



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Statutory Licensing Committee

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

**On:** Friday, 12 April 2019

**Time:** 9.55 am

**Chair:** Councillor Penny Matthews

**Membership:**

Councillors: C Anderson, J P Curtice, N J Davies, P Downing, S J Gallagher, P Lloyd, 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 Interest.**

[www.swansea.gov.uk/disclosuresofinterests](http://www.swansea.gov.uk/disclosuresofinterests)

**3 Minutes.**

To approve & sign the Minutes of the previous meeting(s) as a correct record.

**1 - 31**

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

**Huw Evans**  
**Head of Democratic Services**  
**Friday, 5 April 2019**

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**Contact: Democratic Services - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Statutory Licensing Committee**

Council Chamber - Guildhall, Swansea

Friday, 8 June 2018 at 9.55 am

**Present:** P M Matthews (Chair) Presided

**Councillor(s)**

C Anderson  
P Lloyd  
B J Rowlands

**Councillor(s)**

J P Curtice  
H M Morris  
L G Thomas

**Councillor(s)**

P Downing  
C L Philpott  
L V Walton

**Officer(s)**

L Anthony  
A Gruffydd  
K Thomas  
S Woon

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

**Apologies for Absence**

Councillor(s): N J Davies and S J Gallagher

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**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:

- (a) Statutory Licensing Sub Committee – 16 April, 2018;
- (b) Statutory Licensing Committee – 11 May 2018; and
- (c) Statutory Licensing Committee – 24 May 2018.

The meeting ended at 9.56 am

**Chair**



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

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**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**



City and County of Swansea

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

**Council Chamber - Guildhall, Swansea**

**Tuesday, 15 January 2019 at 10.00 am**

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

**Councillor**  
C Anderson

**Councillor**  
C L Philpott

**Officer(s)**

Lynda Anthony  
Gareth Borsden  
Becca John  
Yvonne Lewis  
Lyndsay Thomas

Licensing, Food and Safety Manager  
Democratic Services Officer  
Licensing Officer  
Team Leader, Licensing  
Principal Lawyer

**Relevant Authorities**

Jon Hancock  
Andy Edwards

Police Licensing Officer, South Wales Police  
Targeted & Specialist Services Manager - Swansea  
Young People Services

**Apologies for Absence**

None.

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**3 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

**4 Gambling Act 2005 - Application for an Unlicensed Family Entertainment Centre (uFEC) Permit - 48 The Kingsway, Swansea.**

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

The Principal Lawyer provided an overview of the procedure to be adopted by the Sub Committee when considering the application.

The Team Leader, Licensing reported on the application for a permit for an uFEC at 48 The Kingsway, Swansea.

She referred to application form and supplementary information supplied by the applicant at appendix a, the explanation of category d gaming machines at appendix b, the location plan at appendix c and the proposed premises layout at appendix d.

Representations had been received from South Wales' Police and two other interested parties – Andy Edwards, Targeted & Specialist Services Manager, Swansea Young People Services and Damien Rees, Principal Officer for Safeguarding & Performance Quality. A copy of these representations were attached at appendix e.

The guidance issued by the Gambling Commission relating to uFECs was shown at appendix f and in accordance with the relevant legislation a copy of the officers intention and reasons to refuse the application was outlined at appendix g.

Jon Hancock, South Wales Police and Andy Edwards, who manages the Info-Nation premises which would be situated next door to the proposed uFEC, further amplified their written representations objecting to the application and both highlighted their concerns in relation to the undermining of the policy considerations in relation to the protection of both children and other vulnerable persons from being harmed or exploited by gambling.

In the absence of the applicant Mr McGhan, the Licensing Officer read out the written representations he had submitted, copies of images relating to the different types of potential machines that would be on offer at the premises were also displayed to Committee.

Members referred to numerous questions and issues that they wished to seek clarity from the applicant on, as he was absent, those questions were unable to be answered.

**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 an overview of the legal advice tendered.

The Sub-Committee **Resolved** to **Refuse** the application for the reasons outlined below:

The committee had regard to the notice served pursuant to Schedule 10 of the Gambling Act 2005 at pages 32 and 33 of the report. The committee were mindful of their remit to either grant or refuse the application and they had no power to attach conditions to any permit granted.



The Applicant's/his partners failure to attend committee meant certain issues of concern to the committee could not be debated and clarification given.

The committee having heard PC Hancock from South Wales Police and Mr Edwards and after reading the written representation from the Applicant and viewing the photographs and directing themselves to paragraph 10.5 of the report decided it would not be appropriate to have a uFEC in such close proximity to Info-Nation having regard to the vulnerability of its service users. There was also a Church (Mount Pleasant) opposite the premises which also provided services to the vulnerable a fact which the Applicant had not addressed.

The following was taken into account in reaching that decision.

The committee were satisfied by Mr Edwards that the children and young person's attending Info-Nation would be vulnerable and the proposed close proximity of the premises to Info-Nation would present a risk of the service users using the premises and undermining the licensing objective at paragraph 5.1(c) of the report . An example was given of service users usually being disengaged from their families and using their money for the machines with the hope of making more money rather than for food due to their addictive natures being the reason they need support from Info-Nation. This left them with no money for maintaining any sort of lifestyle.

Mr Edwards also referred to the Budd Report commissioned in 2001/2002 in relation to the proposed change to the gambling regime which highlighted the types of vulnerable adults being protected by the licensing objective which were are the same types as would be attending Info-Nation for support. Persons who are on low incomes but time rich are the most at risk of addictive behaviours. The aim of the premises is to attract children and young persons with the opportunity to gain reward by using their limited monetary resources.

