

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COUNCIL CHAMBER, GUILDHALL, SWANSEA ON
WEDNESDAY, 29 APRIL 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

| Councillor(s) | Councillor(s) |
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| | |
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| A M Cook | K E Marsh |
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Officers:

| | | |
|-----------|---|-----------------------------|
| L Thomas | - | Senior Lawyer |
| L Anthony | - | Senior Licensing Officer |
| B Walker | - | Licensing Officer |
| S Woon | - | Democratic Services Officer |

Other Persons:

| | | |
|----------------|---|----------------|
| Mrs J Williams | - | Local Resident |
| Mr Hopkins | - | Local Resident |
| Mr Lewis | - | Local Resident |
| Mrs Morgan | - | Local Resident |
| Mrs Jones | - | Local Resident |
| Mr/Mrs? Evans | - | Local Resident |
| Mrs C Williams | - | Local Resident |
| Mr Mann | - | Local Resident |
| Mrs Scott | - | Local Resident |

Morgan's Hotels, Somerset Place, Swansea, SA1 1RR:

| | | |
|----------------|---|---------------------------|
| Mr Gallagher | - | General Manager |
| Ms A Mountford | - | Food and Beverage Manager |

10 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

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 - MORGANS HOTELS, SOMERSET PLACE, SWANSEA, SA1 1RR.**

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 Premises Licence in respect of Morgan's Hotels, Somerset Place, Swansea, SA1 1RR. She 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.

A representation had been received from South Wales Police on 27 March 2015. The representation related to a discrepancy in the operation schedule conditions and five additional conditions to be attached to the operating schedule. The Applicant had agreed to amend the Operating Schedule and South Wales Police have made no further representations and had withdrawn the representation. The revised Operating Schedule was detailed at Appendix C.

34 representations have been received from Other Persons. A copy of their representations was attached at Appendix D. The representations related to the prevention of public nuisance.

Mrs J Williams, Local Resident, speaking on behalf of herself other residents, further amplified the written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance.

She stated that it was getting unbearable to live next door to Morgan's Hotel and despite making many complaints nothing had been done. She alleged that Morgan's Hotel existing License had been abused, with late customers and music until 02.00 hours in the external decking area. She stated that both herself and other residents could not sleep with the constant noise between 11.00 and 02.00 hours which was affecting residents' health. None of the properties benefitted from double glazing and the external decking area was 1 foot away from where she sleeps. Staff at Morgan's Hotel had been contacted on many occasions and Residents felt that as Morgan's Hotel had a Licence there was nothing that residents could do. Residents grandchildren were not able to stay overnight due to the bad language and vomiting. Mr Morgan had purchased all the properties around the Residents and it was becoming unbearable, even patrons staying in the Hotel were complaining about the noise. An extension of the licence would encourage patrons in Wind Street to drink in Morgan's Hotel. In her opinion, since Morgan's applied to extend the licence it had been heaven, and Residents could hear the birds.

In response to Member questions, Mrs J Williams stated that:

- she had complained to Morgan's Hotel and had a meeting with Staff at the Hotel, Pollution Control Officers and the Police Licensing Officer. The outcome of that meeting had resulted in an agreement to sound proof and close windows. However, this did not happen. Subsequently, Pollution Control Officers had taken no action. There appeared to be a high turnover of staff at Morgan's Hotel and therefore there was no consistency when Residents contacted the Hotel to complain. Additionally, when residents had attempted to phone the Hotel to complain there had been no reply as the telephone simply 'rangs out'.
- Morgan's Hotel had not abided with their current licence and appeared to extend their hours to suit themselves.
- Residents' had witnessed vomiting, sexual activity and damage to cars. Windows were closed throughout the year.
- Gwalia (as the Landlord) had been contacted by Residents and had advised residents to contact the Hotel and Pollution Control Officers directly. Residents had requested that Gwalia write to the Council and this had been the first time Gwalia had been formally involved;
- the noise was audible despite residents doors and windows being closed as the noise penetrated through the building. The noise was primarily throughout the weekend and occasionally mid week.
- The transfer of glass bottles to bins had previously taken place every morning and the Council had stated that there was nothing that could be done to alleviate this.
- individuals causing the anti social problems were patrons of Morgan's Hotel and she had witnessed them coming through the gate at the bottom of the external drinking area.

