

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 2, CIVIC CENTRE, SWANSEA ON
WEDNESDAY, 7 OCTOBER 2015 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)	Councillor(s)
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P Downing	T H Rees
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Officers:

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

Applicants:

S Dawkins	- Applicant
P Hall	- Celtic Training
D Slade	- Partner

Other Persons:

J Millard	- Town Clerk, Gorseinon Town Council
Cllr D J Lewis	- Ward Member

19 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

20 **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.

21 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - LOGIC, 12 HIGH STREET, GORSEINON, 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 Logic, 12 High Street, Gorseinon, Swansea. He referred to the Licensing Objectives, policy considerations and the guidance from the Home Office. Specific reference was made to the 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, the representations made by Other Persons at Appendices D, E and F.

A representation had been received from South Wales Police on 14 September, 2015. The representation was subsequently withdrawn on 18 September, 2015. The Applicant had amended the Operating Schedule to reflect the advice given by South Wales Police and those conditions were listed in Appendix C.

A representation had been received from the Pollution Control Division on 7 September, 2015 but was subsequently withdrawn on 14 September, 2015 following a meeting at the premises and the reduction in hours for all licensable activities.

In respect of representations from Other Persons; a representation had been received from Mr J Millard (Clerk of Gorseinon Town Council), Councillor D J Lewis and Mr Holmes. It was noted that the representation from Mr Holmes had been subsequently withdrawn.

A copy of Other Persons representations were attached at Appendix D and E and both related to the prevention of public nuisance and crime and disorder.

Mr J Millard, Clerk of Gorseinon Town Council, 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.

He stated that Gorseinon Town Council welcomed the Club as it revitalised the lower end of Gorseinon. Furthermore, Gorseinon Town Council welcomed wholeheartedly the redevelopment of the former Riley's Club.

Community Council Members had decided to object to the initial hours of 03.00 hours seeking consistency of the other 8 licenced premises hours of closing. The reason for the objection was that it related to the possible impact on the surrounding residential area and prevention of public nuisance.

Gorseinon Town Council had experienced problems of late night closing over last 2-3 years, specifically in relation to the Lewis Jones Club and Wetherspoons. Both had sought extensions on Saturday night and Gorseinon Town Council had been consistent in supporting the community in objecting to anti-social behaviour when leaving the facilities late at night. Petitions had been received by Gorseinon Town Council in respect of both premises. There had been issues with similar licensed premises in terms of other facilities in the immediate area.

Gorseinon Town Council accepted that the Club owners had done everything they could have in terms of modifying the application, especially in respect of the adoption

of CCTV and employment of door staff. However, problems that occur within the Community are related to other premises after patrons leave. There were concerns regarding migration to other Club's that is open later which had been a problem with the Community experiencing anti-social behaviour in the form of vomiting, vandalising cars and fighting.

The Applicant had applied for a closing time of 03.00 hours. Other premises within Gorseinon close at 12.30 – 01.00 hours. Mr J Millard reiterated the need for consistency of closure of licensed premises within the community.

The proposed premises is situated in a mixed use residential area having shops with flats above. Traditional terraced properties were at the rear. Across the road there was a densely populated residential area.

There was an issue with the Police as the reality of the situation was there were no resources on the weekends in Gorseinon as the Police focussed their activities on the City Centre. When there are incidents of anti-social behaviour it takes a time for Police to attend.

CCTV previously provided in Gorseinon had been removed. Gorseinon Town Council funds two key cameras which focus on the public gardens where there have been previous problems.

Mr J Millard stated that on the instruction of Gorseinon Community Council he sought a uniform closure of 01.00 hours.

The Lawyer advising the Committee stated that staggered hours of closure currently operated within Gorseinon. She stated that the issue of consistency in closing times was contrary to the requirements of the Statutory Guidance and Council Policy. She further stated that the Licensing Authority prevents pre-determination of licensing hours without giving consideration to each case on its own merits.

The Lawyer advising the Committee urged Mr J Millard to provide evidence regarding migration and detailed the current closing times of the licensed premises within the area.

In response, Mr J Millard reiterated the experiences over last 2-3 years in respect of the Lewis Jones Club and Wetherspoons premises. Gorseinon Town Council had received representations and delegations from occupiers living around these facilities who had attended Town Council meetings every month to report a series of problems (e.g. vandalism to cars).

In response to a question from the Lawyer advising the Committee, Mr J Millard stated that problems had been successfully resolved with Wetherspoons and Lewis Jones Club as a result of a management Committee meeting with them. The Police were also involved in these negotiations.

Councillor D J Lewis, Ward Member, 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.

