2300-0000**

### **4. Background**

The premises is an established Surf and Coffee Shop and is 1 of 5 commercial properties situated in a row within a residential area.

A location plan of the premises is attached at Appendix A.

### **5. Promotion Of The Licensing Objectives**

- 5.1 The Licensing Act 2003 contains four licensing objectives, namely:-
  - (i) Prevention of Crime and Disorder
  - (ii) Public Safety
  - (iii) Prevention of Public Nuisance
  - (iv) Protection of Children from Harm

Each of these objectives is of equal importance and the application must demonstrate how they are to be promoted.

Conditions consistent with the operating schedule that will be attached to the licence if granted are at Appendix B.

## **6. RELEVANT REPRESENTATIONS**

### **6.1 Responsible Authorities**

- a) **South Wales Police**  
No representations.
- b) **Trading Standards**  
No representations.
- c) **Mid and West Wales Fire Authority**  
No representations.
- d) **Health and Safety**  
No representations.
- e) **Planning Authority**  
No representations.
- f) **Pollution Division**  
No representations.
- g) **Child Protection**  
No representations.
- h) **Primary Care Trust/Local Health Board**  
No representations.
- i) **Licensing Authority**  
No representations.
- j) **Immigration**  
No representations.
- j) **Other Persons**  
Representations have been received from John Morse Solicitors on behalf of 4 residents.  
A local Councillor.  
2 residents.

These are attached at Appendix C.

## **7. Policy Considerations**

7.1 In considering this application Members should have regard to the Council's current statement of Licensing Policy adopted in July 2013 and amended in July 2018. Specifically in relation to this application;

(i) Deregulation – Foreword

(d) Certain activities are now no longer required to be licensed due to changes in legislation as a result of deregulation. Amendments made to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013, Legislative Reform Order 2014 and the Deregulation Act 2015, means that a licence is not required for the following activities to the extent that they take place between 08:00- 23:00 on any day:

Live music, where the live music comprises;

- A performance of unamplified live music
- A performance of live amplified music in a workplace with an audience of no more than 500 people; or
- A performance of live or recorded music on licensed premises which takes place in the presence of an audience of no more than 500 people, subject to certain conditions being met.

Recorded music, where recorded music comprises;

- Any playing of recorded music on licensed premises which takes place in the presence of an audience of no more than 500;
- Any playing of recorded music in unlicensed premises, subject to certain conditions being met.
- Dance – no licence is required for performances on any day provided that the audience does not exceed 500.

Where de-regulated activities take place on licensed premises any licence conditions relating to 'live' music or entertainment will be suspended, but it is possible to impose new, or reinstate existing conditions following a review of a premises licence or club premises certificate.

(ii) Duplication – Section 11

Paragraph 11.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.

Paragraph 11.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation.

Paragraph 11.3 In particular, Planning and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning

application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning permission. The Licensing Authority will advise all new applicants to liaise with planning services to ensure they apply for any necessary permissions.

7.2 A copy of the Policy has previously been circulated to Members.

## **8. Guidance Issued By The Home Secretary**

8.1 Members should also have regard to the relevant parts of the current guidance issued by the Home Secretary in April 2018, in particular;

- (i) Introduction – Chapter 1
- (ii) Licensing Objectives – Chapter 2
- (iii) Applications For Premises Licenses – Chapter 8
- (iv) Conditions attached to Premises Licenses – Chapter 10
- (v) Promotion of Equality – Chapter 14 paragraphs 14.66 -14.67

Specifically in relation to this application;

- (i) Considering cases where licensing and planning applications are made simultaneously – Chapter 9  
Paragraph 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.
- (ii) Planning and building control – Chapter 14  
Paragraph 14.64 The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs

Paragraph 14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the

earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

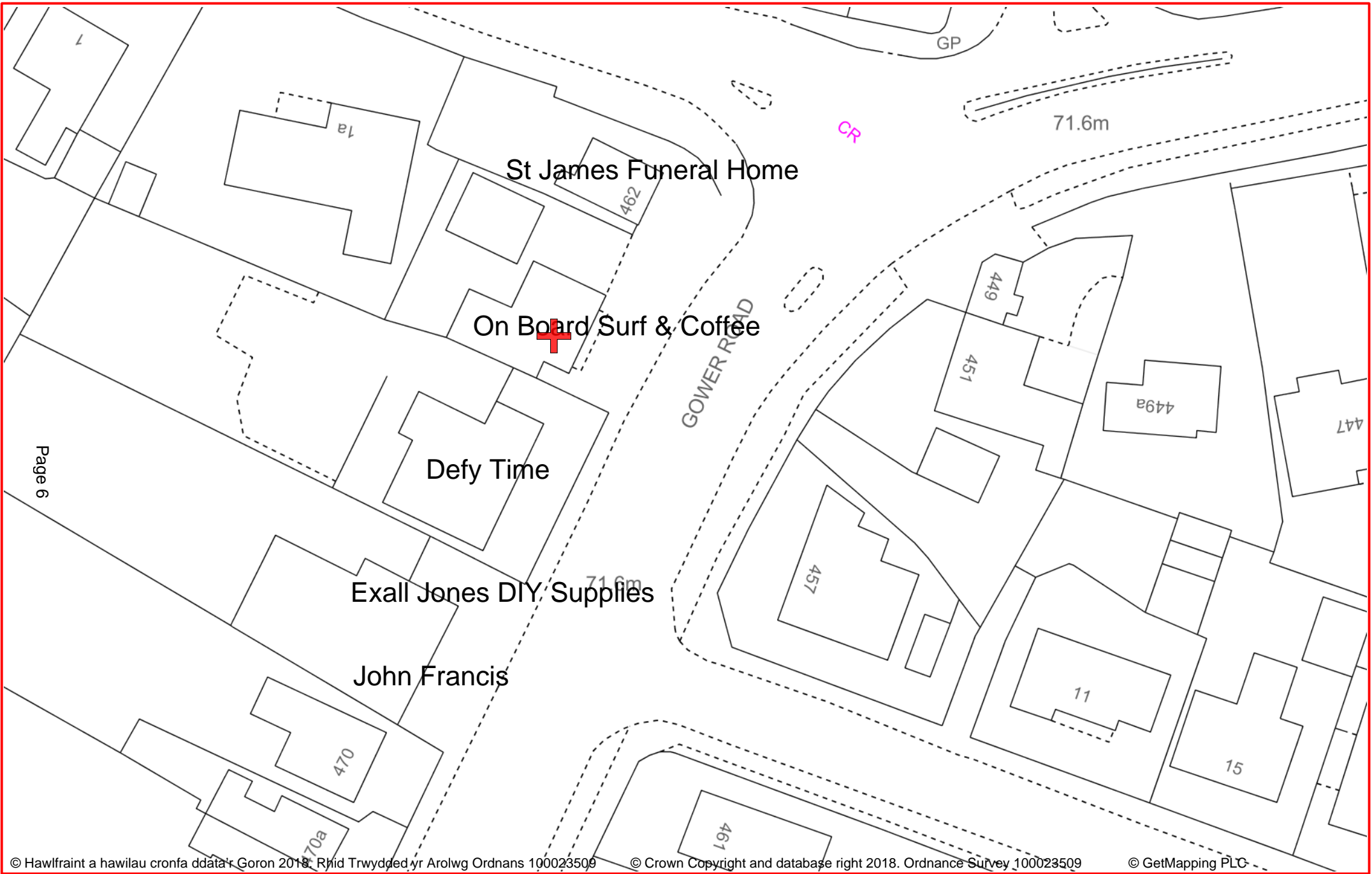
- 8.2 A copy of the Home Secretary's Guidance has previously been circulated to Members.

