Dinas a Sir Abertawe



Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Yr is-bwyllgor trwyddedu statudol

- Lleoliad: Siambr y Cyngor Neuadd y Ddinas, Abertawe
- Dyddiad: Dydd Gwener, 3 Mai 2019
- Amser: 10.00 am
- Cadeirydd: Cynghorydd Penny Matthews

Aelodaeth: Cynghorwyr: J P Curtice a/ac B J Rowlands

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol. www.abertawe.gov.uk/DatgeluCysylltiadau
- 3 Deddf Trwyddedu 2003 Adran 17 Cais am drwydded mangre 1 37 Bonymaen Local, 1 Heol Llanerch, Bonymaen, Abertawe, SA1 7AY

Huw Em

Huw Evans Pennaeth Gwasanaethau Democrataidd Dydd Iau, 25 Ebrill 2019 Cyswllt: Gwasanaethau Democrataidd - 636923

Agenda Item 3



Report of the Divisional Licensing Officer

Statutory Licensing Sub Committee - 3 May 2019

Licensing Act 2003 Section 17 Application for a Premises Licence

- 1. Premises: Bonymaen Local, 1 Llanerch Road, Bonymaen, Swansea, SA1 7AY
- 2. Applicant : Elangainathan Thamilselvan
- 3. Application For A New Premises Licence
- 3.1 An application for a new premises licence was received by this authority on the 21st February 2019. The applicant has applied for a premises licence to allow the following licensable activity to take place.

Supply of Alcohol off the premises

Monday to Sunday 0600 – 2300

The proposed opening hours of the premises are Monday to Sunday 0600 to 2300.

4. Background

The premises relevant to this application is situated on the junction of Llanerch Road and Bonymaen Road.

The premises was previously used as a hair and beauty salon and prior to that operated as Bonymaen Stores, licensed to supply alcohol off the premises from 0800 to 2300 on weekdays and from 1000 to 2230 on Sundays. This premises licence was surrendered in 2008.

The premises is located in a predominantly residential area and forms 1 of 3 in a row of commercial units, the other two premises being a Post Office and a hot food takeaway.

Members will note from the location plan that 100 meters north to the property at 27 Mansel Road is a premises called Mansel News which

holds a premises licence authorising the supply of alcohol off the premises from 0800 to 2300 Monday to Saturday and from 1000 to 2230 on Sundays. The premises licence was issued in September 2005.

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

A plan of the proposed premises is attached at Appendix B.

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 C**.

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.

k) Other Persons

Representations have been received from:

Councillor Paul Lloyd – Ward Councillor for Bonymaen on behalf of signatories of two petitions - Appendix D1.

There were two petitions submitted with a total of 291 signatories in objection to the proposed licence.

A summary of the petitions is as follows:-

25 of the printed names were illegible and another 24 printed names were partially illegible.

26 addresses were illegible or blank.

244 of the signatories also provided a comment although only 13 were identified as being relevant to the promotion of the Licensing Objectives. 8 comments related to antisocial behaviour and 5 referred to the potential of children congregating in the area.

208 comments were in relation to the lack of interest in another shop opening in the area.

The list of numbers of signatories identified as residents of nearby streets totalled 151 can be broken down as follows:

9 in Llanerch Road
22 in Bonymaen Road
20 in Mansel Road
24 in Ty Draw Road/Ty Draw Crescent/Ty Draw Place
12 in Brokesby Road
3 in Aeron Place
7 in Gwendraeth Place
5 in Wye Close
3 in Kenfig Place
4 in Dartford Place
2 in Ogmore Place
5 in Buckingham Road
6 in Gwyndy Road
9 in Talfan Road
20 in Myrddin Road/Myrddin Gardens

Councillor Mandy Evans – Ward Councillor for Bonymaen - Appendix D2.

The Councillor is a resident of Jersey Road.

1 resident of Llanerch Road who submitted an email and coordinated an online petition - Appendix D3.

1 resident of Jersey Road - Appendix D4.

23 other residents submitted identical letters of representation and one copy of the letter has been appended to the report for Members' consideration - **Appendix D5**.

The 23 residents can be broken down as: 9 from Llanerch Road 2 from Bonymaen Road 10 from Mansel Road 1 from Aeron Place 1 from Ty Draw Crescent

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 2018. Specifically in relation to this application;
 - (i) Control Section 4

Paragraph 4.4 The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public, living, working or engaged in normal activities in the area concerned. It will be expected that any representation made by "Other Persons" will indicate how the application will directly affect them in relation to one or more of the licensing objectives.