The committee found the proximity of Info-Nation and the church meant this was the wrong place to have a uFEC having regard to 15.1 of the Authority's policy.

The absence of the Applicant and/or his business colleague at committee meant they could not address the concerns of the members about the effectiveness or suitability of the proposed measures to and/or training in gambling awareness referred to ,to protect children and vulnerable persons. The Applicant had not provided copies of proposed policies and procedures to be issued in line with paragraph 32.2 of the Authority's policy at paragraph 7.1 of the report.

Also the details of the proposed CCTV were not made available to the committee.

A leaflet made available to the committee at pages 8 to 9 of the report was found by the committee to be written in language more appropriate to adults than children and young persons. There was no information as to how the applicant intended to offer self-exclusion that would be relevant to children/young persons or how it would be implemented.

There was also no information as to how children under the age of 16 would be refused entry to the premises during school hours or how refusals of admittance would be recorded.

The committee also felt a policy for dealing with complaints made about the premises and how they would be dealt was an unfortunate omission by the Applicant.

The Committee noted the Applicant had referred to other premises in the area of the same type as the application being made. However, the committee applied little weight to that suggestion being satisfied by PC Hancock and Mr Edwards that those premises were not as close to Info-Nation as the premises the subject of the application and/or were not like for like consisting of licenced premises under the Licensing Act 2003 and Gambling Act 2005 and/or primarily for adults rather than children and young persons. The committee accepted Mr Edwards and PC Hancock's evidence that the other premises were sufficiently far away from Info-Nation so as not to present the same level of risk as the premises.

The committee were therefore satisfied appropriate safeguards were in place to promote the licencing objectives under both these regimes through premises licences rather than a permit to which conditions could not be added as for a uFEC.

The committee also accepted Mr Edwards information that the Bays Project previously located in High Street had to move due to issues with the characteristics of that environment demonstrating location was very important when dealing with the vulnerable.

The committee were concerned that according to the Applicant's representation the category D machines would be the first machines anyone visiting the premises would come into contact with and would be more prominent/accessible than the other amusement machines which were located further away in the basement.

Little weight was given to the Applicant's representation about the grant of planning due to the very different criteria and considerations which apply to planning applications. Similarly, little weight, in the absence of any information in support, was given to the Applicant's suggestion that a grant of the permit would have a positive effect of the sustainability of the local shopping centre.

As to the merits of the changed hours put forward by the Applicant the legal advice was that the change to the Friday hours amounted to an increase in hours from 20.00 to 22.00 which could not be done without a new application as longer hours were being sought.

The committee accepted Mr Edwards comment that the proposed later opening of half an hour to 12.30 for Monday to Friday would have little or no effect due to service users coming and going while Info-Nation was open.

The close proximity of the premises to Info-Nation presents an insurmountable problem.

A number of other matters were raised by the Applicant and the committee found as follows.

The committee having heard from the officers and being unable to obtain more information from the Applicant, found the Applicant and/or the application had not

been unfairly influenced as suggested by the Applicant or at all. Proper and due process had been followed and part of the delay referred to include a deferral requested by the applicant.

The process set out in the 2005 Act had been followed and the Authority's own policy, an extract of paragraph 39.4.5 is in the report, says certain officers within the Authority will be consulted.

The Authority was required to serve the notice of its intention to refuse under schedule 10 paragraph 10 of the Act.

The police are a statutory consultee required by paragraph 9 of schedule 10.

The meeting ended at 11.44 am

**Chair**



City and County of Swansea

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

Council Chamber - Guildhall, Swansea

Wednesday, 13 February 2019 at 10.00 am

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

**Councillor(s)**

J P Curtice

**Councillor(s)**

L G Thomas

**Officer(s)**

J Aazem

A Gruffydd

Y Lewis

L Thomas

B Walker

S Woon

Pollution Control Officer

Lawyer

Team Leader, Licensing

Principal Lawyer

Team Leader, Licensing

Democratic Services Officer

**Applicant(s)**

A Gruffydd

D Price-Deer

T McNulty

C Hillier

Applicants Lawyer

Applicant

Applicant

Civitas Chambers

**Other Person(s)**

Ms Davies

Ms John

Mr Williams

### **5 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.

### **6 Licensing Act 2003 - Section 17 Application For a Premises Licence - Singleton Park, Oystermouth Road, Sketty, 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 Senior Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application.

The Lawyer advising the Committee sought an adjournment to consult the applicant's Counsel regarding a request received from Mrs Davies to speak on behalf of the Neighbourhood Support Group.

**Adjourned at 10.15**

**Reconvened at 10.20**

The Licensing Officer reported on the application for a new premises licence in respect of Singleton Park, Oystermouth Road, Sketty, Swansea, SA2 8QJ. She referred to the Licensing Objectives, the location plan of the premises at Appendix A, conditions consistent with the operating schedule at Appendix B, the representations made by Responsible Authorities at Appendix C, representations made by Other Persons at Appendix D, policy considerations and guidance from the Home Office.

A representation had been received from the Pollution Division on 15 January, 2019. The representation requested that the applicant attach additional conditions shown at Appendix C to the premises licence. The Applicant had amended the Operating Schedule to reflect the advice given by the Pollution Division and those conditions are listed in Appendix B.

The Pollution Control Officer further amplified the five additional conditions and detailed the rationale behind each of the additional conditions.

Members asked questions of the Pollution Control Officer who responded accordingly.

Fifteen representation had been received from Other Persons, one resident supporting the application, fourteen residents objecting to the application. A copy of their representations was attached at Appendix D. The fourteen representations objecting to the application related to the prevention of crime and disorder, public nuisance, public safety and protection of children from harm.