Councillor D J Lewis stated that he was thrilled the Applicant was making use of this historic building and he was trying to find a way to make it work for residents.

He stated that Gorseinon had a history of people congregating in middle of Town when licensed premises close and residents had concerns about this happening again. Previous joint working with venues had mitigated a lot of problems.

Whilst other premises were allowed to open after 01.00 hours throughout the week the majority closed at 12.30 hours. He stated that 01.00 hours was late to be having a final drink and patrons had the option of a taxi to take them into the City Centre should they wish to continue drinking.

Mr P Hall, Celtic Training, stated that there was no evidence of anti-social behaviour at the premises. Furthermore, he stated that the concerns of Gorseinon Town Council regarding issues caused by other premises were of no concern to the Applicant.

He referred to the Applicant's business plan and the probability that the premises would not be open after midnight during the week. However, as the premises had a function room the requirement for birthday/wedding parties necessitated the application for late opening hours. It was anticipated that live bands would finish at 11.00 hours, however, the Applicant wished to seek late hours.

In relation to noise disturbance outside premises, this would be mitigated by no rear access apart from emergency exits so there would be no noise at the rear of the property in that respect.

Mr P Hall, Celtic Training, stated that migration would not be a problem and referred to the location of the premises. He also stated that the Applicant would offer a condition of no entry by members of the public after 12.30 hours which assist with any potential migration problems.

It was proposed that the facility could be used for community purposes during the day.

He stated that policing problems were an issue for the Police and not the Applicant. He stated that as the Police do not monitor the area then that was an indication that there were no problems and the lack of Police and Pollution Control Division complaints in respect of anti-social behaviour or noise, proved there was no official back up to the claims and that it was anecdotal.

Mr D Slade, Representing the Applicant, stated that he had been working in the nightclub trade for 25 years and was aware of flashpoints associated with uniform closing hours. He detailed the procedures that would be in place at the premises which included door staff not allowing entry to intoxicated individuals, liaising with taxi firms to ensure taxis were available and at a possible special rate. He stated that the Applicant wanted the venue to work day time and night time with charities

utilising the venue during the day. The venue would employ local staff and was keen to work with Gorseinon Town Council with the objective of providing something for the community. He referred to the provision of CCTV at the venue.

Mr S Dawkins, Applicant, stated that he would consider employing one or two taxi marshalls and the provision of mini buses.

Mr P Hall, Celtic Training, stated that the employment of taxi marshalls would be dependent on the type of event. He also stated that CCTV had been installed to cover the outside pavement area for entry and exit to the property. He advised that the original application had been sought until 02.30 hours and had been reduced to 01.30 hours as a result of taking into account the hours of other premises.

Mr D Slade referred to evidence of trouble occurring when venues close at the same time and staggering release of patrons over longer period of time would be a step in the right direction.

In response to Member questions, the Mr Hall confirmed that:

- The smoking area would be at the front of the building to the left (underneath a shelter) and would be regularly monitored by door staff;
- The venue would accommodate 200-250 patrons and there would be fixed booths and high stools at the venue;
- The venue was not intended as a High Volume Vertical Drinking establishment (HVVD) or a Sex Entertainment Venue (SEV) and the Applicant was willing to remove the request for Adult Entertainment from the application;
- The venue did have a stage and it was intended that meals would be provided in the future;
- There had been no recorded official complaints in respect of the venue;
- The premises drug policy would be in accordance to Police requirements but would include a search policy at the door, Police drug itemiser, Police dogs working in the venue; drugs safe securely locked and itemised;
- Deliveries would take place at the rear of the property during day time hours only. Similarly, bins would be emptied during day time hours (as stated in Condition 10 at Appendix C).

In response to questions from Councillor D J Lewis, the Mr Slater stated that:

- With regard to community use during the day, it was intended that local businesses could use the facility for training, the Community Council may host meetings; coffee mornings; internet café. The main emphasis was for the venue to fit into the community;
- Research had been undertaken within the Community and the proposed venue had been well received.

In response to a question regarding smoking, the Lawyer advising the Committee stated that as there was no designated smoking area, patrons wishing to smoke could do so outside the premises, on the public highway. Patrons smoking on a

public highway was not an issue that was within the Applicant's or indeed the Licensing Authority's control.

In response to questions from Mr J Millard, the Lawyer advising the Committee stated that should the Sub Committee wish to Grant the application she could not guarantee that other licenced premises within the area would not seek to apply for extended hours.

