

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB-COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
WEDNESDAY 17 SEPTEMBER 2014 AT 10.00 A.M.

PRESENT: Councillor P M Matthews (Chair) presided

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

A C S Colburn P Lloyd

Officers:

L Thomas - Senior Lawyer
R Westlake - Senior Licensing Officer
C Gabe - Licensing Officer
J Parkhouse - Democratic Services Officer

Representing Licensing Authority:

R Loosemore - Licensing Officer

Representing Responsible Authorities:

Superintendent A Kingdom - South Wales Police
Chief Inspector J Davies - South Wales Police
PC J Williams - South Wales Police
K Gordon - Solicitor - South Wales Police

55 Wind Street:

A Griffiths - Applicant
M Comissini - Supporting Applicant
L Davies - Supporting Applicant

10. **APOLOGIES FOR ABSENCE**

There were none.

11. **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.

12. **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - 55 WIND STREET, SWANSEA SA1 1EG**

The Chair welcomed all attendees to the meeting and requested that the Senior Lawyer outline the procedure to be adopted by the Committee in considering the application.

The Licensing Officer, Charles Gabe reported on the application for a new Premises Licence in respect of 55 Wind Street, Swansea. He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to the application form 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 H.

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 F. Also, reference was made to the effect of special policies with an extract from Home Office Guidance at Appendix G.

A representation was received from the Licensing Authority on 11 August 2014. The representation refers to the prevention of crime and disorder and the prevention of public nuisance. A copy of the representation was provided at Appendix D.

He further advised that a representation was received from South Wales Police on 22 August 2014. The representation refers to the prevention of crime and disorder and a copy of the representation was provided at Appendix C. Additional papers were also provided prior to the hearing and which had been circulated to all parties. A representation was also received from Councillor Fiona Gordon, Castle Ward Member on 1 August 2014. The representation refers to the prevention of public nuisance and a copy of the representation was provided at Appendix E.

In response to a question from the Chair, the Licensing Officer provided details of the hours of operation of other licensed premises operating within the area.

R Loosemore, on behalf of the Licensing Authority, amplified her written representations and highlighted the concerns in relation to the potential undermining of the Licensing Objectives regarding the prevention of crime and disorder.

Minutes of the Statutory Licensing Sub-Committee (17.09.2014) Cont'd

Representatives of South Wales Police further amplified their written representations objecting to the application and highlighted their concerns in relation to the undermining of the Statutory Licensing Objectives and referred to the Cumulative Impact Special Saturation Policy relating to Wind Street and the surrounding area. The impact upon the prevention of crime and disorder was highlighted, particularly the vast burden placed upon the Police by the night time economy in this area. Emphasis was placed upon the location of the premises and the area outside constituting a 'bottleneck' and is consistently one of the areas highest in requiring the intervention of officers. It was explained that this already has an impact upon the available resources which were being provided at the expense of residential communities. It was stressed that an increased burden upon these resources will result in a corresponding increase on the incidences of crime and disorder in that location.

Reference was made to figures relating to crime and disorder and Police zoning data in Wind Street and the surrounding area and it was stated that the area was responsible for 44% of all violent crimes in the Western Division. It was added that the experience with other like businesses that provide hot food until the very early hours, after the closure of premises licenced to sell alcohol, only served to encourage individuals to remain in the area, thereby extending the night-time economy and its demands. It was outlined that historically, late night refreshment houses suffer a large volume of crime and disorder, both inside and outside their premises.

It was highlighted that where the Special Saturation Policy applied, the applicant had failed to demonstrate in her operating schedule that the application will not add to the cumulative impact on one or more of the licensing objectives, particularly that relating to the prevention of crime and disorder.

Members and the Senior Lawyer asked questions in relation to similar premises in the immediate vicinity to the application address, particularly in relation to the prevention of crime and disorder and statistics relating to recorded crime.

A Griffiths, Applicant supported her application and highlighted that a similar premises was open in Salubrious Passage, very near to the application premises. She stated that CCTV will be installed at the premises and there will be security present at all times. She added that the application premises would not add to the footfall on Wind Street or to the cumulative impact on the licensing objectives.

Minutes of the Statutory Licensing Sub-Committee (17.09.2014) Cont'd

M Comissini and L Davies spoke in support of the applicant referring to the need to obtain a licence until at least 03:00 hours, the work the applicant had undertaken at the premises including obtaining planning consent, the level of security that will be present at the premises and the nature of the application.

The Senior Lawyer further outlined the Special Policy on Cumulative Impact and the requirement that applicants must demonstrate that their application will not add to this cumulative impact. The Applicant was given a further opportunity to address the Members . Members asked questions in relation to the Special Policy on Cumulative Impact in relation to the application.

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 refuse the application.

Reasons

There is a Cumulative Impact Policy (CIP) in force in Wind Street where premises are situated.

The Sub-Committee were satisfied that the grant of the licence for the late night refreshment (LNR) is directly relevant to the reasons for its CIP.

The Sub-Committee disregarded and gave no weight to representations regarding planning or the need for premises as those were not relevant for the promotion of the licensing objectives .

Minutes of the Statutory Licensing Sub-Committee (17.09.2014) Cont'd

The Sub-Committee had regard to the policy, statutory guidance and written and oral representations.

The Sub-Committee was mindful of statutory guidance, paragraph 9.12, and the Police being the main source of advice and information on the impact and potential impact of licensing activities, particularly on the crime and disorder aspect.

The Sub-Committee noted that the applicant agreed to reduce the hours for LNR from 11.00pm to 3.00 a.m. to reduce the negative cumulative impact. The Sub-Committee accepted Police evidence that problems arise from 11.00 p.m. and the negative impact of a grant will not be affected by the offered reduction in hours and noted the fact the Police remained opposed to the application.

The Sub-Committee found the Applicant had not dealt with the cumulative impact in the application as required by the policy and the statutory guidance, and noted, by her own admission, that she was naïve and unaware of the Authority's policy or its affect at the time of making the application.

The Sub-Committee found the applicant had been advised by both South Wales Police and the Licensing Authority Officers of the existence and effect of such a policy and the applicant was expected to deal with the issue.

The Sub-Committee found the applicant, even though she had been given an opportunity prior to and at the hearing, had not challenged the evidence of the Police and had only disagreed with it. She had also failed to demonstrate the premises would be different and be operated so as to ensure it did not have a negative impact.

The Sub-Committee noted and accepted the Police's representations that the specific location of the premises was also of relevance to the negative impact it would have.

The Sub-Committee fully understood applications could be made notwithstanding the CIP and those applications had to be dealt with on their merits and could not be refused without good reason.

The Sub-Committee having taken all the matters it should have regard to into account, did not consider it appropriate to depart from the Authority's policy on this occasion.

The meeting ended at 12.12 p.m.

CHAIR