The Divisional Officer Licensing, Food and Safety detailed the number of complaints logged by Pollution Control since 2002.

In response to a Member questions, Mrs J Williams confirmed the number of complaints to Pollution Control as 12. However, she reiterated that Mr Hobbs (former Pollution Control Officer) had told her something would be done about the noise.

Mr Hopkins, Local Resident, further amplified his written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. He expressed concerns in relation to noise nuisance. He stated that he resided some distance from the Hotel in a property that benefitted from double glazing yet the music still penetrated the building. He reported that he was unable to open windows during the Summer months. He referred to special events held at the Hotel when the car park opposite the Hotel was used and the street was blocked off. He stated that he had reported loud music and sale of alcohol which was way beyond the current

licence and strongly objected to the granting of the licence. He referred to the use of CCTV in outdoor areas of the Hotel where alcohol was served.

In response to a Member questions, Mr Hopkins stated that:

- he had informed the Police and Morgan's Hotel when the road had been blocked. The Manager had stated that the Hotel had an event licence to do this. He had reported the road closure to the Highways agency, however, no action was taken as the complaint was made after the event had finished. Pollution Control Officers had requested that he evidence all incidents of noise nuisance and they would do something next time. However, there had been a breakdown in the system and nothing had been done; and
- Neither he, nor the other Residents were aware of their rights to seek a review of the premises licence.

Mr Lewis, Local Resident, further amplified his written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. He stated that he had previously run a public house and was aware of his rights in relation to objecting to a licence. He queried why staff could not empty their glass bins in the designated area in the Strand. He stated that patrons were climbing over walls, engaging in sexual activity on the patio tables and chairs, banging on windows, throwing glass bottles over the walls and using bad language. He referred to Residents grandchildren being unable to stay with grandparents due to the bad language. He reported that live music continues until at least 12.30 hours where other public houses in the area cease at 11.00 hours.

In response to a Member question Mr Lewis stated that glass bins were emptied at 06.00 hours and were kept in smoking area. He stated that Morgan's Hotel had not adhered to the conditions of their licence.

Mrs S P Morgan, Local Resident, further amplified her written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. She stated that everything that has been said previously by Residents was correct. She stated that she had lived there for 30 years and initially Morgan's Hotel was destined to bring prosperity to the area but this had simply resulted in noise nuisance. She reported that her grandchildren did not want to stay with her and clothes had been stolen from the washing line. Individuals had entered her garden area and urinated by the washing line.

In response to a Member question, Mrs S P Morgan confirmed that she had phoned the Police to complain.

Mrs B Jones, Local Resident, further amplified her written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. She stated that she had lived in the area for 23 years and it had been lovely. However, grandchildren were not allowed to stay due to the noise and bad language.

Mrs Nicollile, Local Resident, further amplified her written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. She referred to the distance between the nearest flat and drinking area and enquired whether a site visit had been undertaken. She stated that she agreed with everything that had been stated by Residents.

Mrs/Mr? L M Evans, Local Resident, further amplified her/his written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. He/She stated that she agreed with everything that has been said and had nothing further to add.

Mrs C Williams, Local Resident, further amplified her written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. She stated that she agreed with everything that has been said and that the area was now an extension of Wind Street. She reported that Morgan's Hotel had added to crime, chaos and negativity to her quality of life. She urged the Members to visit the area to understand proximity of the Hotel and properties.

The Chair stated that Officers had visited the area and provided feedback to Members.

In response to a Member question, Mrs C Williams stated that she had stayed at Morgan's Hotel and had spoken to patrons at the Hotel who had complained about the noise. She referred to negative comments on Trip Advisor regarding the noise at Morgan's Hotel.

The Lawyer advising the Committee referred to the Hearing Regulations in relation to the introduction of new information. She stated that the Applicant must be in agreement prior to further information being submitted to ensure a fair hearing.

Mr Mann, Local Resident, further amplified his written representations objecting to the application and highlighted his concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. He stated that he had suffered noise nuisance from Morgan's Hotel which had been ongoing for a long time.

The Lawyer advising the Committee confirmed that all representations had been read and taken into account in respect of the decision making process.

Mr M Gallaher, General Manager, Morgan's Hotel, stated that he had been in post for 15 months. He referred to the newly appointed Food and Beverage Manager, Ms A Mountford who had recently re-joined the employment of the Hotel after a break.

