

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
MONDAY, 24 AUGUST 2015 AT 10.30 AM

PRESENT: Councillor P M Matthews (Chair) Presided

| Councillor(s) | Councillor(s) | Councillor(s) |
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| V M Evans | K E Marsh | |
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Officers:

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

Other persons:

Mad Hatters, 29 Newton Road, Mumbles, Swansea

Mr D Dawson - Applicant

Mr H Gilbert - Supporting Applicant

16 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

17 **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.

18 **LICENSING ACT 2003 - SECTION 17 APPLICATION FOR A PREMISES LICENSE
- MAD HATTERS, 29 NEWTON ROAD, MUMBLES, SWANSEA.**

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 Senior Licensing Officer reported on the application for a premises licence in respect of Mad Hatters, 29 Newton Road, Mumbles, Swansea. He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office.

It was outlined that the application for a premises licence was provided at Appendix A, the location plan of the premises were provided at Appendix B, conditions consistent with the operating schedule were at Appendix C, and the representations made by other persons at Appendix D. The representation related to the prevention of crime and disorder and public nuisance. The Senior Licensing Officer read out the representation provided by other persons. Reference was made to the second paragraph of the representation at Appendix D. The Senior Lawyer advised the Committee that the references to need was not a matter they could take into consideration. With regard to issues arising with the properties named this should not be taken into account as the information appeared anecdotal and lacked detail as no evidence was provided to support the comments.

Mr D Dawson, Applicant, supported by Mr H Gilbert, spoke in support of the Section 17 Application for a new premises licence. They outlined the background details in relation to the application.

Reference was made to the representation made by one other person, who, in the opinion of the Applicants, had misinterpreted the position of the premises on Newton Road. It was added that the actual position of the premises would not affect the person who had made the representation outlined in Appendix D. The Applicants added that the premises would be operating a table service only, operating a café bistro during the day and al la carte menu during the evening. The Applicants confirmed that they would use everything at their disposal to promote the Licensing Objectives and would place notices within the premises requesting that patrons be respectful to the local community when leaving the premises. Photographs were also circulated to the Committee showing the floor plan of the premises and the proposed layout of the service counter and tables.

Members asked questions of the Applicants who responded as follows:

- under the prevention of nuisance, patrons would not be allowed admission into the premises after 22:30 in the evenings;
- deliveries to the premises will be between 08:00 and 09:00 in the morning. Some suppliers of the business were also sited on Newton Road making deliveries easier;
- the premises would have 38 dining covers and the last orders for meals would be 22:00;
- CCTV coverage would be digital;
- all staff who work at the premises will be fully trained;
- there will not be a smoking area provided for at the rear or front of the premises;
- There was no smoking area being provided. The porch/awning entrance to the premises is strictly a no smoking area;
- bins will be emptied daily and stored at the car park at the rear of the premises.

In summary, Mr Dawson referred to his earlier comments and stated that he was happy with the application and had no further comments to make.

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 considered the application, representations made and the needs and interests of all parties in terms of the Council's Statement of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

The Sub-Committee **RESOLVED** that the application **BE GRANTED** subject to conditions that reflect the operating schedule, modified to such an extent as the Authority considered appropriate for the promotion of the Licensing Objectives.

Licensable Activities

Supply of alcohol (on sales only):

Monday to Wednesday 11:00 - 18:00 hrs.

Thursday to Saturday 11:00 - 22:30 hrs.

Sunday 11:00 - 16:00 hrs.

Hours the premises are open to the public:

Monday to Wednesday 08:00 - 18:30 hrs.

Thursday to Saturday 08:00 - 23:00 hrs.

Sunday 10:30 - 16:30 hrs.

Modified Conditions:

5. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

12 - no waste, particularly glass waste, shall be removed or placed in outside areas between 22:00 hrs. and 08:00 hrs.

13 - no waste receptacle from the premises is to be kept on Newton Road, all waste shall be placed for collection no earlier than 30 minutes before the scheduled collection times.

Reasons

In the absence of the other person attending and amplifying or expanding the representation and in the absence of any representations from responsible authorities or other persons, the Sub-Committee attached less weight to the representation suggesting the likely effect of a grant would undermine the licensing objectives. The Members did not consider the grant of the application as modified would undermine the Licensing Objectives.

It was also not evident from the representation where the other person lived, although it was assumed she resided in Walters Crescent. The Members found, after hearing from the applicant, Mr Dawson, that number 29, the premises the subject of the application, was not directly adjacent to a residential road but was in the middle of the premises previously known as Treasure. The Committee disregarded the representation insofar as it related to the consideration of necessity, which was not a matter they could take into account when deciding the application. The alleged issues arising with the other named premises further up Newton Road were not considered to be relevant for the purposes of the application as they were unsubstantiated.

The Members found after hearing Mr Dawson that the premises was a food led premises rather than a drinking establishment and that the alcohol would only be supplied to persons seated at tables. The Applicant also confirmed that the proposed porch, awning was for decorative purposes only. There was no outside seating and no smoking facilities were being provided outside the premises. The Committee accepted Mr Dawson's representations that he would not want anyone smoking underneath the awning outside his premises in any event. However, as it is a highway, Mr Dawson may be in difficulty enforcing against any persons who do stop to smoke under the awning. Therefore condition number 8 was removed from Appendix C. Mr Dawson would deal with any issues that affected his premises by persons using the awning.

With regard to condition 5 (page 30), Appendix C the Licensing Officer, following agreement with the Applicant, indicated that this would be amended so that "of note" would be removed and the types of incidents needed to be noted would be included. This now reads:

"An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority".

The Members were satisfied, having regard to the representations by the applicant that two further Conditions were reasonable and appropriate in order to promote the Licensing Objective for the prevention of public nuisance, namely:

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Cont'd

12. No waste, particularly glass waste, shall be moved, removed or placed in outside areas between 22:00 hours and 08:00 hours.
13. No waste receptacle from the premises is to be kept on Newton Road. All waste shall be placed for collection no earlier than 30 minutes before the scheduled collection times.

The Members accepted Mr Dawson's assurances that his deliveries would be made between 08:00 hrs. and 09:00 hrs. in the morning to minimise disruption. No condition was made to this effect as they recognised he may not be in control of the delivery hours, but they did ask him to act in the spirit of his assurance as far as possible.

The meeting ended at 11.18 am

CHAIR