However, the Sub Committee would determine any future applications in accordance with the Statutory Guidance and Council's Policy which stated that each application be determined on its own merit. She referred to the absence of objections from the Police who were experts in relation to crime and disorder issues. She also referred to the lack of objections from the Pollution Control Division and provided a brief summary of the Thwaites case.

In response to a question from Mr J Millard, Mr P Hall stated that he had spoken to Police Licensing Officers who had confirmed there had been no recorded incidents of anti-social behaviour. Mr Hall added that no timescale had been referred to by the Police regarding the recording of anti-social behaviour.

Mr J Millard reiterated his previous comments regarding problems experienced with the Lewis Jones Club.

Mr Hall confirmed that the recording of anti-social behaviour issues are fed through the Police Licensing Officers and problems associated with other premises in the area were nothing to do with Applicant.

The Lawyer advising the Committee stated that the Police had made a representation and conditions had been agreed. The Police had subsequently withdrawn their representations. The Police and Pollution Control Division were the two main responsible authorities have no issues as it has been amended.

Mr Slater stated that Logic was a fledgling business with investors and funds to support business model to survive for a year. He highlighted the need for the 01.00 closing hour.

Councillor D J Lewis referred to his local knowledge in respect of anti-social behaviour occurring in Gorseinon every weekend.

In conclusion, Mr Hall stated that under the Licensing Act any person can ask for a review of licence in relation to any of the Licensing Objectives.

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 **GRANT** the application subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below:

Licensable Activities - to terminate at 01.00hrs - Monday to Sunday

Premises to remain Open to the Public - until 01.30hrs – Monday to Sunday

Modified Conditions

New condition to be added – A written log shall be kept of all confiscated illegal substances which will be stored in a suitable purpose made receptacle / drug safe and arrangements made for the safe disposal of its contents as agreed with South Wales Police .

Former condition 5 modified by adding - The door supervisors will monitor the activities of patrons leaving the premises and remind them of their public responsibilities where necessary.

New condition - No relevant entertainment as defined in s 2A (2) of the Local Government (Miscellaneous Provisions) Act 1982 to take place on the premises.

New condition – A direct telephone number for the manager of the premises shall be made available on request at all times the premises is open and be made available to the Clerk to the Gorseinon Town Council and the Local Ward Member.

New condition – No patrons shall be admitted or re-admitted after 00.00hrs except for customers using external smoking facilities.

Reasons

- Noted that the representations from the Responsible Authorities and Other Person at page 34 of the report were withdrawn due to the agreed modified hours.
- Accepted that Other Persons attending, Mr Millard and Councillor David Lewis still had concerns and wanted the hours to be the same as other licensed premises but the Committee accepted this was against the Statutory Guidance paragraphs 10.13, 10.23, 13.45, 13.22 and 13.44 and in the absence of relevant representations from South Wales Police and the Pollution Control Division of the Council were not persuaded they should depart from the Statutory Guidance.

- The Committee did take account of the location of the premises and its potential capacity and felt that a slight reduction of the terminal hours would promote the Licensing Objective for the prevention of public nuisance.
- As to the concerns of Mr Millard about migration from premises due to the later hours sought, the Committee noted that there were already staggered closing times for the premises which already had premises licences and no actual evidence of migration from those premises was provided save for historical and/or anecdotal information. No review had been sought against those premises and issues had been resolved by dialogue between the parties. Again no representations from South Wales Police about concerns about the hours agreed by them. The offered condition with regard to no admittance or re-admittance after 00.30 hours was welcomed but the Committee thought 00.00 hours would be a better time for this to take effect in order to ensure the condition had the desired effect having regard to the opening hours of other premises.
- The Committee accepted in good faith the Applicants representations that this would not be a High Volume Vertical Drinking (HVVD) establishment as suggested by the lack of seating on the plans at pages 26 and 27 of the report and that seating for approximately 200-250 patrons would be in place.
- The Committee noted the Other Persons concerns over the lack of policing and CCTV, however, they recognised the promotion of the Licensing Objectives was of paramount importance and that the Statutory Guidance stated the premises could only be responsible for what takes place on its premises and within the immediate vicinity. If other premises were undermining the Licensing Objectives then it was a matter for a review to be brought. There was no Cumulative Impact Policy (CIP) and the representations did not suggest or provide evidence that the grant of this licence, as modified, would give rise to a negative cumulative impact.
- The Committee recognised they had to balance competing interests. For example, the proposed economic benefits to the applicant, against the impact on those who may be affected by the grant but felt, based on the information before, as a result of the dialogue that had taken place, this could be achieved as well as the promotion of the Licensing Objectives, by the modifications proposed. If this proved to be wrong, then a review could be sought.

The meeting ended at 12.10 pm

CHAIR