## **9. Determination Of The Application**

- 9.1 The decision must be based on the individual merits of the application and the representations received, with a view to promoting the licensing objectives outlined in paragraph 5 above.
- 9.2 In addition in arriving at the decision Members should have regard to the relevant provisions of the Council's Statement of Licensing Policy and the Secretary of State's Guidance as previously provided. Reasons must be provided for any departures from the Policy or Guidance.
- 9.3 In reaching the decision the Committee must, having regard to the representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:-
- a. Grant the licence subject to:
    - i) conditions that reflect the operating schedule, modified to such extent as the authority considers appropriate for promotion of the licensing objectives. Certain regulated entertainment under the Licensing Act 2003 (as amended ) has been deregulated. Where entertainment is deregulated, but licensable activities continue to take place on any premises, any licence conditions imposed on a grant of a licence in respect of any deregulated entertainment will be suspended.
    - ii) any mandatory conditions relevant to the licence
  - b. Exclude any of the licensable activities to which the application relates.
  - c. Refuse to specify a person in the licence as the premises supervisor.
  - d. Reject the application

**The Licensing Sub Committee's instructions are requested.**

Background Papers: Licence Application  
Contact Officer: Rachel Loosemore  
Extension: 01792 635600



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This plan is for illustrative purposes only and should not be used as a legal document.

Appendix A - Block Plan

On Board Surf & Coffee, 464 Gower Road, Killay, Swansea, SA2 7DZ

Scale: 1:500

Date: 29/10/2018

Created by: Rachel.Losemore

## **Appendix B**

### On Board Surf & Coffee

Conditions consistent with the operating schedule

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 2300 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.



# JOHN MORSE

SOLICITORS

APPENDIX C

The City & County of Swansea  
Licensing Division  
Environment Department  
Civic Centre  
Oystermouth Road  
Swansea SA1 3SN

Our Ref: JFM/ST/LEW056/0001  
Your Ref:  
Date: 19 October 2018

Directorate of Place Licensing
22 OCT 2018
Réf.
Logged by.
For action by.

Dear Sirs

**Re: Application for a Premises Licence under the Licensing Act 2003  
On Board Surf and coffee, 464 Gower Road Killay Abertawe SA2 7DZ**

We act for Michael and Janice Lewis of [REDACTED] Myra Arthurs of [REDACTED]  
[REDACTED], Greta Cox of [REDACTED] and Anne Davies of [REDACTED]

They wish to make objection to the grant of a Licence for the above premises in favour of John Stuart Williams and Nicola Louise Spencer. The grounds of their objection are:-

1. The application would not comply with the Licensing objectives in particular it would create nuisance and disorder.

The premises are situate in a predominately residential area. There is insufficient car parking and this would encourage users of the premises to park vehicles on Gower Road and Woodside Avenue. This would have the effect of creating a disturbance to the occupier of properties by banging of car doors and persons leaving the premises late at night. Many of the residents are retired people.

2. The premises 464 Gower Road has planning permission for use of part of the ground floor for retail (Class A1) and part as an ancillary café (Class A3). This was granted under planning application number 2015/2092. We enclose a copy of the Planning permission.

John Morse Solicitors St. Helen's House, 156 St. Helens Road, Swansea SA1 4DG  
T 01792 648111 F 01792 648028 DX 39598 Swansea E mail@johnmorse.co.uk W www.johnmorsesolicitors.co.uk  
Directors: John F. Morse, Andrew P. Sivertsen LLB (Hons), Laura Johnson LLB (Hons), Michelle Valerio BA Hons, Sonia McGarrigle LLB (Hons)



John Morse Solicitors incorporating Michelle Valerio and McGarrigle-Jones Ltd  
is a trading name of Morse Law Limited Co. Reg. No. 07917274.  
Morse Law Limited is authorised and regulated by the Solicitors Regulation Authority SRA No 569494

3. On appeal planning permission was also granted to allow the front patio for Class A1 and Class A3 purposes incidental to the mixed use of the ground floor premises but limiting the A3 Use to a maximum of 3 tables. We enclose a copy of the appeal decision.

4. The planning permission granted by the City Council under application number 2015/2092 had five conditions:-

(i) Condition number 2 stated that the development shall be carried out in accordance with the approved plans and documents – 02 existing elevations location plan and 03 proposed plan. The reason for this was stated in the permission so as to define the extent of the permission granted. Considering the plans an area in the middle of the retail part of the premises has been designated for coffee and is clearly marked upon the plan.

(ii) Condition number 3 of the planning permission 2015/2092 stated that the proposed café use hereby approved shall be used for café purposes only and for no other purpose (including any other purpose in class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification. The reason to support that condition was that the development approved is such that the council wished to retain control over any future development being permitted and in order to ensure that a satisfactory form of development was achieved at all times.

(iii) Condition 4 of Planning Permission stated that the proposed café shall remain ancillary to the main retail function of the premises and shall not function as a separate planning unit and the reason stated for this was in the interest of highway safety.

(iv) Condition 5 stated that the proposed café use shall only take place within the part of the building as indicated on drawing number 03 and the reason to support this was that it would define the scope of the Planning Permission and the interest of highway safety.

5. The plan attached to the Licensing Application attached hereto shows the area of the proposed Premises Licence edged green. This plan should be considered against the plan 03 attached to the planning application 2015/2092 and against the condition attaching to the planning appeal for the use of the external area at the front of the premises.

6. The applicants are trying to incorporate within the licensed area the retail area shown on plan 3 which do not have planning permission for such a use plan 03 and are attempting to increase the number of tables on the front patio area from three to five and including within the licensed area the frontage, side and rear garden or external areas which do not have the necessary planning permission for such a use.