He confirmed that this was his first dealing with the Local Residents, none of whom had spoken to him personally. He referred to the role of the Night Porters at the Hotel, many of whom had been there since the establishment of the Hotel. The Night Porters were very mature and would report any issues, should they arise.

However, there had been no comments from Night Porters over last 14 months. Furthermore, no complaints had been received by the Food and Beverage Manager over the last 15 months.

He provided a profile of the clientelle Morgan's Hotel was aiming to attract, with a pricing structure on the higher end of the market. He detailed the cost of the average room which was not attractive to Stag or Hen parties. He detailed the cost of the Wedding packages which ranged from £15,000-£16,000. A pint of beer/lager at Morgan's Hotel cost £4.90 a pint as opposed to £2.20 in Wind Street.

He stated that Morgan's Hotel was a popular venue which had grown year on year. The windows in the bar area could not open, however, the premises benefitted from air conditioning. As a listed building certain modifications cannot be made, such as double glazing.

He referred to the external drinking area which benefited from an automatic locking door, accessible to residents with the use of their room access cards. The door to the external drinking area was locked at 10.30 hours and only available to residents. He stated that the area was monitored closely as there are 4 rooms overlooking the area. He reported that no complaints of noise had been received in respect of the external drinking area and highlighted his duty of care to the residents, many of whom had paid £200 for a room.

He referred to the historic problems experienced by Local Residents with regards to removal of glass. It was noted that, since 1st April, 2015, the contract for waste removal had been awarded to Veolia and Local Residents would have noticed a reduction in noise during this period. He confirmed that staff do not move glass before 8 am and do not empty until 11.00.

He stated that guests were not allowed access through the gate in the external drinking area and any one caught trying to do so would be barred. He highlighted that the premises is on the entranceway to SA1 and, as such, the area was used as a thoroughfare from Wind Street to SA1.

In response to Member questions, Mr Gallaher stated that:

- he had received no contact or concerns from Local Residents in the last 15 months;
- he was not aware of any road closures as a result of event days when the car park opposite the premises would be utilised;
- he worked 4 days Monday to Friday and one day over the weekend, Saturday or Sunday, 7 am for 5-6 hours, Saturday and Sunday, 6pm until 11 pm or Sunday 7 until 11 am. Saturdays and sometimes Sundays. He did not reside at the Hotel, however any issues are reported through the Night Porter. He detailed the management structure at the Hotel and confirmed that the Food and Beverage Manager was the Designated Persons.
- he had no knowledge of any problems that the residents state they had experienced. He detailed the complaints system for residential and non residential customers;

- Potential customers were targeted via mass marketing which was determined by pricing structure. He was not aware of potential customers not staying at the Hotel because of any reports of anti-social behaviour. He referred to the positive trip advisor reviews and the number of high profile revisiting customers;
- The Hotel enjoyed 87% occupancy and is a successful 4 star graded premises, branded with the top 50 in Wales. The Hotel employed excellent staff who followed procedure and guidelines especially in relation to age verification and not serving intoxicated individuals.

Ms A Scott, Gwalia Neighbourhood Housing Officer, accompanied by Hannah??? (former Neighbourhood Housing Officer) further amplified her written representations objecting to the application and highlighted her concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance. She referred to a number of complaints from residents in Somerset Place regarding the behaviour of patrons of Morgan's Hotel. Complaints had been in relation to anti social behaviour, urinating, vomiting, sexual activity, unlawful use of the car park by Morgan's Customers and noise nuisance in the beer Garden. She stated that she represented Gwalia as Landlord and expressed her concerns about the residents, many of whom were vulnerable. Additionally, Gwalia were concerned about the future letting of properties in Somerset Place.

In response to a question from the Senior Lawyer, Ms Scott stated that she had not contacted the General Manager at Morgan's Hotel or sought independent legal advice. However, Ms Scott stated that she had spoken to her Senior Manager at Gwalia Housing who stated that any evidence would need to be supplied and presented by the residents.

In response to a Member question, Ms Scott stated that she was unaware of the time of the gate being installed but would make enquiries. She further stated that her predecessor did not have evidence of the problems experienced by residents but was aware of their concerns.

In response to a Resident question, Ms A Mountford stated that she had previously worked in Morgan's Hotel 8 years ago and had returned in March 2015. She apologised for any previous experiences Local Residents may have had and stated that she had not been aware of any complaints until her recent conversation with the Licensing Officer.

