



City and County of Swansea

Minutes of the Statutory Licensing Sub Committee

Council Chamber - Guildhall, Swansea

Friday, 3 May 2019 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

J P Curtice

Councillor(s)

B J Rowlands

Councillor(s)

Officer(s)

Aled Gruffydd

Becca John

Yvonne Lewis

Samantha Woon

Lawyer

Licensing Officer

Team Leader, Licensing

Democratic Services Officer

Applicant

Mr E Thamilselvan – Applicant

Mr S Kanapathi - Agent

11 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.

12 Licensing Act 2003 - Section 17 Application For a New Premises Licence - Bonymaen Local, 1 Llanerch Road, Bonymaen, Swansea, SA1 7AY

The Chair welcomed all attendees to the meeting and outlined the procedure to be adopted by the Sub Committee in considering the application.

The Chair asked all attendees to introduce themselves.

The Licensing Officer reported on the application for a new premises licence in respect of Bonymaen Local, 1 Llanerch Road, Bonymaen, Swansea, SA1 7AY. She referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to the location plan for the premises at Appendix A, the location plan of the premises at Appendix B, conditions consistent with the operating schedule at Appendix C, the representations made by Other Persons at Appendix D1, D2, D3, D4 and D5. She summarised the details of the petitions. A copy of their representations was attached at Appendix D1. The representation related to the prevention of public nuisance.

The Licensing Team Leader referred to a representation from Karen Fender who was unable to attend the meeting and had requested that her email be considered by

the Committee as an amplification of her original representation at Appendix D3. Members noted the amplified comments.

Councillor P Lloyd, Ward Councillor for Bonymaen on behalf of signatories of two petitions Appendix D1, further amplified the written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to public nuisance.

Mr S Kanapathi, Agent representing the Applicant, Mr E Thamilselvan, advised that the Applicant had 10 years' experience of running a business in Cardiff, which is similar. The Applicant currently lives above the premises in Cardiff. He referred to the written representations and stated that the Applicant wished to reduce the terminal hour to 10 pm.

In response to Member questions, the Applicant confirmed:

- His relationship with residents within the proximity of his current premises was nice.
- It is intended that two members of staff will be employed within his shop.
- The area surrounding his current shop in Cardiff does not suffer from anti social behaviour.
- It was his intention to live above the shop, whilst managing both shops.
- Refuse bins would be provided outside the shop.
- Any potential incidents of anti social behaviour would be dealt with through amicable communication.
- In relation to condition 4 at Appendix C, he confirmed that litter bins would be installed and the area would be cleaned regularly.
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It was **RESOLVED** that the press and public be excluded from the hearing in accordance with paragraph 14 of the Licensing Act (Hearings) Regulations 2005, to enable the Sub-Committee to take legal advice.

(CLOSED SESSION)

Members discussed the issues relating to the application.

(OPEN SESSION)

The Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **RESOLVED** to **GRANT** the application subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below.

1. Supply of Alcohol off the premises – Monday to Sunday 0700 – 2200.
2. A comprehensive recordable CCTV system will be installed and maintained covering the external curtilage of the premises and inside 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.
3. 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.
4. Notices shall be prominently displayed at all exits and outside of the premises, requesting patrons to respect the needs of local residents and leave the area quietly.
5. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
6. 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.
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 an authorised officer of the Council at all times whilst the premises are open.
8. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
9. 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.

The meeting ended at 11.11 am

Chair