The important condition imposed on planning application number 2015/2092 is condition number 3. Because it restricts the use of the non-retail part of the premises for café purposes only and specifically excludes any other purpose within Use Classes Order A3 which relates to restaurants and cafes and specifically with the Use Classes Order it refers to restaurants, snack bars and cafes.

The Council specifically designated the use as a café and not as a restaurant or snack bar. More specifically the use under Class A4 (drinking establishments) is excluded because there is no reference to it. Drinking establishments comprise public house, wine bars and other drinking establishments (but not nightclubs). There is no planning permission in use for these premises for a public house or wine bar.

Condition 4 states that the café use shall remain ancillary to the main function premises. The scale of the proposal and the size of the area requested to be licensed does not conform with this condition.

We have advised our clients therefore to comply with the existing Planning Permission the applicants can only use the area designated on plan 03 and the outside area allowed on appeal which is restricted to three tables for the ancillary use as a café.

Cafes supply refreshment but not normally alcoholic refreshment which is normally associated with a café/bar in any event cafes do not remain open until 11pm at night and usually when forming part of a retail operation close at the same time as the retail operation which would normally be at or about 6pm.

We have advised our clients that licensing and planning application processes are entirely distinct but it is normal for licensing authorities to consider that it is ideal to obtain all planning permission, consents and certificates before licensing applications are made. This is with the aim of smoothing out the licensing process. These planning permissions should be clear before the Licensing Authority has to deal with the licensing application then there will be little doubt that the premises can be lawfully used for the purposes covered by the proposed Premises Licence. At present the lawful permissions are not in place and the licence as applied for will not be capable of operation and would lead to a serious breach of planning control.

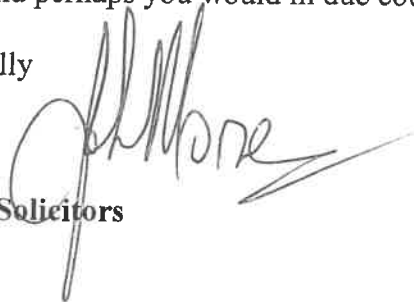
The applicants therefore do not have the relevant planning permission to enable them to operate under the licence that they are proposing.

It is therefore considered that this application for a premises Licence without the necessary planning consents is premature and should be rejected in its entirety.

However, if the Licensing Committee are mindful of granting a premises Licence then our clients would like to see conditions imposed upon the Licence that will ensure that the premises are operated in accordance with the existing planning. Such condition would also ensure that the premises comply with the Licensing objectives and in particular to ensure there is no crime and disorder or public nuisance. We attach hereto suggested conditions that our clients would like the licensing Authority to consider should be attached to the Licence if a Premises Licence is to be granted.

Please note that our clients will attend to make representations at the hearing of the licensing application and perhaps you would in due course advise us of the date and time of such a hearing.

Yours faithfully



**John Morse Solicitors**



**CITY AND COUNTY OF SWANSEA**  
**TOWN AND COUNTRY PLANNING ACT 1990-2004**  
**GRANT OF PLANNING PERMISSION**

TO:  
DAVID GILL PLANNING CONSULTANCY  
58 BISHOPSTON ROAD  
BISHOPSTON  
SWANSEA  
SA3 3EN

DATE REGISTERED: 19/10/2015

APPLICATION NO: 2015/2092

APPLICANT: Mr John Williams

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby GRANTS planning permission for:

**SITE LOCATION:**

464 Gower Road  
Killay  
Swansea SA2 7DZ

**PROPOSAL:**

Change of use of part of ground floor from retail (Class A1) to ancillary cafe (Class A3)

as referred to in your application and shown on the accompanying plan(s), subject to the following condition(s):-

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 02 - Existing Elevations and Location Plan and 03 Proposed Plan, received 14th October 2015.  
Reason: To define the extent of the permission granted.
- 3 The proposed cafe use hereby approved shall be used for cafe purposes only and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 4 The proposed cafe use shall remain ancillary to the main retail function of the premises and shall not function as a separate planning unit.  
Reason: In the interest of highway safety.
- 5 The proposed cafe use hereby approved shall only take place within the part of the building as indicated on Drwg No 03 (Proposed Plan).  
Reason: To define the scope of this planning permission and in the interest of highway safety.

**INFORMATIVES:**

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2 and AS6.
- 3 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.

Project No.  
**01020**  
**484 Gower Road**  
**Killey**

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Existing Plan

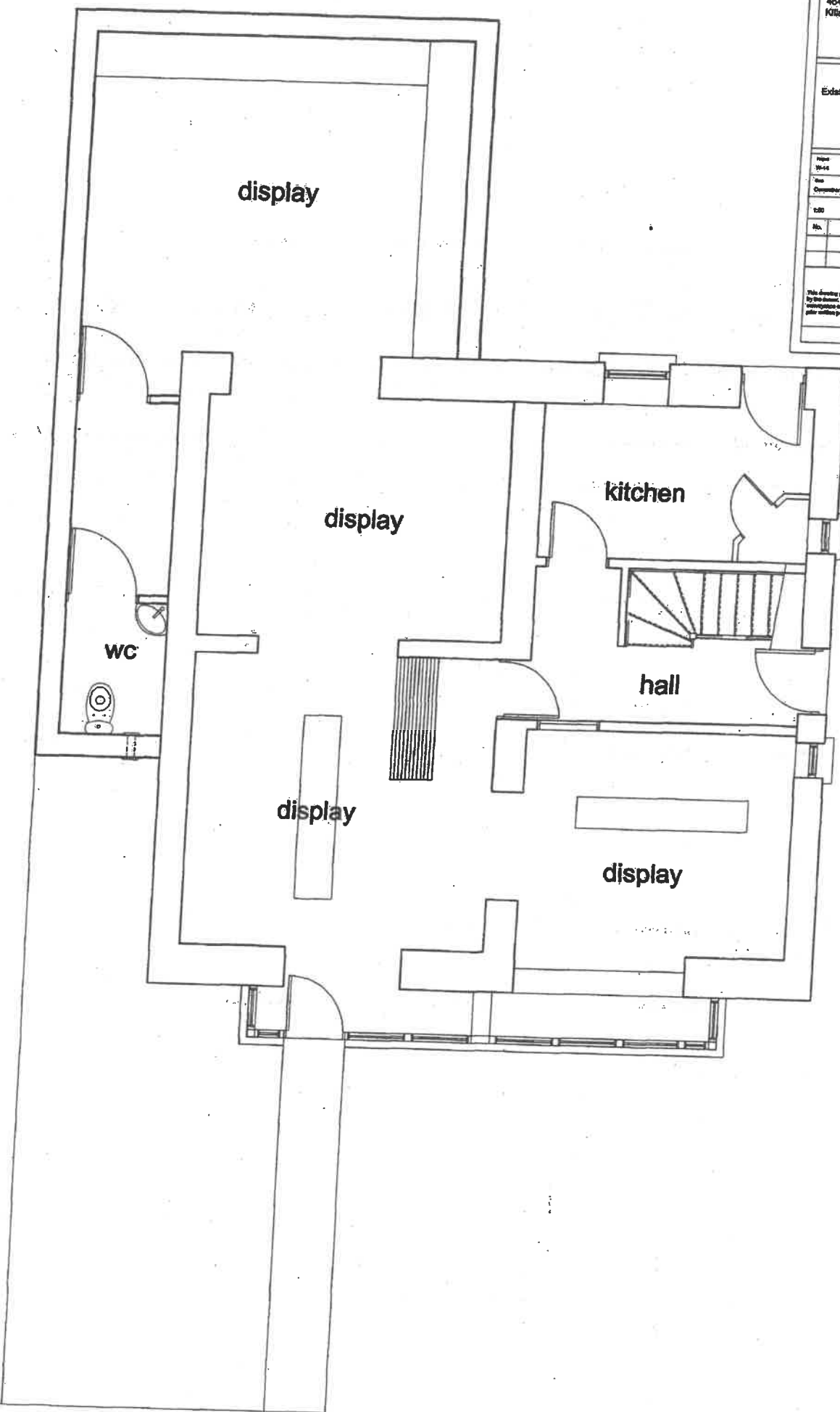
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Issue	Sheet
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December 2016	
Scale	
1:50	