Paragraph 4.5 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the persons holding the relevant authorisation.

those hours raised by responsible authorities or other persons

(ii) Licensing Hours – Section 7 Paragraph 7.1 When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections to

on the basis of the licensing objectives.

Paragraph 7.4 The Licensing Authority will closely examine the hours of business for premises which are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received and it is considered necessary.

Paragraph 7.5 The Licensing Authority will allow shops, stores and supermarkets to sell alcohol, for consumption off the premises, at any time when the retail outlet in question is open for business. Limitations will only be imposed restricting the times alcohol can be sold from such premises if representations are received and there is evidence that the extended hours cause the premises to be a focus of disorder and disturbance.

(iii) Applications for licences, certificates, authorisations and reviews

 Section 15
 Paragraph 15.1 The Licensing Authority will consider each application received on its merits in the context of the four licensing objectives.

Paragraph 15.4 The Licensing Authority also accepts that Other Persons or responsible authorities, as defined in the Act, have the right to make representations in respect of an application, or to seek a review of a licence or certificate within the provisions of the Act. Such representations will be considered on their merits and how they relate to the likely effect of the grant of the licence or certificate on the promotion of at least one or more of the licensing objectives. Also, how the representations are relevant to the promotion of one or more of the licensing objectives in the case of a review of a licence or certificate. When a petition is submitted as a representation it will only be considered if it relates to one or more of the four licensing objectives and it is demonstrated that the details of the representation have been made clear to each signatory i.e. that the heading is included on each page of the petition. A relevant representation may be positive or supportive in nature as opposed to being negative but it must still demonstrate that the licensing objectives are being promoted.

Paragraph 15.6 Other Persons may request a representative to make representations on their behalf including a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales, local Ward Councillor, Parish or Community Councillor. Detailed guidance for Other Persons making a representation or an application for a review of a licence or certificate can be obtained from the Home Office website www.homeoffice.gov.uk

- (iv) Administration Section 16 Paragraph 16.6 Any Councillor who is a member of the Statutory Licensing Committee and who is making a representation on behalf of other persons, or in their own right in relation to an application, shall disqualify him or herself from any involvement in the decision making process regarding that application.
- 7.2 A full copy of the Authority's Policy has previously been circulated to Members.

An up to date copy of the Policy may be found via the following link: https://www.swansea.gov.uk/article/4280/Statement-of-licensing-policy

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) Determining Applications Chapter 9
 - (v) Conditions attached to Premises Licenses Chapter 10
 - (vi) Promotion of Equality Chapter 14 paragraphs 14.66 -14.67

Representations received include concerns regarding Crime and Disorder and Public Nuisance specifically in relation to the congregation of youths on the junction of Llanerch Road/Bonymaen Road.

Paragraphs 2.1 to 2.6 of the Guidance refer to Crime and Disorder and paragraphs 2.15 to 2.21 refer to Public Nuisance and in particular -

(i) Crime and disorder

Paragraph 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

(ii) Public Nuisance

Paragraph 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. Paragraph 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Paragraph 14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

8.2 A copy of the Home Secretary's Guidance has previously been circulated to Members. An up to date copy of the Guidance may be found via the following link: <u>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf</u>

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:

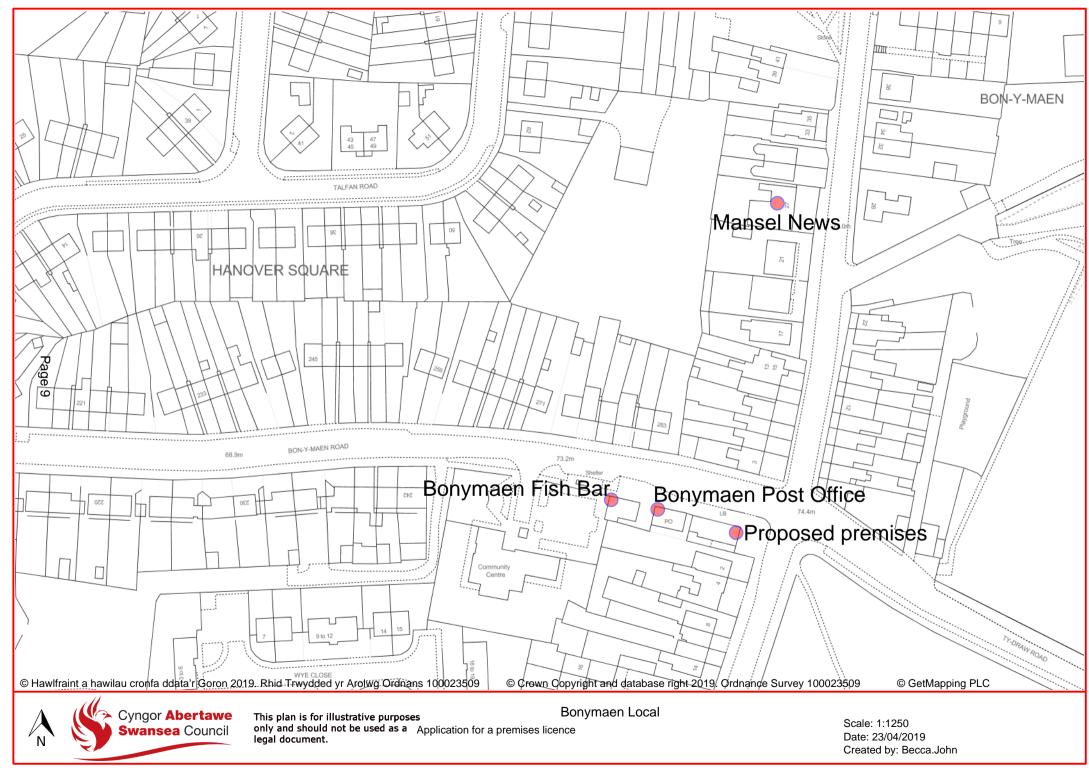
i) conditions that reflect the operating schedule, modified to such extent as the authority considers appropriate for promotion of the licensing objectives. Certain regulated entertainment under the Licensing Act 2003 (as amended) has been deregulated. Where entertainment is deregulated, but licensable 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.

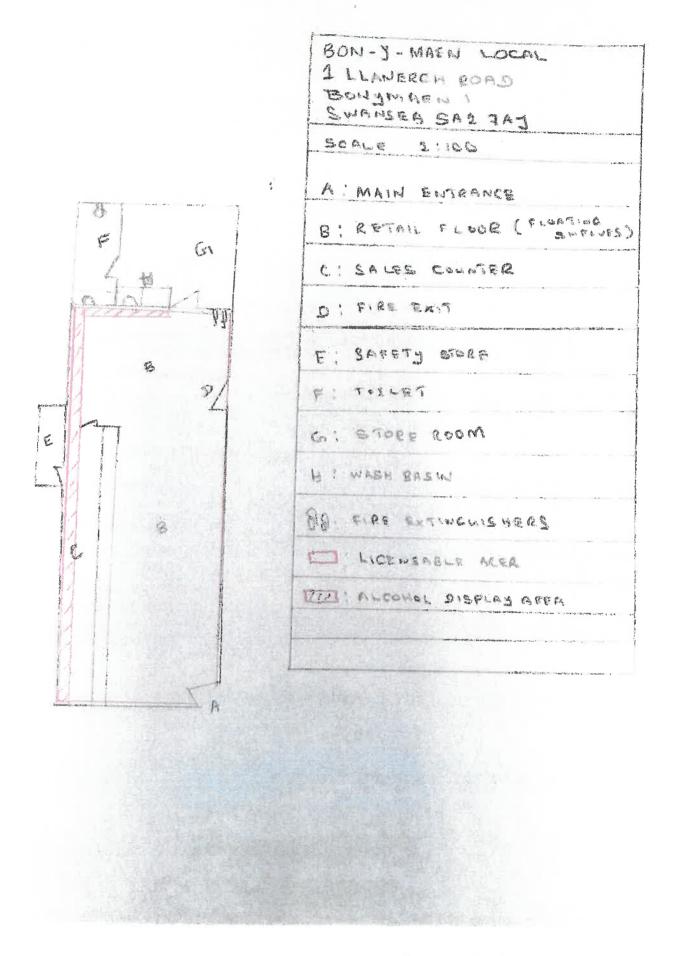
ii) any mandatory conditions relevant to the licence

- 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:	Becca John
Extension:	01792 635600





Bonymaen Local

Conditions consistent with the operating schedule

- 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.
- 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.
- 3. The store would operate following health and safety and fire safety law in relation to a convenience store. It would also implement policies and procedures set out by the wholesale group.
- 4. The store is situated in a residential area. It will work closely with local people to maintain or take any action necessary to keep the area clean and tidy at all times.
- 5. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.
- 6. 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 an authorised officer of the Council at all times whilst the premises are open.
- 7. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
- 8. An incident book to be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Local Authority.

