

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 6, GUILDHALL, SWANSEA ON FRIDAY,
23 JANUARY 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)
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C L Philpott	P Lloyd
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Officers:

L Thomas	-	Senior Lawyer
R Westlake	-	Senior Licensing Officer
R Loosemore	-	Licensing Officer
S Woon	-	Democratic Services Officer

Representing Responsible Authorities:

N Bailey	-	Licensing Officer, South Wales Police
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Petro Gas Group UK Ltd

S Gibson	-	Applicant
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4 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

5 **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.

6 **LICENSING ACT 2003 - SECTION 34 - APPLICATION TO VARY A PREMISES LICENCE - ABERTAWA SERVICE STATION**

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 advised that an application to vary a premise licence was received by the Authority on 1st December, 2014 in respect of Abertawe Service Station, Fabian Way, Swansea, SA1 8PA.

She referred to the relevant statutory provisions, policy considerations and guidance issued by the Home Office.

She advised that objections had been received from South Wales Police in relation to the undermining of the key licensing objectives namely the prevention of crime and disorder; the prevention of public nuisance and the protection of children from harm.

The Police Licensing Officer amplified his written representations in relation to the licence variation application.

He stated that the application was to increase the hours for the sale of alcohol and late night refreshment so that the licensable activities are permitted 24 hours a day. The application is one of several generic applications that Petrogas Group UK Ltd had submitted in Swansea. The other applications were in respect of Burrows Service Station and Wychtree Service Station.

He stated that the applications did not take account of the differences between sites or location of the service stations.

He stated that Abertawe Service Station is located on the A483 travelling away from Swansea and was close to both Blaen y Maes, which has a large residential population and an area known locally as Garden City which is also a residential area.

He referred to the 16 cameras, including the external cameras, and the direction of recording which were indicated on the site diagram.

He stated that he had visited the premises and following discussions with staff discovered that the working practices had been altered some months ago with the garage door having to be locked at 10.00 pm to combat the number of instances of theft and abusive behaviour to staff from walk-in customers.

He advised that he had examined the site and wished to object to the extension of hours for the sale of alcohol for the following reasons:

- Under the working practices at the premises, there is a lone member of staff employed from 10.30 pm until 6.30 am each day. Working practices had already changed to combat existing problems at the site. Having to deal with potentially intoxicated persons for sales of alcohol during these times the member of staff would be placed in a position of vulnerability and would be faced with the choice of serving those persons who are not in a fit state to be served or risk the confrontation that a refusal of sale may bring.
- The proposal is to serve alcohol through a hatch at the counter area of the premises. This area, in its current form, would be unsuitable as the point of service for anything other than single bottles or cans of drink due to its size. Should a case, or 'slab', of drinks be purchased it is not likely to be met kindly by the customer for the shop assistant having to decant bottles and cans from secure packaging solely to fit them through the hatch increasing the possibility that the door will have to be opened to pass bulk purchases to customers, thereby putting the lone worker, and the shop, at much greater risk. The hatch would also be a barrier in assessing the demeanour of a customer due to the fact

that it would not be possible to assess whether the person smelled of intoxicants, thus removing one of the strands of assessment. This could leave a member of staff with little training in aspects of age related sales dealing with problem customers so he suggested a condition should the Sub Committee be mindful to approve the application.

- With regard to public safety, “staff will be trained to be alert to any potential danger to customers and react accordingly”. He questioned how staff would be trained and by what means a lone member of staff would be able to diffuse a situation from inside the premises during the hours requested in the application. He stated that he did not believe the applicant could promote this objective against an issue they identify.
- In relation to public nuisance the application states that no-one will be permitted to hang around the premises. He questioned how this would be achieved.
- With regard to CCTV cameras picking up any disturbances, the current setup of cameras do not cover any of the areas accessible by foot.
- In relation to the protection of children from harm, he expressed concern regarding proxy sales.
- He questioned how a lone member of staff would summon help should the need arise.

He stated that he did not believe that the application addressed the promotion of the licensing objectives adequately in respect of the extra hours requested for the sale of alcohol given the potential issues involved. Additionally, given the location of the premises and the current and proposed operating practices he stated that the granting of the licence would contravene the licensing objectives.

However, should the Sub Committee be minded to grant the licence, he detailed proposed conditions to address the issues previously highlighted.

In response to Member questions, the Police Licensing Officer stated that:

- Incidences of anti-social behaviour had been reported at the premises. However, he was unsure of exact details. Incidents tended to be reported at the premises between 18.00 to 01.00 hours.
- The condition relating to consuming soft and alcoholic drinks within the curtilage of the premises were to prevent individuals sitting on the forecourt drinking.
- He confirmed that the conditions could be adapted to apply to the situation.
- He detailed the location of the serving hatch on the plan and stated it would be situated by the till.

The Lawyer advising the Committee sought clarity regarding the condition relating to the “absolute minimum of delay in relation to the production of CCTV footage”. The Police Licensing Officer confirmed that a reasonable time (1 or 2 hours) in order to interview someone in custody.

The Applicant stated that 3 applications were being considered. He detailed the background of Petro Gas Group UK Ltd which had been in operation since 2007. He stated that the company owned 56 sites in South of England and Wales, 55 of which were licensed to sell alcohol. 51 of the sites were 24 hour alcohol sites and had not caused problems. Of the remaining 4 premises three were considered unsuitable for 24 operation and 1 was classed as a garage. The 3 applications were generic and the businesses were operated in the same generic manner.