She stated that she adopted a disciplined management style. She detailed her working hours which were every Friday, Saturday and events.

She stated that Mr Morgan had no plans for bars and to create a new Wind Street. She referred to the football events, and stated that there was not a massive clientele on these days as the price dictates that they go to Wind Street.

Fancy dress, is not tolerated and potential patrons are refused entry. There are strict guidelines regarding emptying bottle bins, and they are not moved until after 11 am to coincide with the check out for residents.

Whilst the hotel had a licenced until 01.00 on Friday, the Hotel did not stay open late. The application for the extra half hour will only be used by the Hotel when it is required. Music is stopped at 11.45. She could not vouch for incidents that may have happened prior to her appointment but stated that she would listen and act on complaints.

In response to a Resident Question, the Ms A Mountford stated that a Challenge 21 Scheme was operational and tills are programmed so that staff can include reasons for sales refusals.

In response to a Residents question, both the General Manager and Food and Beverage Manager stated their respective qualifications.

In response to a Residents question, the General Manager stated that there was always a Manager on site and he was not aware of people who are there until 2 am. The external drinking area benefitted from CCTV 24 hours a day, however, this does not cover the gate.

In response to a Residents question, the General Manager detailed the types of events at the premises.

In response to a Member question, the General Manager detailed the rationale for the request for late night refreshment.

The Lawyer advising the Committee detailed the activities that had been deregulated under the Licensing Act. She stated that licensed premises would ask for broad base of what may be required in the future, however, on a daily basis the extra hours would not be used. The Licensing Act was not a panacea to people parking on your land.

In conclusion, the General Manager stated that the concerns of residents had been brought to his attention, and he apologised to Local Residents for previous issues. He detailed his plans for Morgan's Hotel in relation to their, mission statement and pricing strategy. He stated that he would attend local community meetings and was happy to assist convening these meetings in the Hotel. He stated that alcohol does change mind sets and he could not be responsible for individuals' behaviour when outside the building. He referred to the thoroughfare of individuals exiting Wind Street to SA1 and stated he could not take responsibility for every drunken act. The Chair stated that Members had agreed to undertake a site visit to the premises and that the Sub Committee would be reconvened at 3 p.m. in the afternoon. Members adjourned to undertake a site visit to Morgan's Hotel.

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. She stated that the Sub-Committee had undertaken a site visit and considered the application, representations 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** that the application be **GRANTED** with the following modifications to the Application and Conditions:

Licensable Activities:

Plays (indoors only)

Monday – Sunday 18.00 – 23.00 hours

Live Music (indoors only)

Monday – Sunday 11.00 – 00.00 hours

Beaujolais Day 11.00 – 01.00 hours

New Years Eve 18.00 – 01.00 hours

Boxing Day 18.00 – 01.00 hours

Recorded Music (indoors only)

Sunday to Thursday 08:00 hours - 00:00 hours

Friday & Saturday 08.00 hours - 00:00 hours

Beaujolais Day 08.00 hours – 01.00 hours

Boxing Day 08.00 hours - 01.00 hours

New Years Eve 08.00 hours – 01.00 hours.

Performance of Dance (indoors only)

Monday – Sunday 18.00 hours – 23.00 hours.

Late Night Refreshment (indoors)

Sunday to Thursday 23:00hours – 01.00 hours

Friday and Saturday 23:00hours - 02:00 hours

Supply of Alcohol (on and off the premises)

Sunday to Thursday 11:00hours - 00:30hours

Friday & Saturday 11:00hours - 01:30hours

Beaujolais Day 11.00 hours – 01.00 hours

Boxing Day 11.00 hours – 01.00 hours

New Years Eve 11.00 hours – 01.00 hours.

Hours the Premises are Open to The Public

Sunday to Thursday 08:00hours – 01.00 hours

Friday and Saturday 08:00hours - 02:00 hours

Beaujolais Day 08.00 hours – 02.00 hours

Boxing Day 08.00 hours – 02.00 hours

New Years Eve 08.00 hours – 02.00 hours.