The Lawyer advising the Committee referred to the representation made by Mr Keen on page 23. Despite Mr Keen not being present to further amplify his representation, she confirmed that Members had considered the content.

Mr Williams, further amplified the written representations (detailed on page 32) 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.

Counsel for the Applicant referred to the request received from Mrs Davies to speak on behalf of the Neighbourhood Support Association. She stated that the Applicant objected to the request as there had been no formal resolution from the Neighbourhood Support Association allowing Mrs Davies to speak on their behalf, there was a lack of clarity regarding the whether the two signatories were in support or objecting to the application and there was an absence of wider representations. Furthermore, it was noted that Other Persons had ample time to make timely representations.

Miss Davies, further amplified the written representations (detailed on page 37) 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.

The Lawyer advising the Committee sought agreement from Miss Davies regarding the representation on page 43, which had been covered by the Miss Davies amplifications of her written objections.

In response to a question from the Chair, Miss Davies detailed the timings and duration of the Services at St Paul's Church.

Miss John, further amplified the written representations (detailed on page 41) 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.

In response to a question from Miss John, the Lawyer advising the Committee stated that: the current licence allowed for a capacity of 19,999 persons within the park; the amended conditions had been agreed by the Applicant and detailed the definition of noise sensitive premises.

Counsel for the Applicant outlined the nature of the application. She stated that there appeared to be some agreement that this was a very large space for the enjoyment of everyone in Swansea. Amended conditions suggested by Pollution Control had been agreed by the Applicant. The application sought consent for events to be held on 8 days per annum with no events taking place on consecutive weekends. However, there were some benefits (in relation to movement of infrastructure) in convening events on consecutive weekends. She reiterated that there was a premises licence in place the only difference in the new application relates to capacity. The purpose is to take into account that this is a public area, presenting a large opportunity for live music and events. Convening such events in Swansea presents a huge opportunity for tourism, raises the profile of the City and generates income for residents. Granting the application would make the venue more marketable for promoters and attract artists to the areas the license would already be in place to accommodate 29,999 individuals. The Applicant accepts the responsibility associated with balancing the needs of local people and the wider community. She referred to the conditions already proposed which had been carefully considered.

In response to questions posed by Counsel, the Applicant stated that:

- The amplification of music as a result of the increase in capacity will not have any detrimental effect on the music noise level (MNL) at any surrounding noise sensitive premises. Noise shall not exceed 65dBA over a 15 minute period for all events which are of the large scale concert type events which go on into the evening, where amplified music is the main component.
- We work very closely with Singleton Hospital and Swansea University. No complaints have been received from either.

- In relation to the Services at St Paul's Church being cancelled on the Sunday, last year was an anomaly. Discussions had taken place with the Curate/Vicar and alternatives had been suggested to accommodate worshippers (stewarding the car park, alternative parking). However, he made the decision to cancel the evening service. The morning services were unaffected. As a general rule, special events do not commence before 12-2pm.
- There was a significant traffic plan for Singleton Park which included input from South Wales Police, Mid and West Wales Fire Service. 5,500 places were available, only half were used on each day of the BBC Big Weekend. Park and ride, taxis and designated drop off points were all in place. De la Bech street was closed and alternative parking was provided. Positive feedback had been received from residents in De La Beche Road as residents were grateful they had guaranteed parking for the weekend.
- No other complaints were received.
- The size of the control room is dependent on the size of the event. The control room is a multi-agency room with representatives from all key partners, senior police/fire/licensing officers. The control room followed a 'silver' structure from an emergency planning perspective. The control room is operational from 8am until all issues associated with the event have been dealt with.
- With regard to the infrastructure and maintenance of Singleton Park, with the example of arrangements for the BBC Big Weekend, it took two weeks to erect the infrastructure. During the preparatory work, a third to a half of the Park was available to residents. The BBC cleared the site within 7 days and on a structured basis. The Parks Team commenced recreation works and considerable resources were spent on the Park, maintaining the drainage, signage which was a direct result of investment from concerts.
- We are conscious of where we are and a dedicated litter team are commissioned in and around the footprint of the Park. Telephone numbers are provided to residents. The special events team continually improve based on previous experience.
- A total of 6 corporate complaints had been received following the BBC Big Weekend. The nature of complaints were in relation to parking, noise (received after the weekend) inability to study for exams and disgruntled residents who were unable to procure tickets.
- The BBC Big Weekend attracted 30,000 individuals each day, 60,000 in total over the weekend.
- With regard to the impact on the general area, events of this type are a considerable industry which the Council do its best to promote. The impact of the event resulted in £3m for the City in terms of direct spend. This figure was measured independently and included travel, accommodation, impact on employment and the social media impact. Swansea looked fantastic and as a direct consequence we have been contacted by promoters as a host city that can provide services at this level.
- Various large scale events have been held at the Park since 2014, which have included the Proms, Katherine Jenkins, Noel Gallagher, Olly Murs, Big Weekend, Jess Glynn and Sterophonics.
- Complaints received since 2014 were in relation to noise and lack of toilets. One complaint was received in respect of the Noel Gallagher concert.

- The Council's Events Team manage and deliver events within the Council. A quarter of a million individuals visit Swansea Bay for the Air Show which is all managed in-house with a very experienced Events Team. The Safety Advisory Group (SAG) within the Authority is responsible, with key stakeholders.
- No complaints have been received by SAG in relation to the Licensing Objectives.

Counsel for the Applicant referred to the benefits of the application which had been eluded to in terms of economy, Council justification and rationale. Page 3, paragraph 9.4 refers to the benefit derived to the community generally.