John, Becca

From:	Lloyd, Paul (Councillor)
Sent:	21 March 2019 21:02
То:	John, Becca
Subject:	Re: Bonymaen Local, 1 Llanerch Road, Bonymaen, Swansea. SA1 7AY

Dear Becca. Just a note to say that I'd like to address the committee when Bonymaen Local, Llanerch Rd, Bonymaen is before the Licensing Committee. Thanks, Paul Lloyd.

*

Petition to Stop a Licence application to sell alcohol from 6am to 11pm in the old **Bonymaen Stores**

8. 2

The old 'D&G' hairdressers on the cross in Bonymaen is going to reopen as a shop.

Llanerch Road, Bonymaen, Swansea. SA1 7AY. The licensable activities are, A new premises licence application has been made by 'Elangainathan Thamilselvan' for the premises Bonymaen Local, 1

A) Supply of Alcohol - Monday to Sunday 06:00hrs to 23:00hrs off premises

selling alcohol and 2 local pubs we do not need to add to this. Also the risk of anti-social behaviour escalating is very high as this will become a focal point when the shop is reopened. This is absolute madness and as residents of Bonymaen we cannot allow this to happen. There are already 2 other shops

have no knowledge of the area or the people in it. Please share and sign this to hopefully get it stopped or at least get the hours reduced. I believe the owners are from London so

It's not a bad place to live let's keep it that way.

done by the 21st of march so we don't have long to object to this license. Signing this would be a great help as the relevant people in the council are linked or if you prefer to email or write, this has to be

Thanks for your support.