Conditions:

1. SIA licensed door staff to be employed when regulated entertainment is provided on the following days: Beaujolais Day, the two Fridays prior to Christmas Day, Boxing Day & New Years Eve. The exception to this being when the whole premises has been hired for the exclusion use by a private party and there will be no admittance to the general public, in which case the requirement for SIA Door Staff can be withdrawn with the consent of the Police Licensing Officer and Council Licensing Officer as long as the notice is given in writing at least 14 days prior to the event.
2. A register of door supervisors (Safer Swansea Partnership Register or like detailed bound numerical register), 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 enforced and the register to be available for inspection on request of an authorised officer.
3. The sale of Alcohol and Late Night Refreshment will only be sold by means of a 'bill to room' facility after the hours the premises close to the public to ensure that they are only sold to residents.
4. Area identified on the plan as external drinking area (External Drinking Area) to be cleared of all customers by 22.30* hours.
5. External drinking area to be regularly supervised by staff from the premises when in use. Supervision levels to be agreed in writing between the Licence holder and the Licensing Authority, copies are to be kept on the file at the authority and premises.
6. No glass or glass bottles are to be taken outside the premises and suitable non glass drinking receptacles are to be used in the External Drinking Area.
7. CCTV will be provided in the form of a recordable system, capable of providing pictures or evidential quality in all lighting columns 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 areas to include the gate in the External Drinking Area. 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 times and date stamped, recordings must be kept in date order, number 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 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 a technical failure of the CCTV equipment, the Premises Licence Holder/DPS must report the failure to the Police/Local Authority.
8. Premises is participate in Police led initiatives to target drug misuse at the venue. Participation to include full co-operation with South Wales Police led drug itemiser and drug search operations.

9. No drinking shall take place on the highway at the front of the premises other than by customers who are seated within the area identified on the plan covered by a pavement café licence. This area is to utilise non glass drinking receptacles.
10. Managers/supervisors of the premises to attend the fully participate in the City Centre Pub and Club Watch Scheme as agreed with the Licensing Authority. Agreement to be in writing between the Licence Holder and Licensing Authority and copies are to be kept on file at the authority and premises.
11. Premises to actively participate in the City Centre Exclusion Order Scheme in accordance with the operating procedure of the Scheme.
12. Premises shall have an adequate system of counting persons in and out to ensure that the customer levels in all areas do not exceed the agreed limit.
13. Speakers shall not be located in the entrance lobby or outside.
14. No adult entertainment to take place at the premises.
15. Notices shall be prominent clear and legible and (amended by cttee) displayed in the designated smoking areas shown on the plan and the area covered by the pavement café licence requesting patrons to respect the needs of local residents and use the area quietly.
16. Notices shall be prominent clear and legible and (amended by cttee) displayed at all exits request patrons to respect the needs of local residents and leave the area quietly.
17. 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.
18. 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.
19. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
20. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition of providing sales of alcohol to persons under the age of eighteen years.
21. The premises shall not dispose, move or empty bins of glass bottles between the hours of 23.00 hours to 08.00 hours.
22. During periods of all live and recorded music, windows and doors in the restaurant, café bar and lower bar shall be kept closed at all times except for access and egress.
23. A dedicated telephone number of the Duty Manager to be provided to all local residents. The number is to have a record facility and messages are to be checked daily.
24. During periods of live entertainment a staff member from the premises will monitor around the vicinity of the premises to ensure that no noise is escaping from the premises. A log shall be kept with a record of every time the staff member monitors the vicinity including the name of the person doing the walk the time and date and any incidents of note. The log shall be available for inspection at the premises by an authorised officer.

Reasons for Decision

The Sub Committee, having regard to the relevant parts of Statutory Guidance the Council's statement of Licensing Policy and of the Licencing Act 2003 and having considered all the relevant representations made and heard from other persons and the representatives of the applicant, formed the view that granting the application would not undermine the Licensing Objectives.

The Sub Committee considered the issues which had been the subject of the relevant representations could be dealt with by way of amended and additional conditions to the licence.

The Sub Committee noted that even though there were a number of recorded complaints made by local residents no action had been taken by the responsible authorities or the residents themselves to deal with the alleged crime and disorder and public nuisance arising as a result of the operation of the premises under its existing licence. Whatever the decision today the existing licence would continue the Sub Committee being unable to take any action.

In addition in the absence of evidence from Gwalia Housing the owners of the adjoining land and the other persons that they had made complaints to them, the Sub Committee accepted the position of the representatives of the applicant Mr Mark Gallagher and Ms Angharad Mountford both relatively new in post were unaware of the issues.