She detailed matters relating to the four Licensing Objectives:

Crime and Disorder – No representations had been received from the Police in relation to issues or concerns associated with crime and disorder. The Police have responsibility to police these events. The Applicant was in a unique position with the benefit of the event being run last year. This was significant when looking at licensing objectives.

Public Nuisance – Very strict conditions exist in relation to the cessation of music after 11 pm. The events team have good relationships with interested parties (e.g. the Church) and have demonstrated a proactive attitude to ensure alternative solutions are offered for any potential issues. The conditions detail a reactive and timely response to complaints.

Public Safety - No representation had been received in relation to public safety. The Applicant is satisfied that the conditions alleviate any issues. as the conditions satisfy this objective

The lack of representations and complaints from previous large scale event and the benefits derived from that. One complaint to local authority in terms of noise and the other was in relation to safety. This application is capable and does promote the Licensing Objectives, opportunity for the benefit of the people. Realise that residents do have issues but alleviated some of those concerns. Strike a balance between number of objections and content (Air Show).

In response to Member questions, the Applicant stated that:

- Depending on the outcome today, the former licence will be rescinded.
- It is unknown how many large scale events will be held in the Park.
- Were we to be approached by a large promoter, the Council would consider the views of the wider stake holder group, however, it would be possible to organise an event within 4 months or even 6 weeks.
- The application, if granted, would allow the Council to give a quick, positive response to the enquiry.
- No complaints have been received from Singleton Hospital or any residential homes.

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



- In relation to the BBC Big Weekend, the last performer concluded at 9.30, the curfew was 10.30.
- With regard to the BBC Big Weekend, the BBC hired a company to assist with clearing of the site. All event management was undertaken by the Events Team.
- Approved contractors were employed to assist with the management of the event.
- Revenue from the BBC Big Weekend allowed for remedial works to be undertaken in the Park, e.g., new drainage which has created a much dryer site.
- The monitoring of the nearest noise sensitive points are agreed between the Pollution Control Officer and the sound engineer. Preparatory work in undertaken in advance and modifications are made to plans to accommodate prevailing winds etc.
- Residents are kept informed prior to and following large scale events and are provided with various means to contact the Council. The Council actively seeks feedback from residents.

Counsel for the Applicant detailed the current premises licence and licensable activities. She reiterated that the application contains a significant concession in so far as only 8 days are requested and the Council has a robust proactive and reactive system for dealing with complaints.

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 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. Annually in January, formal discussions between the Licensing Authority, Premises Licence Holder, and South Wales Police must take place to discuss the proposed events for the year. Discussions will include the event profile, number of expected attendees and identify any additional resource levels that may be required.
2. Unless agreed with all the Key Stake Holders of the Safety Advisory Group (SAG) the Premises Licence Holder shall prepare and submit an Event Management Plan (EMP) to the City and County of Swansea (CCS) SAG at least

6 months prior to each event. This must include an overview of the area of the premises to be used, setting out how the event will be managed, the precautions and risk assessments undertaken to cater for all reasonable foreseeable contingencies, and which will demonstrate the procedures, roles and specific responsibilities of the management team, security and associated personnel.

3. The premises licence holder shall ensure that the finalised version of such a plan must be submitted to and approved by SAG no later than 14 days prior to the commencement of the event (or with an agreement with all relevant parties of the SAG).
4. The premises licence holder shall hold/attend regular planning meetings to discuss all aspects of the event(s) with various relevant key stakeholders as part of the SAG.
5. The premises licence holder or their nominated persons shall hold/attend regular on site meetings between relevant key stakeholders(s) during the event(s) as agreed with the SAG.
6. The EMP is a live work in progress document and needs to respond to last minute changes. For example, an increased terror threat, health threat, national event, pandemic etc. The premises licence holder must keep the EMP up to date at times leading up to each event and all changes must be agreed with the SAG.
7. The premises licence holder shall ensure that written procedures and plans (including contingency and counter terrorism planning having regard to the Crowded Places Guidance) will be provided as part of the EMP and will detail the items below following discussion with relevant key stakeholders of the SAG:
  - a. Traffic Management Plan
  - b. Policy on Drugs
  - c. Prohibited items
  - d. Search Policy
  - e. Terms and Conditions of Entry
  - f. Means of Communication
  - g. Waste Management Plan
  - h. Crowd Management Plan
  - i. Noise Management Plan
  - j. Health & Safety Policy
  - k. Security Plan
  - l. Medical Plan
  - m. Fire Safety Plan
  - n. Wind Management Plan

8. The Premises Licence Holder, or nominated representative, shall be responsible for and be present at all times during the event, except where such control becomes the responsibility of authorised officers of the Emergency Services, and shall not engage in any other duties/activities which will prevent the general supervision of the event.
9. The Premises Licence Holder shall notify the Licensing Authority on a monthly basis from the date of the first sale/issue of tickets and on a weekly basis from one month prior to the event, the total number of tickets processed for the event.
10. The premises licence holder shall ensure that the Event Promoter will work with CCS, South Wales Police (SWP), approved security contractor, other key emergency service providers and key stakeholders to make suitable arrangements to deter occurrence of crime and disorder.
11. The premises licence holder shall discuss and agree where applicable and agree with SAG if there is to be an Event Control room on the site with clear command and control structures in place.
12. Where applicable and as agreed with SAG, the premises licence holder will install a comprehensive recordable CCTV system will be installed. The system must continually record whilst customers are on site providing pictures of an acceptable industry standard. All recordings must be stored for a minimum period of 31 days. Recordings must be correctly timed and date stamped and recordings must be kept in date order. An operational daily log must be maintained, endorsed by a signature, indicating that the system has been checked and is compliant. Recordings must be made available as is practicably possible upon the request of a Police or Authorised Officer.
13. The premises licence holder shall ensure a personal licence holder is on duty at the premises at all times when the premises are authorised to sell alcohol.
14. The premises licence holder shall ensure that an adequate system of counting and recording persons in and out of the event site to ensure that the customer levels in all areas do not exceed the limit endorsed in the venue risk assessment and EMP. This information must be made available to authorised officers and key stakeholders throughout the event and upon request.
15. The premises licence holder shall ensure that only reputable security companies will be used at each event Numbers of which will be detailed in the EMP.
16. The Premises Licence Holder must ensure that all stewards & security personnel are suitably trained and capable of carrying out their allocated duties, aged 18 years or over, and while on duty they should concentrate only on their duties and not on the entertainment. The Premises Licence Holder must ensure that

stewards & security personnel understand their roles and the appropriate way in which to deal with, record and report incidents.