No.	Revisions/Issues	Date

This drawing may not be suitable and people other than the client. This constitutes acceptance of responsibility of any information contained herein without prior written permission to that effect.

Ground Floor



Project:  
**Onboard**  
**464 Gower Road**  
**Killybegs**

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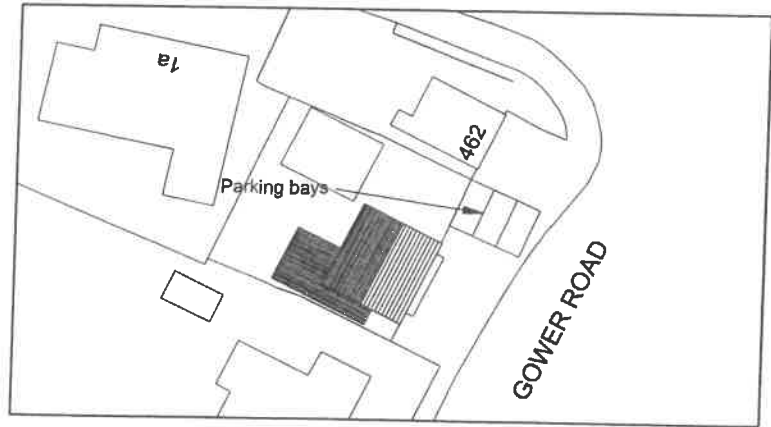
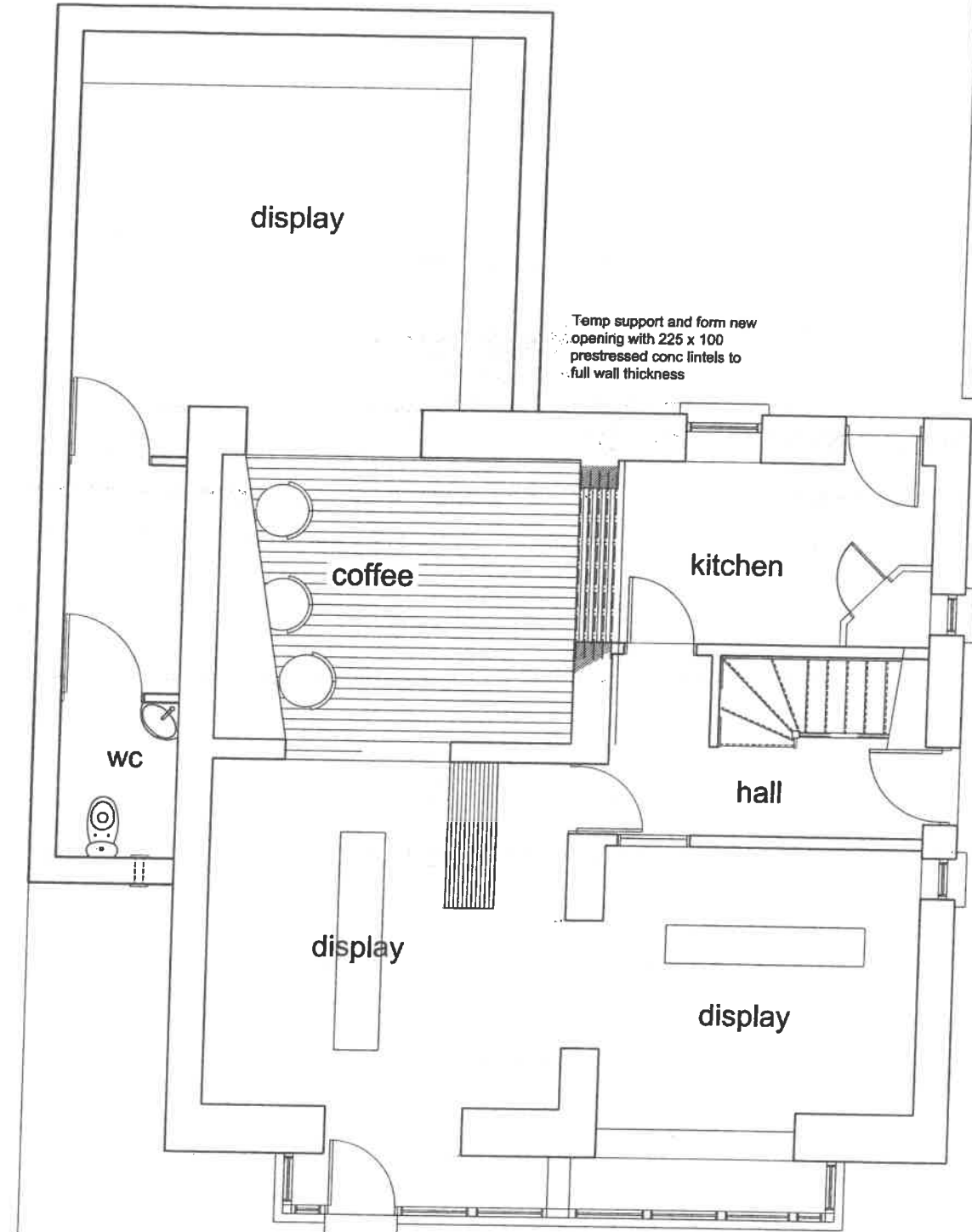
Proposed Plan