The Committee also noted that TEN's used by the Applicant had not been opposed by either the Police or Environmental Health and no representations has been made by the Environment Health. The Sub Committee considered that as South Wales Police had withdrawn their representation they were satisfied the granting of the licence would not undermine the licencing objective of the prevention of crime and disorder. The committee formed the view that as Environmental Health, who had had complaints made to them, did not make any representations that department did not consider a grant would undermine the licensing objective of the prevention of public nuisance.

The applicant's representatives, Miss Mountford and Mr Gallagher assurances that now they were now on notice of potential issues with the operation of the premises were accepted by committee and the committee were confident any complaints would be properly dealt with. The conditions 5, 7, 23,24 as modified would facilitate better dialogue between the residents and the applicant if any issues arose and ensure the premises would have records of any incidents reported .

The Committee did not take account of the car parking and trespassing issues raised by the residents as that was a matter for the residents and/or the landowners, (Gwalia) to take up with those persons. As for alleged road closures Mr Gallagher assured the Sub Committee that this would not be done without the appropriate authorisation and in fact had not been done in the past although use of the car park for special occasions meant staff and patrons would be crossing the road .Advice was given to the residents as to how to report any obstruction to the highway .

There was no evidence that the public nuisance caused to the residents in their garden or outside the premises was solely caused by the applicant's patrons or was

linked to the operation of the premises. The premises could not be responsible for public nuisance caused by persons off the premises and who were beyond the direct control of those with responsibility for managing and controlling the premises. Somerset Place and, although to a lesser extent, Pier Street are thoroughfares between Wind Street and SA1 and therefore persons in the applicant's premises were unlikely to be solely responsible for the public nuisance and crime and disorder being alleged by the residents outside the premises.

The Sub Committee undertook a site visit and it was evident access to the residents gardens could be achieved direct from Pier Street and Somerset Place.

The Sub Committee also took into account the presence of other licensed premises in the vicinity, being the Queens, Schooner (any others mentioned?) whose patrons may be responsible for any disturbance and activities in the vicinity of the applicant .

In accordance with the Council's policy and the guidance, the Sub Committee accepted licensing is not the primary mechanism for general control of public nuisance and antisocial behaviour away from the licensed premises.

The Sub Committee were mindful that the applicant was located outside the cumulative impact area and the Council's policy is permissive subject to the promotion of the Licensing Objectives.

Members relied on the fact that the guidance recommends that the Sub Committee should not duplicate the regimes that deal with issues unless those regimes have been found not to work in any given circumstances. As there had been no action by Environmental Health, the Police and no action had been taken by the residents with regard to reviewing the existing licence, the Sub Committee was not satisfied that those regimes would not work if used.

The Sub Committee felt after hearing from the applicant's representative, Mr Gallagher, that external glass collections had been changed and would be now only once a week. Therefore the committee's view was it could address the complaints made with regard to glass bottles inside the premises by the addition of a condition. There would be no emptying of glass bottles between 23.00 and 08.00 which would prevent that form of nuisance.

Ms Angharad Mountford advised the Sub Committee that glass bottle collections internally were not done until after 11.00 in any event as residents were in the area where the glass bottles were collated and could not be disturbed.

The Members heard that there was considerable nuisance caused by the use of the external drinking area. Due to the proximity of the residents homes and garden to the external drinking area the committee accepted that was potential for public nuisance being caused by the use of the external drinking area. The Sub Committee considered that by reducing the hours the external drinking area could be used and ensuring those areas were monitored during those hours and after it was closed would ensure that guests of the premises would not continue any nuisance after the public were excluded from the premises. It was accepted that certain guests would have to have to go across the external drinking area in order to gain access to

their rooms. The extension of the CCTV to the gate at the end of the external drinking area would also enable the premises to monitor the behaviour of its patrons and deal with any patrons attempting to climb over the wall into the residents' gardens.

The Sub Committee also accepted there was potential for noise from recorded and live music in the premises in light of the proximity of the premises to the residents' homes so the reduction in hours sought, the requirement for doors and windows to be closed, and staff monitoring the external vicinity of the premises while there is entertainment on would ensure any noise escape would be limited and dealt with appropriately if it did occur.

The meeting ended at 3.30 pm

CHAIR