The 3 Swansea sites had been a recent acquisition in early November/December 2014. There had been local hostility with members of staff as working practices had changed to best practice in what had previously been poorly operated premises.

Petro Gas Group UK Ltd was an experienced operator, trading profitable sites which had been desirable for local businesses. The operation of a 24 hour licence for the sale of alcohol was not because people come from miles away to get a drink from a petrol station. Customers purchases are not purely alcohol, they consist of hot drinks, cereal etc. Every 5 or 6 customers buy a bottle of wine increasing the basket spend from £5 to £10. The premises were not intended as a drive through bottle store.

The Applicant confirmed that he had not received emails or any communications from South Wales Police.

In relation to the Police concerns regarding the citing of CCTV cameras, he was content for cameras to be redirected to cover point of sale (hatch). Indeed, the citing of CCTV cameras at the point of sale operates in every single site owned by Petro Gas Group UK Ltd.

He confirmed that the store closed to public at 22.00 hours (application says 23.00 hours) and re-opened at 06.00 hours. These hours are rigidly enforced. The single staff member working through the night is locked in and there is no situation that the door is open. A security guard is operational at Abertawe Service Station between 22.00 and 04.00 hours.

Petro Gas UK Ltd are not interested in people coming to get 24 cans. There is a limit to what is available and packs will not be broken down. The hatch enabled single cans and bottles to be sold.

Staff at the premises would be trained to reproduce CCTV date within a reasonable timescale. Should there be a serious incident the garage would be shut and therefore Police will get images. As a general rule, customers do not attend throughout the night.

The company discourage individuals hanging around not least because of the flammable nature of product being sold.

In respect of proxy sales whilst training is provided it is difficult to deter this at any time of the day.

Petro Gas Group UK Ltd have operated 51 24 hour sites since 2007. They run a profitable operation and there has never been a problem at any of the sites.

He referred to the conditions suggested by the Police should the Sub Committee be minded to grant the application. Whilst he was happy to embrace, some were not workable particularly in relation to ensuring the Personal Licence Holder was on site at all times. Additionally, he stated that none of the representations heard had suggested a need for such a condition.

He referred to the Abertawe site as unique in so far as a security guard was employed between the hours of 22.00 – 04.00 hours. This was a condition of the existing licence. He stated that he was content to extend the provision of a security guard by 2 hours.

In summary he stated that the Abertawe Service Station and the others had not previously been managed effectively. He reiterated his statement that Petro Gas Group UK Ltd was experienced in the 24 hour sale of alcohol and had not experienced any problems in any sites since 2007. He urged the Sub Committee to agree the application as submitted.

In response to Member questions, the Applicant stated that he had not had a conversation with the Police Licensing Officer (or received any email) and confirmed that there would be no cheap alcohol promotions at the premises.

The Police Licensing Officer requested an Adjournment in order to discuss issues with the Applicant.

The meeting Adjourned at 10.55 a.m.

The meeting Reconvened at 11.35 a.m.

The Lawyer advising the Committee sought clarify from the Police Licensing Officer regarding additions and modifications to the conditions.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant in respect of all 3 applications.

The application in respect of **Abertawe Service Station** had therefore been amended and agreed as follows:

Supply of Alcohol – Monday to Sunday 08.00 hours to 02.00 hours;

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A comprehensive recordable CCTV system will be installed and maintained covering the 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 request of a Police or Authorised Officer.

2. 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 and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the forecourt.
7. A security guard shall be on site on Thursdays, Fridays and Saturdays between the hours of 22.00 and 06.00 hours.
8. A log shall be kept detailed 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.
9. There shall be no admittance to the shop premises between 22.00 and 06.00 hours.
10. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
11. Preventative measures to be put in place (and agreed with Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The application in respect of **Burrows Service Station** had therefore been amended and agreed as follows:

Supply of Alcohol – Monday to Sunday 08.00 hours to 02.00 hours.

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A comprehensive recordable CCTV system will be installed and maintained covering the 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 request of a Police or Authorised Officer.

2. 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 and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the-forecourt.
7. A log shall be kept detailed 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. There shall be no admittance or re-admittance to the shop premises between 22.00 and 06.00hours.
9. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
10. Preventative measures to be put in place (and agreed with the Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The application in respect of **Wychtree Service Station** had therefore been amended and agreed as follows:

Supply of Alcohol – Monday to Saturday 24 hour sales.

The above agreement was subject to the following additions and modifications to the Operating Schedule and premises licence conditions:

1. A comprehensive recordable CCTV system will be installed and maintained covering the 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 request of a Police or Authorised Officer.

2. 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 and download, if required, without unreasonable delay.
3. 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 holographic mark.
4. Premises keep up to date records, in written or electronic forms, available for inspection of staff training in respect of age related sales.
5. Notices shall be prominently displayed at all exits requested patrons to respect the needs of local residents and leave the area quietly.
6. No consumption of soft or alcoholic drinks to be permitted on the forecourt.
7. A log shall be kept detailed 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. There shall be no admittance or re-admittance to the shop premises between 22.00 and 06.00hours.
9. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at all times to record any incidents of note.
10. Preventative measures to be put in place (as agreed with the Police) to deter public nuisance with details of the measures to be provided to the Licensing Authority.

The Police Licensing Officer confirmed that the Police representation had been withdrawn as a result of agreement being reached with the Applicant.

The Committee resolved to grant the variation in the terms of the amended application.

The meeting ended at 12.04 pm

CHAIR