

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 2 , CIVIC CENTRE, SWANSEA ON
FRIDAY, 5 SEPTEMBER 2014 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair)

Councillor(s)	Councillor(s)	Councillor(s)
A C S Colburn	P Downing	

Officers:

K Clague – Lawyer
R Westlake – Senior Licensing Officer
R Loosemore – Licensing Officer
C Gabe – Licensing Officer
J Parkhouse – Democratic Services Officer

6 LICENSING ACT 2003 - SECTION 17 APPLICATION FOR A PREMISES LICENCE - CAFE NISSE, 11 WIND STREET, SWANSEA.

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, Rachel Loosemore reported on the application for a premises licence in respect of Café Nisse, 11, Wind Street, Swansea. She referred to the licensing objectives, policy considerations and the guidance from the Home Office. Specific reference was made to the application at Appendix A, the location plan of the premises at Appendix B and the conditions consistent with the operating schedule that will be attached to the licence at Appendix C.

It was noted that the premises is situated in the City Centre within an area defined by the Council's Statement of Licensing Policy as a Cumulative Impact Area and reference was made to paragraph 6 of the Special Policy on Cumulative Impact, adopted by the Council on 30 July 2013, at Appendix E.

She further advised that a written representation had been received from the Unison Office which expressed their objection to the application and highlighted concerns regarding disturbance, noise and safety issues relating to their staff. This related particularly to the sale and consumption of alcohol in the shared Courtyard.

Ms Tinotenda Dzaro, applicant and her representative, Mr Rhys Davies spoke in support of the application for a premises licence. She outlined the background details in relation to the premises and stated that alcohol would only be served with food orders by waiter / waitress service.

Members asked questions of Ms Dzaro and Mr Davies in relation to the sale of alcohol, use and management of the Courtyard, use of CCTV and bottle / waste disposal.

The Lawyer advising the Sub Committee asked questions to Ms Dzaro who responded accordingly.

In summary, Ms Dzaro referred to her earlier representation and stated that she had no further comments.

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 licence subject to the conditions that reflect the operating schedule, modified to include the following additional conditions considered appropriate to promote the licensing objectives:

1. Self-closing devices must be affixed to the external doors leading from the premises to the Courtyard and shall be operated during licensable hours;
2. Bottles and other glassware are to be removed from the premises between the hours of 9am and 5pm only.

Reason for Decision

The Members had due regard to the licensing objectives and to the Council's Special Policy in relation to Cumulative Impact. In particular, the members had regard to the written representation received from Sarah Evans of Unison and the representations made by the Applicant today. Members were satisfied that, given the licensable hours requested, the nature of the premises and the safeguards put in place by the Applicant to promote the licensing objectives, the grant of the licence today subject to the conditions referred to will not add to the existing cumulative impact on the

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licensing objectives. As such, there is justification for departing from the Special Policy in this instance in light of the individual circumstances of the application.

The meeting ended at 10.35 am

CHAIR