



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Remotely via Microsoft Teams

Tuesday, 25 May 2021 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

P Lloyd

Councillor(s)

C L Philpott

Councillor(s)

Officer(s)

Lynda Anthony
Charles Gabe
Aled Gruffydd
Nick Huffer
Samantha Woon

Licensing, Food and Safety Manager
Licensing Officer
Lawyer
Employment Lawyer (Observing)
Democratic Services Officer

Applicant:

Mr David Evans
Mr Griffiths

Applicant
Applicant's Solicitor

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 **Licensing Act 2003 - Section 17 Application for a Premises Licence - Ponderosa, 626 Mumbles Road, Mumbles, 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 Licensing Officer reported on the application for a new premises licence in respect of Ponderosa, 626 Mumbles Road, Mumbles, Swansea. He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to application for a premises licence at Appendix A, the location plan of the premises at Appendix B, conditions consistent with the operating schedule at Appendix C and the representations made by Other Persons at Appendix D.

In the absence of Other Persons, the Licensing Officer read out the representations which related to the prevention of crime and disorder and public nuisance.

In response to a Member question regarding the seating area in Southend Park and specifically the provision of public conveniences, Mr Evans, Applicant, stated that public conveniences were available. He further stated that he had written to the Council offering to provide portaloos facilities (at his cost). Whilst the offer was welcomed by the Council the current pandemic restrictions resulted in the level of effort maintaining the facilities would outweigh any potential benefits.

The Licensing Officer stated that regulations allowed premises to open toilets within their premises for patrons who had purchased off sales to utilise.

Mr Edwards, Solicitor representing the Applicant, referred to documents which had been circulated in addition to the agenda papers. Councillors confirmed receipt of these documents. He reported that the licence sought was comparable to other licensed premises in the area.

The Solicitor stated that there was a current licence in place for the premises which was formally known as the Kitchen Table. This premises had been predominately a food led establishment. The capacity of the premises is 48 patrons. The current application envisages a business plan which is café style premises in the daytime then a wine bar in the evening. The premises intends to sell premium products and there will be no promotions. Clientelle will be expected to pay premium prices for any alcohol. The premises is not comparable to venues such as Wetherspoons or similar.

Members' noted there was a previous licence in place. He detailed the applicant's experience in the hospitality trade. Mr Evans previously operated (in 2016) a premises on Wind Street known as the Heist. The Covid 19 Pandemic had resulted in closure of the business in 2020. Mr Evans has recently acquired the Valley Hotel in Bishopston which is predominately an old style hotel. Mr Evans has invested significant amounts of money in the premises constructing an outdoor area which has been a success with local residents. Mr Evans has created both full time and part time jobs and it is envisaged that this application will create 5 full time and 5 part time jobs. Mr Evans has invested significantly in the new premises.

The Solicitor detailed the licences in respect of 6-7 similar premises in the area. He referred to the four Licensing Objectives and the Council's Licensing Guidelines, the importance of hospitality industry to Swansea and the need to protect residents which he believed had been met within the application.

He stated that the absence of representatives from Responsible Authorities was fundamental. He referred to the four objections from local residents and stated that Mr Evans was well versed in dealing with premises in residential areas. He further stated that some of the representations were incorrect and frivolous. He referred to the lack of evidence to substantiate the objections and the absence at the Hearing of any of the representatives who would be entitled to amplify their concerns. It was noted that the Applicant had contacted Mr S Rees (Objector) to alleviate any

concerns and attempt to reach a satisfactory conclusion. Unfortunately, these discussions did not succeed.

In relation to the concerns raised in Appendices D1-D4, provision of late night refreshment, there is no outside area and there will be no patrons congregating outside with a bag of chips.

He referred to the objection regarding CCTV in both live and recordable form and stated that he was unsure what further action could reasonably be expected from the Applicant.

He stated that there was no evidence that the Application would create and increase in anti-social behaviour, indeed the premises could only accommodate a maximum of 48 patrons.

It was noted that once patrons had left the premises, any subsequent anti social behaviour was not the responsibility of the licensed premises. Furthermore, the Police had not made any representations in respect of anti social behaviour.

The representation from C Phillips had generally been supportive, however, reference to 23:00 hours as opposed to 12:00 was inconsistent with other premises operating in the area. There was no evidence that any of the Licensing Objectives would be affected as a result of the extra hour. In regard to any noise created from the emptying of bottles, the Application makes clear that bottles will not be moved after 23:00 hours.

In response to Member questions, the Applicant confirmed:

- 1) The premises can accommodate 30 patrons at present (due to Covid 19 regulations). The premises could, if operating under non Covid 19 regulations, accommodate 48-50 patrons. Operating in a non Covid 19 era, smaller tables would accommodate a maximum of 48 patrons, this included patrons sitting on bar stools at the bar.
- 2) Buckets of sand and ashtrays were available at the side exterior entrance of the property to accommodate smokers.
- 3) Bottles could be stored within the property and moved at a reasonable time the following morning.
- 4) Live music was not included in the application.
- 5) The former Antelope premises has been closed for approximately 12 years.
- 6) The Applicant has purchased bins for the seating area adjacent to the premises which are regularly emptied at the Applicant's expense.
- 7) Signage and staff management would prevent drinks being taken outside the premises by patrons wishing to have a cigarette. Alcohol provided as off sales would be sold in sealed containers.
- 8) Appropriate signage will be in place advising patrons to leave quietly.
- 9) No maximum capacity numbers have been received from the Fire Authority.
- 10) Bottles could be emptied at 10.30am.
- 11) Closure of the side door is acceptable.

In conclusion, the Solicitor stated that the Application is not onerous and is consistent with other applications made over the years. There are no representations from Responsible Authorities. Objections made by residents are not supported by evidence. The activities sought are consistent with other licensed premises within the area. The Applicant is an experienced having successfully operated within the Wind Street area. There are eight letters of support from individuals who know the Applicant.

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 CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits all areas where the public have access and any external drinking area's. Equipment must be maintained in good working order, the system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped , recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of

technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

- 2 SIA licensed door supervisors shall be employed on occasions when a requirement is identified by the licence holders written risk assessment. Consideration will be given to large sporting events which are displayed on screens within the venue, public holidays and days considered to be major event days in the city.
- 3 A detailed bound numerical register of door supervisors to be maintained at all times at the Premises. Such register to include the name, registration number, contact details of the member of door 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 an Authorised officer
- 4 Premises to actively participate in regular initiatives to target drug misuse at the venue to include full co-operation with South Wales Police led drug itemiser and drug search operations.
- 5 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 incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.
- 6 The consumption of soft or alcoholic drinks purchased at the premises is prohibited on the highway outside the premises.
- 7 Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 8 All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 9 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 10 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.
- 11 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
- 12 There shall be no striptease or nudity.

- 13 No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 10:00 hours.
- 14 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.
- 15 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.
- 16 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.
- 17 Premises to keep up to date records available for inspection of staff training in respect of age related sales.
- 18 All patrons to exit the premises through the front door onto Mumbles Road after 23:30 and not through the side door onto Village Lane. This condition to come into effect following the repeal of the coronavirus regulations relating to licenced premises.

The meeting ended at 11.55 am

Chair