17. The premises licence holder or nominated person shall ensure that security personnel must
  - a. Not leave their place without permission
  - b. Not consume or be under the influence of intoxicants including alcohol or drugs
  - c. Remain calm and courteous towards all members of the audience
  
18. The premises licence holder or nominated person shall ensure that all stewards & security personnel shall wear distinctive clothing, to ensure they are individually identifiable.
  
19. The premises licence holder or nominated person shall ensure that a register of stewards and security personnel to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of 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 a Police or Authorised Officer.
  
20. The premises licence holder shall ensure that all staff employed and working on the site are vetted to the required appropriate standard. Records are to be made available for inspection by Police or an authorised officer. All procedures to be outlined in the EMP.
  
21. Where applicable and as agreed by the SAG, an experienced security coordinator will be appointed by the premises licence holder or nominated person in addition to an experienced event safety coordinator.
  
22. The premises licence holder shall ensure an incident recording system is maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the staff member involved the nature of the incident and the action/outcome. The system must be kept available for inspection by the Police or Authorised Officers.
  
23. No glass bottles or glass drinking receptacles will be permitted on to the site unless previously agreed with the SAG in line with the specific EMP provided.
  
24. Provisions will be put in place by the premises licence holder to ensure that alcohol is not served to under age customers as outlined in the EMP.

25. Where applicable and as agreed with the SAG, The premises licence holder must ensure that customers are not permitted to bring their own alcohol as outlined in the EMP.
26. The premises licence holder must ensure frequent waste collections and disposals take place to prevent the build-up of rubbish and/or combustible material which may present as a hazard.
27. The premises licence holder shall ensure the event running orders and artist provision are discussed in advance with relevant key stakeholders. The list of artists must be provided 31 days prior to the event. Any changes must be discussed and agreed with the key stakeholders including onsite meetings during and on the day of the event(s). Any changes to the list of artists must be sent to the relevant stakeholders as soon as reasonably practicable.
28. The premises licence holder shall ensure that searching is conducted in accordance with the EMP and must take place on entry to ensure public/staff safety.
29. The premises licence holder shall ensure that full details of access and egress to and from the event(s) is provided to the SAG and agreed for inclusion in the EMP
30. Where applicable and as agreed with the SAG the premises licence holder shall ensure that amnesty bins for the confiscation of prohibited items are provided and secured on the premises and disposed of in accordance with the EMP.
31. Where applicable and as agreed with the SAG, the premises licence holder shall ensure that the event will actively target the misuse of drugs. Safety messages must be displayed on the website in advance. Signage must be displayed on the premises stating that a drugs search policy is in operation as a condition of entry.
32. The premises licence holder shall ensure that any further information needed or requested and agreed by the relevant key stake holder of the SAG will be detailed in the EMP.
33. The premises licence holder shall ensure that any all aspects of public safety are discussed in advance with the relevant key stakeholders. Details of which will be outlined in the EMP.
34. The premises licensing holder shall ensure that a fire risk assessment is carried out by a competent person to current legislation and guidelines including the Fire Precautions Act 1971, the Fire Precautions (Workplace) Regulations 1997, 'The

Fire Risk Assessment: Open air events and venues 2007' and 'The Event Safety Guide HSG195'.

35. The premises licence holder shall Suitable access and emergency routes are maintained at all times.
36. The premises licence holder shall ensure that during the live event, all vehicles are chaperoned in areas of public use.
37. The premises licence holder shall ensure that any relevant issues relating to fire safety are outlined within the EMP.
38. The premises licence holder shall ensure that an acceptable level of illumination is provided when required to all entrances/exits and escape routes from the event. Checks to agree lighting levels shall take place during low level lighting and prior to the event commencing.
39. The premises licence holder shall ensure that medical facilities are provided to cater for the number of customers on site. First aiders must be present during the build/break/derig period as outlined in the EMP.
40. The premises licence holder shall ensure that welfare facilities are provided and detailed in the EMP.
41. The premises licence holder shall publish a Prohibited items list, it will be discussed and agreed with key relevant stakeholders. Prohibited items will not be allowed in to the event.
42. The premises licence holder shall ensure safety messages are displayed throughout the day on signs and screens where applicable and or directed by relevant Key Stakeholders.
43. The premises licence holder shall ensure that sufficient sanitation is provided in line with current guidance and detailed in the EMP
44. The premises licence holder shall ensure that signage is erected on and around the site to ensure customers can find their way around the site and to available exits.
45. Any pyrotechnics/lasers will be signed off in advance by the relevant key stake holders and stored so as to minimise any risk to the safety of those using the premises.