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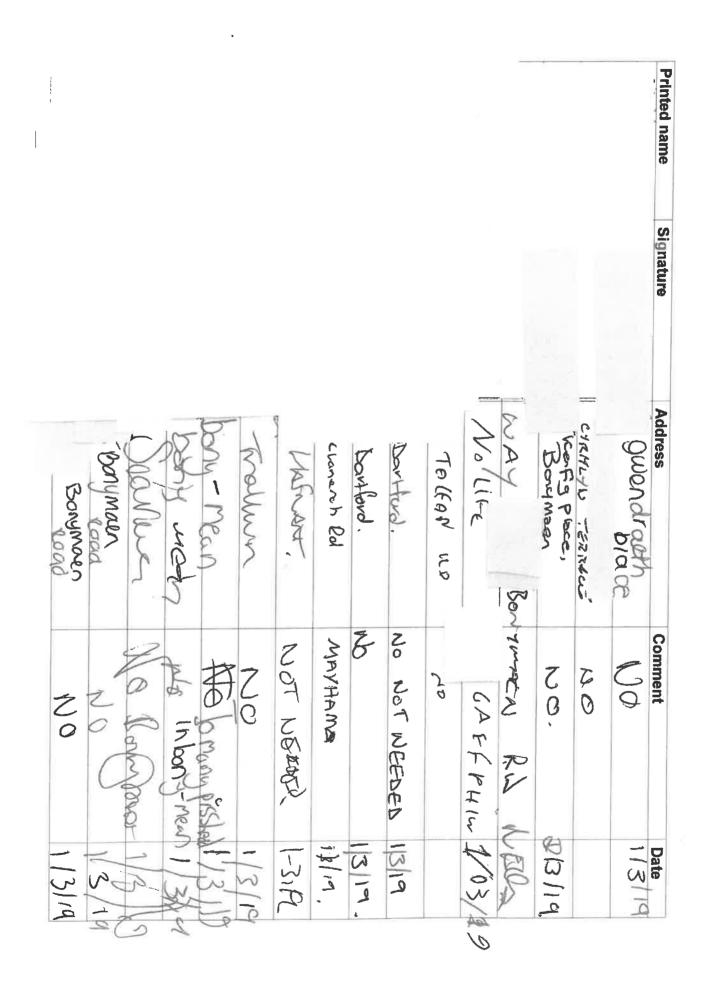
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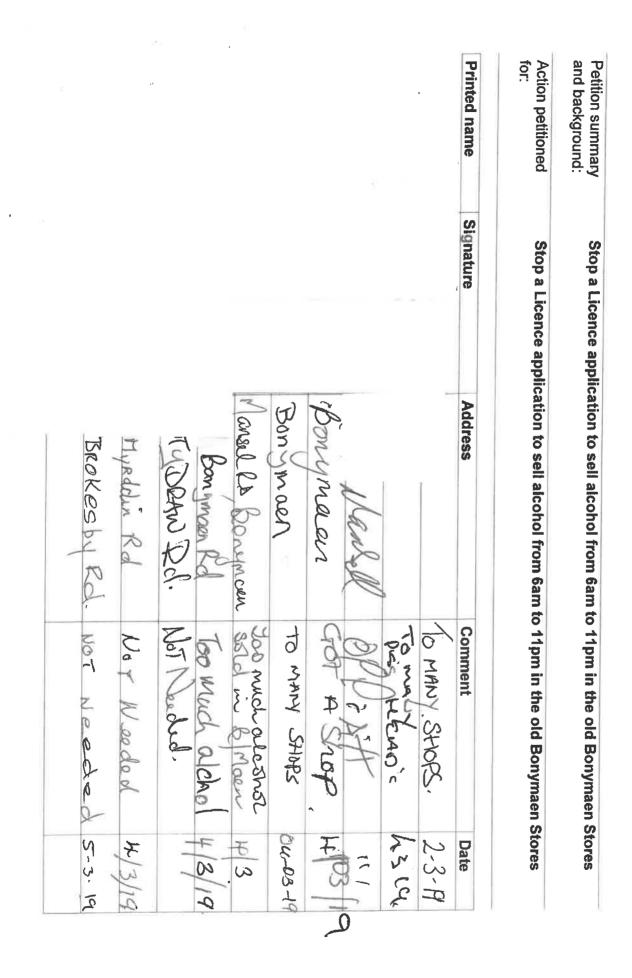
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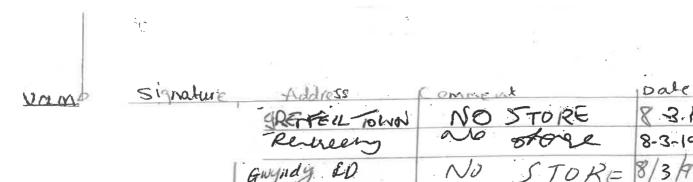
Page 28

Petition	to Swansea	Council to	Stop a,	license	
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red Name Signature	Address	Comment	Date
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Appendix D2

Cllr Mandy Evans Jersey Rd, Bon-y-maen Swansea SA17DQ

19.03.2019

To Becca John,



Re ; New application Bon-y-maen Local, 1 Llanerch Road, Bonymaen, Swansea, SA1 7AY. Applicant Elangainathan Thamilselvan

Please accept my registration for objection for the permission to supply alcohol, Monday/Sunday 0600 – 2300 hrs. This will bring many issues of ASB to the area.

Residents in the vicinity of the shop have experienced nuisance and ASB many hours through the day and night, Our Community has strived to eliminate the ASB issues in the area. The risk of this application being granted will raise noise levels, threats to Community safety, ASB issues along with litter issues. If granted the shop will add to the element of crime and disorder in the community which has decreased.

Thank you

hand

Councillor Mandy Evans Bonymaen Ward

John, Becca

From: Sent: To: Subject:

14 March 2019 10:06 John, Becca RE: Premises licence Bonymaen Local

Hi becca.

I would like to formally register an objection to the application for a premise licence for Bonymaen stores, formally D&G hairdressers on the grounds of . The prevention of crime and disorder;

,

• public safety;

 \cdot the prevention of public nuisance

As mentioned previously im not trying to stop the shop opening but would ask the hours be reduced due to inceasing 'anti social behaviour' in the area which has been and potentially could be worsened by the late opening of the shop.

Please see my online petition that you are linked too.

I will also be attending the meeting for the licence application.

Yours faithfully.

