

# CITY AND COUNTY OF SWANSEA

## MINUTES OF THE MEETING OF THE EMERGENCY STATUTORY LICENSING SUB-COMMITTEE

HELD AT THE CIVIC CENTRE, SWANSEA ON FRIDAY 5 SEPTEMBER  
2014 AT 10.35 A.M.

**PRESENT:** Councillor P M Matthews (Chair) presided

**Councillor(s):**                      **Councillor(s):**

A C S Colburn                      P Downing

**Officers:**

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

**Also present:**

Superintendent                      -    South Wales Police  
A Kingdom  
Sergeant J Evans                      -    South Wales Police

7. **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

8. **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.

9. **LICENSING ACT 2003 - SECTION 53A - FAST-TRACK PROCESS TO REVIEW A PREMISES LICENCE WHERE THE PREMISES IS ASSOCIATED WITH SERIOUS CRIME, SERIOUS DISORDER OR BOTH - LA VIVA, 21 HIGH STREET, SWANSEA**

Richard Westlake, Licensing Officer introduced the report and reported that Section 53A of the Licensing Act 2003 allows the Police to trigger a fast-track process to review a premises licence where they consider that the premises are associated with serious crime, serious disorder or both. The premises must be licensed for the sale of alcohol.

Minutes of the Meeting of the Emergency Statutory Licensing Sub-Committee  
(05.09.2014) Cont'd

Section 53B allows the Licensing Authority to consider the application as to whether it is necessary to take interim steps pending the determination of the review. The interim steps pending review can include the modification of the conditions of the premises licence; the exclusion of the sale of alcohol by retail from the scope of the licence; the removal of the designated premises supervisor from the licence; the suspension of the licence.

The interim steps must be considered within 48 hours of the application being received. The premises licence holder does not have to be present at this stage. Section 53C provides that the Authority must in any event undertake the review within 28 days from receipt of the application.

Where on its consideration whether to take the interim steps, the Licensing Authority does take one or more such steps, its decision takes effect immediately or as soon after as that Authority directs, but it must give immediate notice of its decision and its reasons for making it to the holder of the premises licence and the Chief Officer of Police.

It was added that on 4 September 2014, an application for an expedited/summary licence review under the Licensing Act 2003, as amended by the Violent Crimes Reduction Act 2006 was issued from Superintendent Andrew Kingdom of the Western Division, Swansea, South Wales Police. The application related to the premises licence for La Viva, 21 High Street, Swansea. The required certificate under Section 53A(1)(b) of the Act states that immediate action is required in relation to the management and control of the property. The premises had been associated with serious crime in that a cannabis factory was discovered on the premises. The application is made for an expedited review on the basis of the evidence recovered and collated by Police, which confirms that La Viva is a premises associated with serious crime. Whilst the premises is reportedly closed, the premises licence is still in force and the premises could reopen at any time. The Police have serious concerns that the individual in control of the premises had allowed and possibly been involved in the property being used for the cultivation and production of cannabis.

The Superintendent considered this to be evidence of serious crime in accordance with the requirements of the Licensing Act 2003 which requires the urgent consideration of the Police application. Given the weight of evidence, it is in his view imperative in accordance with the Licensing Objectives that the premises not be allowed to reopen pending the outcome of the review.

Minutes of the Meeting of the Emergency Statutory Licensing Sub-Committee  
(05.09.2014) Cont'd

Further information on the discovery of the premises being used for cultivation and production of cannabis is detailed at Section 4 of the application. The Police requested as an interim step, the suspension of the premises licence with immediate effect until the review of the premises licence could take place. The Police also confirmed that at the review hearing, they will seek revocation of the premises licence.

Members asked questions of the South Wales Police representatives who responded accordingly.

**RESOLVED** that the premises licence be suspended with immediate effect and until such time as a review of the premises licence is heard before the Licensing Sub-Committee.

**Reason**

Having considered the application from South Wales Police and the supporting representations made orally by officers, Members were satisfied that there is evidence that the premises is associated with serious crime as defined in Section 81 of the Regulation of Investigatory Powers Act 2000. The Members were satisfied that it is necessary to take interim steps of suspending the premises licence for La Viva, 21 High Street, Swansea, SA1 1LF, Licence No. SJ036204 with immediate effect due to the cultivating of a Class B drug at the premises with an estimated street value of £300,000. Members considered the above interim step necessary and proportionate to secure the promotion of the Licensing Objectives and, in particular, to prevent serious crime from occurring.

The meeting ended 10.50 a.m.

**CHAIR**