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Paper: W-14	Sheet: <b>03</b>	
Date: December 2014		
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No.	Revisions/Issues	Date

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General Notes



**Site Plan 1:500**  
 Page 13



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 03/07/17

gan **P J Davies BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11.08.2017

## Appeal Decision

Site visit made on 03/07/17

by **P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 11.08.2017

**Appeal Ref: APP/B6855/A/17/3174793**

**Site address: 464 Gower Road, Killay, Swansea SA2 7DZ**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Williams against the decision of City and County of Swansea Council.
- The application Ref 2017/0050/FUL, dated 8 January 2017, was refused by notice dated 2 March 2017.
- The development is 'retention of front patio and use for Class A1 and A3 purposes incidental to the mixed use of the ground floor of the premises but limiting A3 use to a maximum of 3 tables (12 covers)'.

### Decision

1. The appeal is allowed and planning permission is granted for front patio and use for Class A1 and A3 purposes incidental to the mixed use of the ground floor of the premises but limiting A3 use to a maximum of 3 tables at 464 Gower Road, Killay, Swansea SA2 7DZ in accordance with the terms of the application, Ref 2017/0050/FUL, dated 8 January 2017, subject to the following condition:
  - 1) The development shall be carried out in accordance with the following approved plans and documents: site plan and block plan.

### Procedural Matter

2. The patio has been constructed and I have therefore considered this appeal on the basis that it seeks retrospective planning permission.

### Main Issues

3. These are the effect of the proposal on: the character and appearance of the area; and highway safety with particular regard to the demand for parking.

### Reasons

#### Character and Appearance

4. The appeal property forms part of a short row of commercial properties extending from a roundabout near to the Killay shopping area. It is in an area of transition between the commercial area northwards of the roundabout and the predominantly residential area to the south. There are dwellings on the opposite side of the road, and the residential character becomes more pronounced as Gower Road continues southwards.

5. The patio is enclosed by a post and rail fence and it occupies a forecourt area in front of the café. Although it is clearly visible, given its proximity to the café frontage, it has a distinct physical and functional link to the existing commercial use. It is not unusual for street cafes to provide outside seating and in its immediate setting the development is not an anomalous feature. Given the low height and open construction of the fence and the patio itself, neither is it overly dominant in a visual sense. In these circumstances, and having regard to the limited number of tables proposed, the development has a satisfactory relationship with its context. It does not harm the character or appearance of its surroundings, and it complies with the objectives of Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan (UDP) that amongst other things seek good design, and to ensure that development has regard to the physical character and topography of the site.

#### *Highway Safety*

6. The café fronts a heavily trafficked main road and is near to a busy roundabout. Parking is linearly arranged in front of the property and requires reversing movements either onto or off the highway. Nonetheless, whilst I accept that the development might increase the number of customers using the café, I have no evidence that quantifies this increase. The café already occupies most of the ground floor of the building and operates in conjunction with a hairdressing business at the rear. The use of the building is therefore already capable of attracting significant custom, and relatively, the small number of additional tables outside would not materially add to this.
7. It would appear that the patio area utilises an area formerly used for parking and/or turning. Nevertheless, the appeal property is located within walking distance of the Killay shopping area and other community facilities so it is not unreasonable to expect some customers to arrive on foot using shared trips to the other facilities nearby. In addition, the development proposes 6 cycle parking spaces. On balance, I find that the development would not significantly add to the existing demand for parking and it would comply with the highway safety objectives of UDP Policies EV1 and AS6.

#### **Other Matters**

8. I have had regard to the concerns of nearby residents and local representatives, which include noise, disturbance, pollution and intensified use. However, given the minor scale of the proposal and its context within other commercial uses and a busy road, I have no evidence to indicate that the proposal would be unacceptable for any of these reasons.
9. In reaching my decision, I have taken account of the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