46. The premises licence holder shall ensure that a vulnerable adult policy is submitted as part of the EMP.
47. The Premises Licence Holder shall provide free potable drinking water in accordance with the mandatory conditions and shall be available throughout the entire event.
48. The premises licence holder shall ensure that a detailed plan of the final layout of the site is submitted to the Licensing Authority no later than 7 days prior to commencement of the event, with the area within which amplified and organised music is to be played clearly delineated in red. The location of all structures and facilities including roadways and event areas shall be clearly indicated and entry and exit points of all structures and areas shown. The Fire Points, Medical and First Aid Points and Information Points shall also be shown. The Site Plan is to be gridded and referenced.
49. The premises licence holder shall ensure that the following documentation, where applicable, will be available upon request to the Licensing Authority: Electrical sign off certificates, Structural plans, calculations & sign off certificates.
50. The premises licence holder shall ensure that a Certificate, which must be completed by an appropriately qualified person or persons, declaring that all electrical installations at the site are installed, tested and maintained in accordance with the latest edition of the Institution of Electrical Engineers' "Regulations for Electrical Installations" (the IEE Wiring Regulations) which now also form British Standard 7671 "The Requirements for Wiring Installations", or any future revised or updated versions must be made available upon request to the Licensing Authority.
51. The premises licence holder shall ensure that all temporary structures are built to 'Temporary demountable structures: guidance on procurement, design and use (third edition)'. The Premises Licence Holder shall provide a written report detailing their safety and suitability to the Licensing authority and any relevant key stakeholder upon request. Upon build completion and prior to gates open on each event day, the designated structure suppliers structural manager will provide sign offs stating they have been built to specification.
52. The Premises Licence Holder shall comply with all reasonable requests of the Licensing authority and any relevant key stakeholder with regard to any deficiencies in the certificates and documents referred to in this license and ensure that the standards certified are maintained during the event.

53. The Premises Licence Holder must ensure that all certifications provided to the Licensing authority and any relevant key stakeholders are completed by appropriately qualified and competent persons.
54. The Premises Licence Holder shall take out Public Liability and Third Party insurance to cover at least £5,000,000.00 (five million pounds) for any one occurrence. The effective period of the Insurance shall be from 7 days prior to the commencement of the event build until and including 7 days after the conclusion of the event. The Premises Licence Holder shall provide certified copies of the Policy and Certificates of Insurance, or other acceptable proof of cover, to the Licensing authority and any relevant key stakeholder upon request.
55. The premises licence holder shall ensure that all parts of the licensed area shall be available for inspection during the occupancy by the Premises Licence Holder, by any named officer of SWP, Mid & West Wales Fire & Rescue, Welsh Ambulance Service and Swansea Council Licensing Authority or any relevant key stakeholder duly authorised for the purpose.
56. Where applicable and as agreed by the SAG, the premises licence holder shall provide a designated Emergency Liaison Centre for use by the Premises Licence Holders Senior Management, and authorised officers of the Licensing Authority, officers of SWP, Mid & West Wales Fire & Rescue, Welsh Ambulance Service and any relevant key stakeholder duly authorised for the purpose.
57. The premises licence holder shall ensure that all areas where licensable activities take place will be detailed in the EMP showing the operating schedule and opening times of these areas
58. All public-address systems shall be under the control of the premises licence holder or nominated representative so that broadcast messages can override the musical entertainment and can be delivered clearly and audibly to all parts of the site.
59. The maximum permitted number of 39,999 persons shall be permitted in the licensed area during the event. This number shall include all ticket sales, guests, artists, staff and any persons associated with the safe running of the event.
60. The Premises Licence Holder shall make suitable arrangements to enable people with disabilities to attend the event. Particular attention should be given to means of access and egress, means of escape/evacuation in an emergency and the viewing facilities for such people.
61. The event shall not commence until all required approvals are in place.



62. Any alterations or amendments to this licence, its terms, conditions or restrictions shall not be effective except with the approval of the Licensing Authority.
63. Where any question arises as to the interpretation of any standard or regulatory provision imposed by these conditions, the interpretation of Licensing Authority shall be final. This does not affect the right of the Premises Licence Holder to appeal against the imposition of all or any conditions.
64. The premises licence holder shall ensure that no music will take place after 23:00.
65. Amplified music levels will be set by the Local Authority and must be managed by the premises licence holder.
66. The Music Noise Level (MNL) at agreed surrounding noise sensitive premises shall not exceed an MNL of up to 65 dBA over a 15 minute period.
67. The premises licence holder shall ensure that litter collections and disposal procedures are in place both inside and around the immediate vicinity of the event. The post event clean-up will be planned and discussed in advance with the relevant key stakeholders of the SAG.
68. The premises licence holder shall ensure that adequate advanced warning signage/event access signage is provided at the site to assist with and attempt to minimise and prevent traffic problems in the area.
69. The premises licence holder shall ensure that where possible deliveries/collections from site are undertaken at a reasonable time so as to have minimal impact on local residents.
70. The premises licence holder shall ensure that adequate sanitary provision is in place within the event and at agreed areas externally in the immediate vicinity.
71. The premises licence holder shall ensure that Pyrotechnic displays follow all current legislation and/or guidance.
72. The premises licence holder shall ensure that events are advertised to inform local residents of times and the nature of the each events
73. Where applicable and as agreed by the SAG, the Premises Licence Holder shall ensure that a telephone number is provided for residents to log complaints. Leaflets advising local residents of the detail of the telephone number shall be distributed.

74. The premises licence holder shall ensure that those attending the event are instructed to leave quietly so as not to disturb local residents.
75. The premises licence holder shall ensure that where applicable and as agreed by the SAG, qualified/experienced child welfare staff are in attendance to assist with the provision of lost children/parents as appropriate
76. The premises licence holder shall ensure that where applicable and as agreed by SAG, a lost child policy will be submitted as part of the EMP.
77. The premises shall operate a challenge 25 age policy.
78. The premises shall maintain a register of refusals detailing all refused sales of alcohol.
79. No adult entertainment will be permitted at the premises.
80. The premises licence holder shall ensure that where applicable suitable qualified medical personnel will be available to deal with any child related issues as appropriate.
81. The Premises licence holder shall ensure to keep up to date records available for inspection of staff training in respect of age related sales as outlined in the EMP.