Name	City	State	Postal Code	Country	Signed On
the later was shown in the second	Swansea			UK	26/02/2019
	Llansamlet	Wales; Cy	/mru sa79sl	UK	26/02/2019
	Bon-y-maen	Wales; Cy	/mru sa17jr	UK	26/02/2019
	Bon-y-maen	Wales; Cy	/mru sa1 7eu	UK	26/02/2019
	Bon-y-maen	Wales; Cy	/mru sa17aw	UK	26/02/2019
	Bon-y-maen	-	/mru Sa17at	UK	26/02/2019
	Swansea		SA6	UK	26/02/2019
	Saint Thomas	Wales: Cy	/mru Sa18he	UK	26/02/2019
	Bon-y-maen		/mru Sa1 7at	UK	26/02/2019
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	Swansea		mru Sa17hq	UK	26/02/2019
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	Swansea		/mru S,a,1,6,q,p	UK	26/02/2019
	Llansamlet		mru SA79XQ	UK	26/02/2019
	Camberwell		SE5	UK	26/02/2019
	Winch Wen	Wales: Cv	/mru sa17jz	UK	26/02/2019
	Wakefield	England	Wf33FW	UK	26/02/2019
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	swansea		mru sa1 7hh	UK	27/02/2019
	Bon-y-maen	•	mru Sa1 7au	UK	27/02/2019
	Swansea		mru Sa1 7ja	UK	27/02/2019
	Bon-y-maen		mru sa17az	UK	27/02/2019
	Bon-y-maen		mru Sa1 7az	UK	27/02/2019
	Bon-y-maen		mru Sa1 7aj	UK	27/02/2019
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	Llansamlet	Wales; Cymru sa7 9us	UK	28/02/2019
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	Swansea	SA1	UK	28/02/2019
	Hornsey	N8	UK	28/02/2019
	Bon-y-maen	Sa17ah	UK	28/02/2019
	Bon-y-maen	Wales; Cymru sa1 7au	UK	28/02/2019
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	Swansea	Wales; Cymru Sa1 7hh	UK	01/03/2019
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	Swansea	SA6	UK	01/03/2019
	Clase	sa6 7nx	UK	01/03/2019
	Newport	Wales; Cymru NP19	UK	01/03/2019
	Swansea	Wales; Cymru Sa5 7df	UK	01/03/2019
	Bon-y-maen	Wales; Cymru SA17HE	UK	01/03/2019
	Swansea	Wales; Cymru SA1 6BS	UK	01/03/2019
	Bonymaen	Wales; Cymru SA1 7AU	UK	01/03/2019
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Appendix D4

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Jersey Rd, Bon-y-maen Swansea SA17DQ

18.03.2019

F.A.O. Because John

A new premises licence application has been made by Elangainathan Thamilselvan

For the premises Bonymaen Local, 1 Llanerch Road, Bonymaen, Swansea. SA1 7AY The licensable activities are

a) Supply of Alcohol - Monday to Sunday 06:00hrs to 23:00hrs off premises

As a resident of Bonymaen, I wish to object to the above application as over many years there has been ASB in the vicinity of Llanerch Rd.

Over the past year the ASB has been disbursed, I feel that the supply of alcohol from these premises will attract many ASB issues.

Thank you

To - EVH LICENSING SWANSEA.

FROM -			
Name-			
Address			
Tel no.			

Dear Sir or Madam,

I am writing with regard to the new premise licence application made by 'Elangainathan Thamilselvan' for the premises 'Bonymaen Local, 1 Llanerch RD, Bonymaen, Swansea. SA1 7AY.

The licence activities are-

A) Supply of alcohol – Monday – Sunday 06.00hrs – 23.00hrs.

I would like to formally submit a representation against this application The grounds for the objection are as follows.

- 1. The prevention of crime and disorder.
- 2. Public safety.
- 3. The prevention of public nuisance.

The objection is not to stop the shop reopening but to object regarding the opening times. 6am to 11pm is not suitable for a residential area. Especially in an area where 'anti-social behaviour' has been and could potentially be again a major issue.

The area where the shop is situated is a focal point for gathering youths and if the shop was allowed to be open until 11pm this could escalate the 'anti-social behaviour' that is mostly under control due to the hard work of the local PCSO'S.

I would ask that the hours applied for be significantly reduced in the hope it would prevent problems arising for the residents in the area.

Yours faithfully,

Contact Swansea

2 1 MAR 2019

Received By....