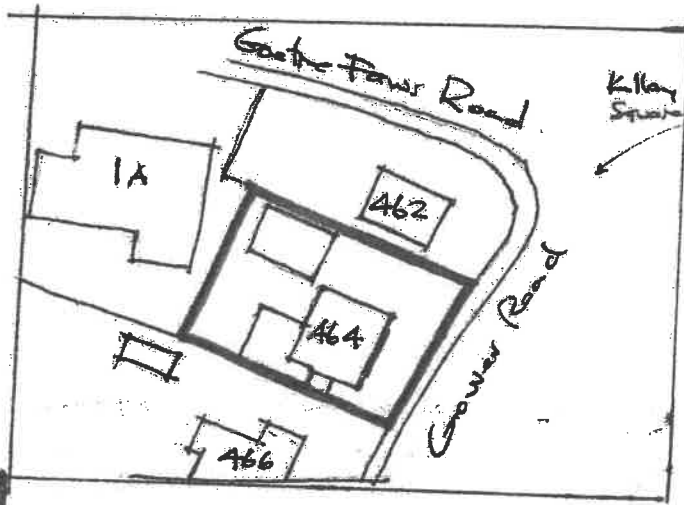
#### **Conclusions**

10. For the above reasons and having regard to all other matters raised, I conclude that the appeal is allowed.

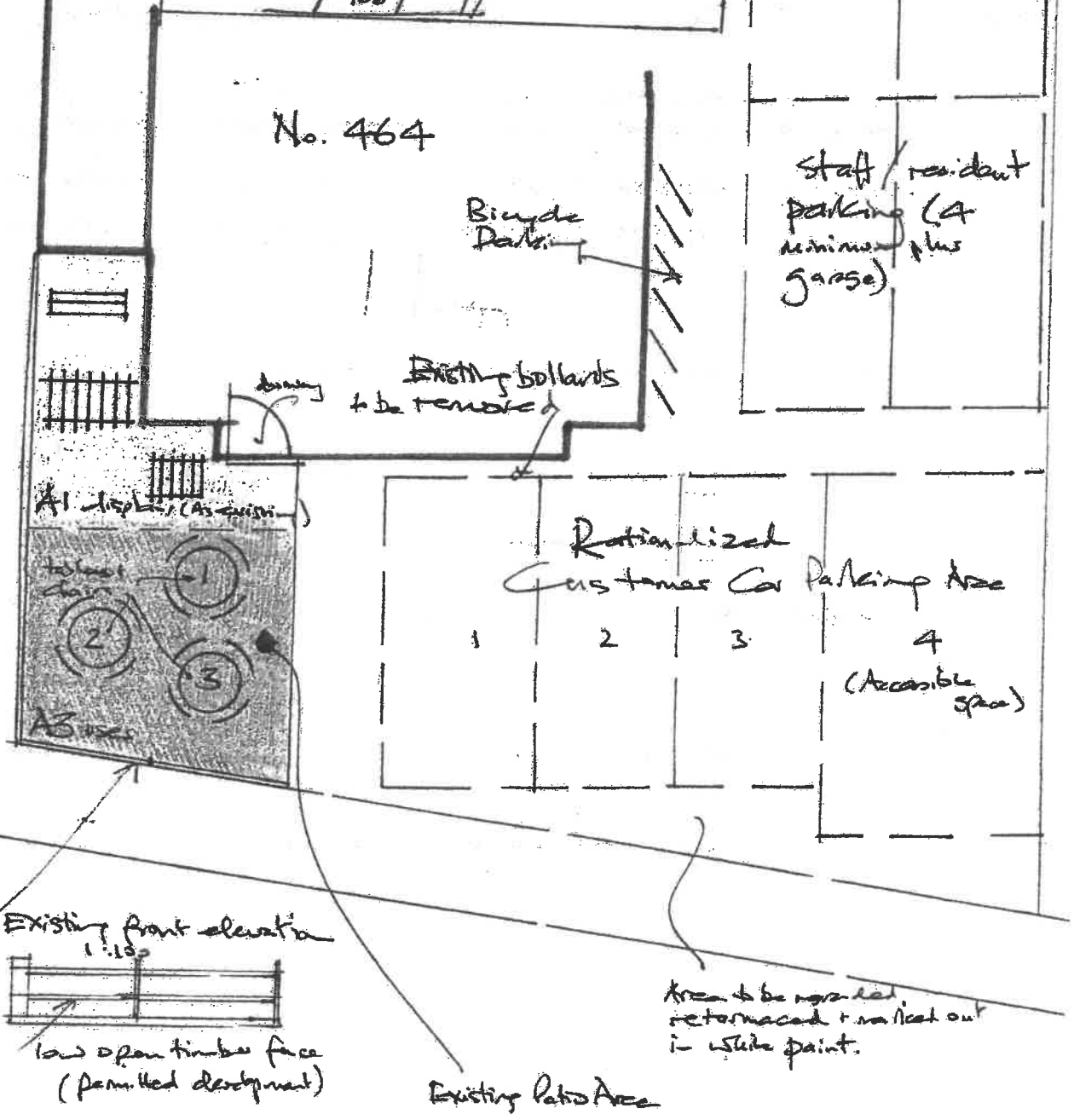
P J Davies

INSPECTOR





Site location Plan  
 Scale: 1:750  
 ↑ N.  
 For identification purposes.



Retention of front patio and its use for purposes incidental to the use of the ground floor of 464 Gough Road for AI and A3 purposes.

Scale 1:100 ↑ N.

Block Plans.

**Suggested Conditions to be attached to a Premises Licence at  
646 Gower Road Killay Swansea SA2 7DZ**

1. That the Premises Licence shall be restricted to the part of the premises edged red on the plan attached marked plan 03/A and the outside patio area also edged red.
2. The sale of alcoholic refreshment shall be ancillary to persons using the café areas edged red and seated at tables within that area.
3. There shall be no provision of a bar or servery for alcoholic refreshment.
4. The Premises Licence shall be restricted to the following hours: -  
  
10.00 am to 06.00pm.

**The Licence will also be subject to mandatory conditions where applicable.**

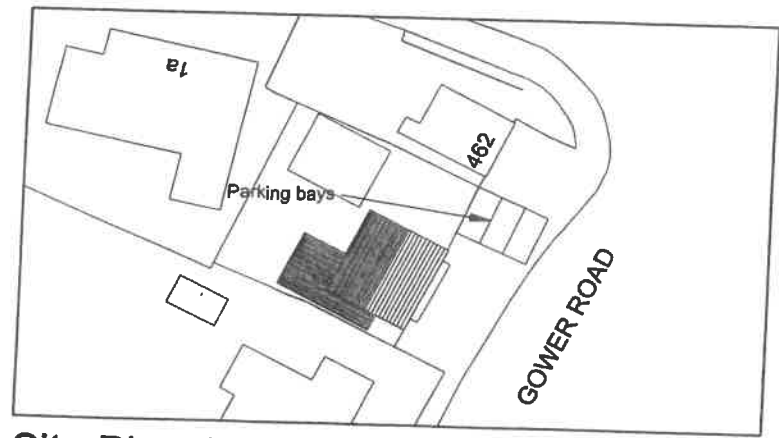
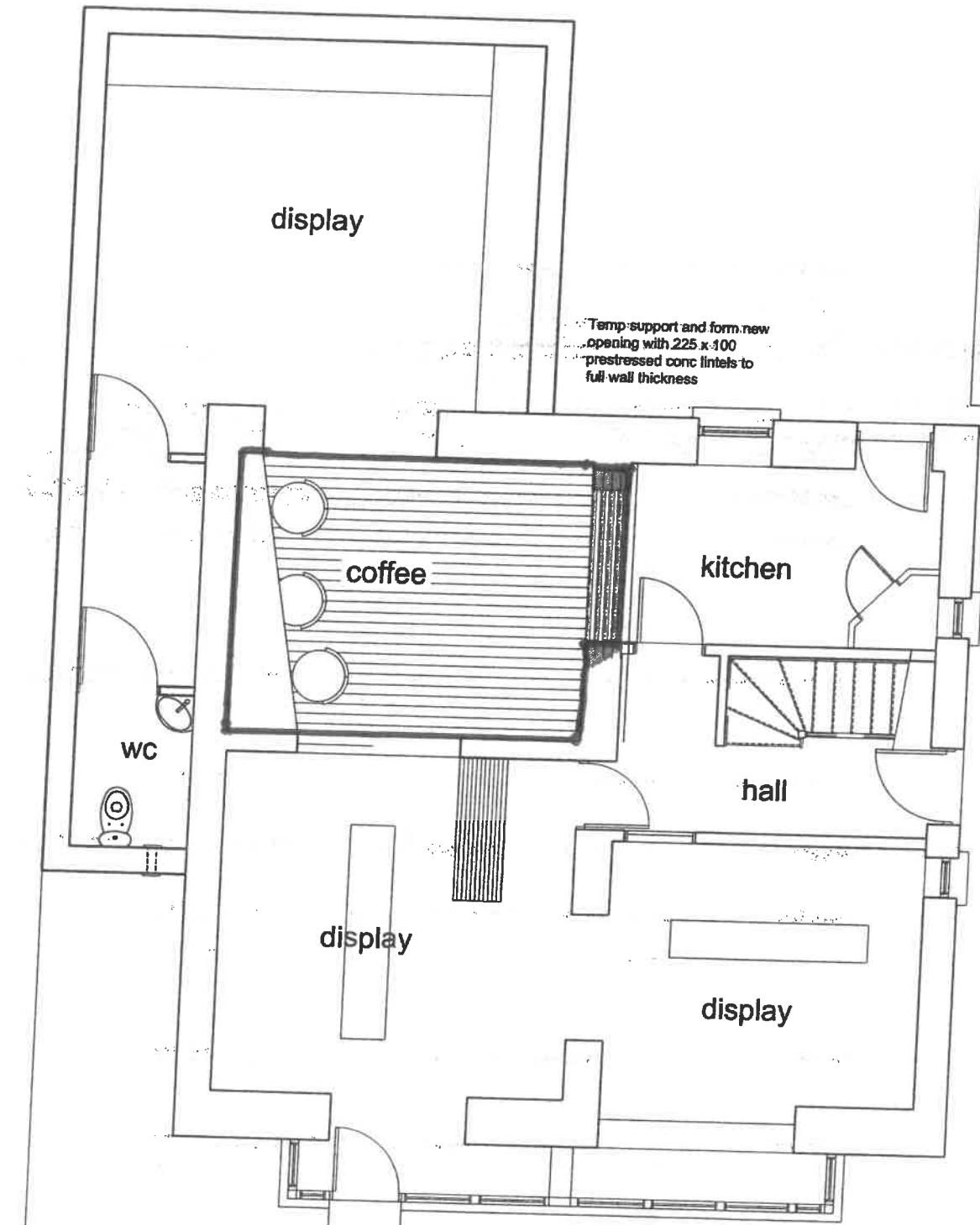
1. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incidents and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority
2. The premises licence holder shall ensure that all reasonable steps are taken to encourage the rights of local residents. Clear and legible notices shall be placed conspicuously at the front and rear exits advising customers to have consideration to residents when using the external area and when leaving the premises.
3. All windows and external doors shall be kept closed at all times except for immediate access and egress of persons.
4. External café area to utilise suitable non-glass vessels and to liaise with the police Licensing Officers in this respect.
5. The external café patio area to be regularly supervised by staff from the premises when in operation.
6. Loud speakers shall not be placed outside the premises 464 Gower Road Killay Swansea
7. A direct number for the designated Premises Supervisor/manager of the premises 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.
8. 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 stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a police Officer/Licensing 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/Licensing Authority office 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 any 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 the failure to the police/local Authority