### **Reason for Decision**

The committee grants the application ,subject to the conditions set out in appendix B (pages 11 to 20) and the additional conditions as recommended by EVH's representation (page 21) as amended and agreed by the Applicant, as it is satisfied that the grant would not undermine the Licensing Objectives (LO).

1. The application is modified and the following conditions are added:-
  - a. No events, which are of the large scale concert type event with audience members over 5000, where amplified music is the main component, which go on into the evening, shall take place on 3 consecutive weekends;
  - b. Events which are of the large scale concert type event with audience members over 5000, which go on into the evening, where amplified music is the main component, shall be restricted to no more than **8 days** per annum (calendar year 1<sup>st</sup> January to 31<sup>st</sup> December) any music other than agreed ancillary music at these events will operate between 1200 and 2300 hrs. Ancillary music must be agreed in writing with key stakeholders of the SAG.

- c. Existing condition 66 in appendix B (page 19)
- d. The premises licence holder shall ensure that no music is played by the funfair operatives whilst any other musical entertainment is taking place.
- e. The premises licence holder shall ensure that a professional noise monitoring team is employed to carry out noise propagation tests for sound checks and for the duration of the event when required by the Pollution Control Division. Any agreements to be made by the premises licence holder in writing at least 6 months prior to the event other than with the prior agreement of the key stakeholders of the SAG.

### **Reasons**

The reasons for the grant as set out above reflect:-

1. the changes made to the application by the Applicant at Statutory Licensing Sub-Committee.
2. the representations from the Other Persons who attended, the Pollution Control Officer and the Applicant.
3. The Statutory Licensing Sub-Committee considered its decision reflected the balance required by its duty under section 5 of the Licensing Act 2003 to promote the Licensing Objectives and with the guidance para 1.5 and the principles set out in the case of R (on the application of Hope & Glory Public House Ltd) v City of Westminster Magistrates Court and Others (2011) EWCA Civ 312 .
4. When reaching its decision the Statutory Licensing Committee was mindful of the following. An event had been held in the premises last year for 39,999 and the Applicant had been operating events of up to 19,999 since 2007. There had been very few complaints received according to the Applicant, and confirmed by the Pollution Control Officer, which fact was not challenged by the Other Persons. There were also only a small number of representations made bearing in mind the highly populated residential area surrounding the premises . There were no representations made by the Police
5. Only 15 representations from Other Persons were received against the grant and of those only 3 attended. No additional documentation or information was provided in support of the representations although the Other Persons did expand their written representations as allowed. The Statutory Licensing Sub Committee noted the majority did not object to a grant per se but were concerned about the wide nature of the application which would be very different to the current limited licence.
6. Various issues were raised in the representations from Other Persons at pages 22 to 45 of the report and the SLC found as follows :-

### Limited Use of Parts of the Park (Premises) During Events

A number of Other Persons objected to their access to parts of the premises being limited in their representations. The Committee felt this did not strictly fall within any of the Licensing Objectives but accepted parts of the park would be inaccessible. However, the Park was never fully closed to the public as a result of events held under the current authorisation and the park was an amenity for all of Swansea and could be used for such events. The Committee noted the Applicants evidence that in fact holding events meant revenue for the City and County of Swansea which was used to improve the park and areas previously too boggy to walk on have had drainage works undertaken making them accessible. The Committee noted comments made by Other Persons that the use of HGV had caused the issues. In the absence of any evidence to support this the concession made to limit the days where the most restrictions might apply would minimise this issue and no complaints have been received regarding previous events.

### Car Parking Issues

The Committee formed the view that this was not within the aim of the Licensing Objectives. Other legislation provided remedies for the issues that might arise from illegal or indiscriminate parking and it should therefore not duplicate that legislation. Any road closures were notified to the residents affected beforehand and alternative parking was provided. No issues have been raised by the relevant bodies or the Police that suggested the current parking legislation was not sufficient.

### Disruption to Sunday Service /Hospital

The Committee heard from the Applicant that he made visits to the church and met with the curator there to discuss issues. No complaints have been received and it was the decision of the curator to not hold the evening song service. The Applicant also said he had met with the hospital and again had received no complaints in respect of events held at the premises to date. In light of this the Committee did not feel it was appropriate to place a condition on the licence to not allow events to take place on a Sunday.

### Rubbish

The Committee heard from the Applicant regarding rubbish collections. The Applicant advised that a leaflet and letter drop had provided residents in the immediate vicinity with contact details to make any complaints about rubbish. One Other Person in attendance confirmed he had received such a letter whilst the 2 others had not. The Applicant said it was a limited drop. The Committee were satisfied therefore that the rubbish accumulating would be dealt with so as to not undermine the Licensing Objectives.

### Anti-Social Behaviour

There were numerous plans as set out in condition 7 of appendix B which would address as far as possible behaviour at the event and in the immediate vicinity. An Other Person had said how good the security staff provided were. The Committee were mindful of the Statutory Guidance para 2.21 that when dealing with anti-social behaviour the Applicant could only be responsible for those persons over which it could exercise control. Once past the immediate vicinity of the premises persons are responsible for their own behaviour. The Police did not make any representations or raise any concerns in this respect. Therefore the Committee were satisfied the proposed conditions would manage the position so as to promote the Licensing Objectives.