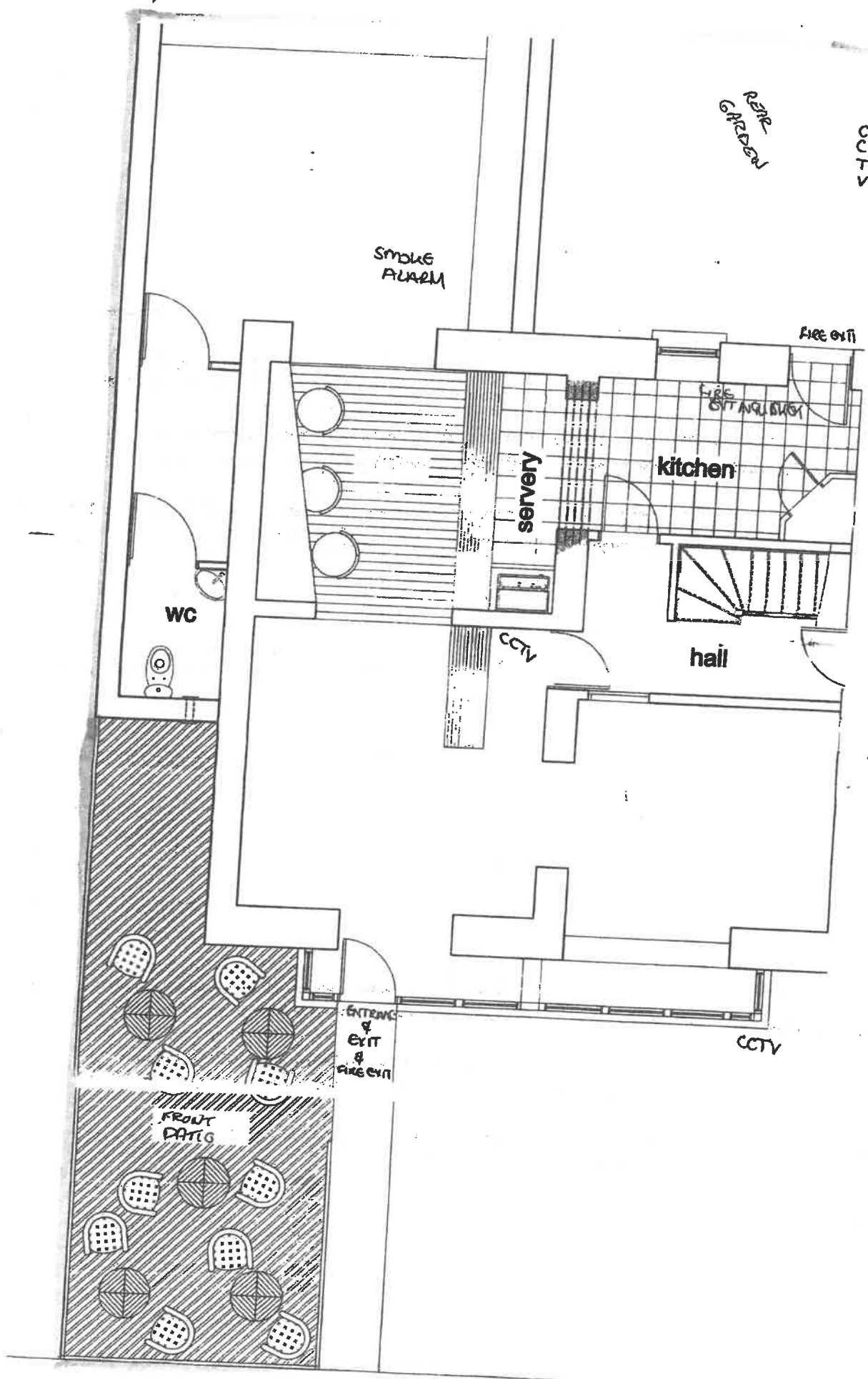
9. No amplified music shall be permitted within the premises. There shall be no disc jockey or karaoke machines permitted within the premises. The only music available will be background music.
10. There shall be no dancing permitted in the premises

Plan 03 H.

Project Name		
Onboard 464 Gower Road Killybeggs		
Proposed Plan		
Date	Sheet	
06-14	03 / A	
Date		
December 2014		
1:20		
No.	Revised/Issue	Date
This drawing may not be used for any purpose other than that for which it was prepared. The contractor is responsible for the accuracy of any dimensions and details shown without prior written permission in each particular.		
General Notes		



Site Plan 1:500



- LICENSED AREA

SCALE 1:50

## Loosemore, Rachel

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**From:** Sue Tyrell <Sue@JohnMorse.co.uk>  
**Sent:** 23 October 2018 15:15  
**To:** Loosemore, Rachel  
**Subject:** Application for a Premises Licence - On board Surf and Coffee 464 Gower Road Killay Swansea

Hello Rachel

Thank you for your email of the 23<sup>rd</sup> October. I note the contents.

In relation to point 1 I would like to add and elaborate upon the same in the light of your email and the objection is:-

1. The application would not comply with the Licensing Objectives and that the premises would create crime and disorder, public nuisance and cause an issue to public safety. Our letter of the 19<sup>th</sup> October sets out the premises is in a predominantly residential area and deals with the car parking and the associated disturbance caused by banging of doors and persons leaving the premises late at night. The lateness of the hours applied for on the Premises Licence would certainly lead to crime associated with disorder as well having regard to the number of persons likely to be using the premises if the licence as applied for were granted.

The information supplied for point 2 of our letter of the 22<sup>nd</sup> October should be considered because if the application is granted as applied for then:-

- (i) Crime and disorder will ensue and public safety will be jeopardised and public nuisance will occur because the use of the premises would be in contravention of strict conditions and controls imposed by the City Council acting through its Planning Committee and that the City Council Planning Committee had regard to any future use of the premises being satisfactory and the interests of highway safety. If the Premises licence was granted as applied for then the use of the premises would not be satisfactory because it would not satisfy the Licensing Objectives and it would certainly contravene the interests of highway safety as well as leading to concerns of public nuisance. To enable the premises to operate as applied for and to satisfy the Licensing Objectives the Licensing Committee in our submission will have to consider imposing conditions upon the Premises Licence and would need to have regard to other conditions imposed by the Local Authority and whilst those conditions may not necessarily be the same in such circumstances the more restrictive set of conditions and permissions will typically prevail. The objectors maintain that the increase in size of the café area to incorporate the whole of the premises as licensed premises and larger parts of the exterior are more likely to increase the likelihood of crime and disorder, public nuisance and issues of public safety having regard to the number of people that would be able to resort to the premises and the hours it was proposed to operate.

We have already pointed out in the last page of our letter of the 22<sup>nd</sup> October that whilst licensing and planning application processes are entirely distinct planning permission should be clear before a Licensing Authority has to deal with licensing applications and that there should be no doubt that the premises can be lawfully used for the purpose covered by the Premises Licence.

If the Licensing Committee has, as we have previously stated, are mindful to grant a licence for the premises then the licence should be restricted by the conditions that we have suggested or other conditions imposed by the Licensing Committee to achieve the Licensing Objectives.

We trust therefore our correspondence being our letter of the 19<sup>th</sup> October and this letter of the 23<sup>rd</sup> October will be placed before the Licensing Committee and we can make representations as whether they should have regard to them or disregard them.

Yours sincerely

John Morse



**JOHN MORSE**

— SOLICITORS —

Telephone Number: 01792 648111

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Telephone Number: 01792 648111

## **Loosemore, Rachel**

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**From:** Jones, Jeff (Councillor)  
**Sent:** 22 October 2018 19:01  
**To:** Loosemore, Rachel  
**Subject:** Licensing Application - 464 Gower Road, Killay

I wish to register my serious concerns about a number of aspects surrounding the licensing application for the sale of alcohol and the playing of recorded music at the above premises.

My concerns surround the late hours applied for which will undoubtedly increase the traffic flow to and from the premises in an area that is now relatively peaceful. This noise, including the shutting of car doors will cause a nuisance to what is a local population of elderly residents.

The present café / surf shop allows for the outside consumption of beverages and to allow for the consumption of alcohol during late hours will cause a nuisance to surrounding properties. I feel that the consumption of alcohol outside of the premises would be hard to contain within the limited perimeter fencing and endanger public safety.

My concerns regarding the playing of recorded music are that if granted, the music is contained within the premises and not relayed or heard outside the premises as this will cause a nuisance to surrounding properties.

Should the application proceed to a hearing, I wish as the local elected member to speak at the hearing.

Jeff Jones  
Councillor Killay South



[Redacted]

G. Hardy (Mrs)

[Redacted]

[Redacted]

[Redacted]

21.10.18

[Redacted]


City of Swansea Licensing Division

Dear Sirs

With regard to the application for premises license for On Board surf and Coffee at 464 Gower Road, Killay, Swansea for the supply of alcohol, late night refreshment, and music I would like to make an objection to this application on the following grounds.

1. The premises concerned, although flanked by commercial premises are in a mainly residential area.
2. The application requests opening hours of up to 11pm on Monday to Wednesday and midnight on Thursday to Sunday. There're are 3 existing Pubs/Restaurants in the vicinity, none of these are open until midnight on either Thursday or Sunday, so this will result in an increase in late night disturbance.
3. There is limited off street parking available, which will result in parking either on a busy main road or in local residential areas, again resulting in an increase in late night disturbance.

Regards



Gaynor Hardy (Mrs)

Directorate of Place Licensing
23 OCT 2018
Ref.
Logged by.
For action by.

20<sup>th</sup> October 2018

City and County of Swansea  
Licensing Division  
Environment Department  
Civic Centre  
Oystermouth Road  
Swansea  
SA1 3SN

Directorate of Planning Licensing
22 OCT 2018
Ref
Logged by
For action by

Dear Sir or Madam

**Ref: On Board Surf & Coffee, 464 Gower Road, Killay, Swansea SA2 7DZ**

I would like to lodge some objections to the granting of an alcohol licence to the above establishment.

The area where it is located is mostly residential with a significant proportion of residents being near to retirement or retired. Parking on Gower Road where it is situated is limited. The other three licensed establishments in the village have either their own car or a car park nearby. There is likely to be late night noise nuisance with music coming from the property and with people leaving the premises after consuming alcohol.

We already sometimes have noise disturbance late at night from people going home from the three licensed premises in the village. It is very quiet at night and sound carries.

I cannot see that there is a need of another licensed establishment.

Yours faithfully



Ms Karen Glover