### Noise

The Pollution Control Officer gave detailed advice regarding conditions agreed and how they would be monitored. She advised the increased footprint would not affect the level to be set and it would be monitored. Phones for reporting issues were kept open when events took place. Only limited issues and complaints had been raised previously about noise from events. The Committee were satisfied the conditions agreed and being added to the licence would ensure noise would be limited. The limit on the number of days per year a large scale event could take place also promoted the Licensing Objectives. The Committee accepted the Pollution Control Officer's remarks that the conditions as drafted were clear and enforceable. The Committee also noted that the amplified music would in nearly all cases cease well before 23.00 hours.

### Protection Of Children

The Committee were satisfied that the safety of children within the aim of the Licensing Objectives would be promoted by the conditions in appendix B and were appropriate to deal with the issues raised by Other Persons.

### Conclusion

Overall the Committee were satisfied that the comprehensive list of conditions to go on the licence and that the Applicant would be a good premises licence holder who would ensure compliance with the conditions and deal appropriately with any issues if they arose as a result of the additional capacity for the premises .

Further the 2003 Act provided remedies for the residents if the conditions were breached and undermined the Licensing Objectives.

The meeting ended at 2.45 pm

**Chair**



City and County of Swansea

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

Council Chamber - Guildhall, Swansea

Monday, 25 March 2019 at 10.00 am

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

**Councillors**

P Downing

**Councillors**

H M Morris

**Officer(s)**

Kate Jones

Yvonne Lewis

Rachel Loosemore

Lyndsay Thomas

Democratic Services Officer

Team Leader, Licensing

Licensing Officer

Principal Lawyer

**Also Present**

Emily Walters

Xiang Liu

Jon Hancock

Immigration Enforcement Officer, Home Office

Premises Licence Holder

South Wales Police

**Apologies for Absence**

Councillor(s): None

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**7 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.

**8 Licensing Act 2003 - Section 51 Application for a Review of a Premises Licence - Yangtze River Chinese Takeaway, 106 High Street, Swansea.**

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

The Principal Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application.

The Licensing Officer reported on the Licensing Act 2003 Section 51 application for a review of a premises licence. She referred to the prevention of crime and disorder, procedure, promotion of the Licensing Objectives, policy considerations and the guidance from the Home Secretary. Specific reference was made to a location plan Appendix A and the application for the review of a premises licence at Appendix B.

The Team Leader, Licensing outlined the current conditions on the existing premises licence as well as possible amended conditions for condition by the Committee. She also provided a current update on the existing premises licence.

The Immigration Enforcement Officer, representing the applicant, further amplified the written application and highlighted her concerns in relation to the licensing objective of prevention of crime and disorder as well as the importance given to the prevention of illegal working.

The Premises Licence Holder addressed the Committee and spoke against the application. She stated the case for maintaining the premises licence.

Questions were asked of the Immigration Enforcement Officer and the Premises Licence Holder who responded accordingly. The Premises Licence Holder confirmed that the Closed-Circuit Television (CCTV) required for the premises licence had been broken for some months.

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 Principal Lawyer gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representations 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 **Revoke** the premises licence for the reasons outlined below.

#### **Reasons for Decision**

Members noted that the Statutory Guidance lists immigration control under the Licensing Objective for the prevention of crime and disorder and the importance given to preventing the illegal working in the Statutory Guidance.

The Committee found that the Home Office's application met the grounds required for a review in the absence of a civil penalty being issued to the premises licence holder, Xiang Liu, in light of the High Court decision in the case of East Lindsey DC v Abu Hanif (t/a Zara's restaurant and Takeaway). The court found that the crime prevention objective did not require a crime to have been reported, prosecuted or established in court. The crime prevention objective is not retrospective instead, it is concerned with the avoidance of harm in the future.

The Committee considered the option of modifying the conditions on the licence but did not consider this would promote the crime prevention licensing objective in light of the admissions made by the Premises Licence Holder, that she had been operating after 23.00 hours even though her CCTV was not working and which she knew was a condition of her premises licence.

In addition the Committee felt having regard to the Premises Licence Holder's comment that her busiest time was before 23.00 hours, between 21.00 and 22.00 hours, and she often closed by 23.00 hours, it would make little difference if the Premises Licence was revoked, or that she would comply with any modified conditions imposed in any event.

The Committee accepted the Home Office evidence that at the time of the visit, 2 male persons wearing jeans and a T- shirt who did not have the right to work or help under their current immigration bail conditions were seen in the premises kitchen where food preparation was in progress. They noted the officer said she did not see the 2 males undertaking any tasks. The Committee also noted and accepted the Officers comments regarding lack of paperwork - pay slips - for the business.

The Committee was concerned that 2 persons who were not properly dressed were in the kitchen where food preparation was taking place without the Premises Licence Holder's knowledge or consent. Whilst this raised concerns over food hygiene, the Committee accepted the legal advice that in line with the Statutory Guidance (paragraphs 1.16 and 2.7) this was not within their licencing function and had to be dealt with under other legislation.

The Premises Licence Holder did not satisfy the Committee she understood as Premises Licence Holder she had to promote the crime prevention licensing objective or would do so in the future due to her remarks about not keeping the conditions of the Premises Licence "in her mind" and not being able to control who "pops in" to the premises.

The Premises Licence Holder admitted she had not considered the conditions on her licence to be important until told otherwise by the Licensing Officer.

The Premises Licence Holder failed to address, to the Committee's satisfaction, the issues / concerns raised by the Home Office and that going forward those issues would not be repeated.

The overwhelming view of the committee was that the licensing objective of prevention of crime and disorder would be undermined if the Premises Licence remained in place.

The meeting ended at 11.50 am

**Chair**