

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 6, GUILDHALL, SWANSEA ON  
TUESDAY, 23 FEBRUARY 2016 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

D W Cole

**Councillor(s)**

T H Rees

**Officer(s)**

B Walker

A Gruffydd

R Westlake

S Woon

Licensing Officer

Senior Lawyer

Senior Licensing Officer

Democratic Services Officer

**Jones' Bar & Kitchen:**

Mr A Jones

Mr J Morse

Applicant

Solicitor representing the Applicant

**Other Persons:**

Mr Blatchford

Mr A Crouch

Ms Jones

Mr B Parry

Local Resident

Café Valance

Solicitor representing Mr Blatchford and Mr Crouch

34 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

35 **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.

36 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - JONES' BAR & KITCHEN, 61 NEWTON ROAD, MUMBLES.**

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 Lawyer sought approval from all parties regarding the admissibility of emails of support in respect of the application which had been received after the deadline.

Mr Parry, Solicitor representing Café Valance and Mr and Mrs Blatchford, stated that he was not agreeable to the late representations being considered.

Mr Morse, Solicitor representing the Applicant, stated that the issue was one for the Committee to consider.

The Senior Lawyer stated that late representations could be considered at the discretion of the Committee. He enquired whether any authors of emails were present and wished to speak. No individuals indicated that they wished to speak. He therefore stated his intent to allow the Committee to view the representations at the appropriate time.

The Senior Licensing Officer reported on the application for a Premises Licence in respect of Jones' Bar and Kitchen, 61 Newton Road, Mumbles.

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, in so far as the activities and hours applied for differed from those detailed in the application form. An amendment to the application had been made on 7 January, 2016 to bring the hours for Live and Recorded music back to 23.00 hours. This amendment then made the activities de-regulated from the requirements of the Licensing Act 2003.

He also referred to 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 were detailed.

Three representations had been received from Other Persons. A copy of their representations were attached at Appendix D. The representations related to the prevention of crime and disorder and public nuisance.

Mr Parry, Solicitor representing Café Valance and Mr and Mrs Blatchford, stated that his clients did not object to the licence being granted. The application had been made because the Applicant chose to terminate his company. Therefore, the licence had to be terminated as it had expired. As a new licence application had been made by the Applicant, individuals were entitled to make representations.

Mr Crouch, Café Valance, 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 and public safety.

He stated that he was not objecting to the granting of a licence to Mr Jones but the purpose of attending was to protect the investment he had made in his business over the last few years.

He referred to his conversations with Mr Jones and the subsequent intervention of the Licensing and Pollution Control Section following complaints from patrons of Café Valance regarding noise at Jones' Bar.

In conclusion, he stated that the use of the front area of Jones' Bar after 23.00 hours was, in his view, unacceptable and the business should be contained within the premises. He referred to the noise problems resulting from Jones' Bar door being left open and the resultant issues with public nuisance and public safety.

Mr Parry, referred to the CCTV footage which supported the representations made by Mr Crouch.

In response to a question from Mr Morse, Mr Parry confirmed that the CCTV footage was taken from Café Valance and detailed the date and the time on each film frame.

Mr Crouch gave an account of the CCTV footage to the Sub Committee.

Mr Parry, circulated still CCTV photographs and in response to a question from the Senior Lawyer stated that they had been referred to in his letter regarding the use of the front terrace.

In response to a question from Mr Morse, Mr Crouch stated that the CCTV still photographs were in respect of 2 December, 2015 and detailed the times of each photograph.

In response to a question from the Chair, Mr Morse confirmed that Jones' Bar was open on 2 December, 2015.

In response to a question from Mr Morse, Mr Crouch confirmed that the person clearing rubbish on the CCTV was George the Newsagent.

Mr D Blatchford stated that his wife had been unable to attend and conveyed her apologies. He further amplified their written representations objecting to the application and highlighted their concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of public nuisance and public safety.

He stated that he had lived at the property for 11 years and whilst appreciative that the road is lively, the effect of the open door at Jones' Bar and subsequent noise from the premises made it impossible to sleep.

He referred to conversations with Mr Jones in 2014 and assurances given by Mr Jones that he would ensure it would not happen again. Unfortunately, two days later the music was even louder and could be heard from the White Rose Public House at the bottom of Newton Road.

He stated that there was a general deterioration of patrons behaviour as the evening progressed and he felt uncomfortable and intimidated in his own home.

In conclusion he confirmed that he has nothing against Mr Jones, however the problems caused with patrons from Jones' Bar on the street had put a darkness on his enjoyment of Mumbles and the whole matter was unfair and unnecessary.

In response to Member questions, Mr Blatchford confirmed that the noise from Jones' Bar could be heard from the White Rose area of Newton Road at 12.45. He further confirmed that when the front door is closed the noise problem is not too bad.

Ms J James, 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 no objection to licence and as she does not live in the Village and cannot comment on noise. She referred to the issues contained within her letter regarding the lack of intervention to a specific incident from the doorman at Jones' Bar.

In response to a question from Mr Morse, Ms James stated that the Santa Grotto event she had attended had finished at 9 pm and she had not complained to Ms Cottey or Jones' Bar regarding the incident.

Mr Parry referred to his letter of 12 January, 2016 (page 57) of the agenda pack in respect of Trading hours specifically with regard to the term 'recognised international event'.

Mr Morse stated that Point 1 (which referred to recognised international event) had been withdrawn on all sections of the application.

Mr Parry referred to point 2 of his letter in respect of 'live and regulated recorded music' which was now irrelevant.

Mr Parry amplified points 2 to 7 of his letter.

Mr Morse, circulated additional conditions suggested by the applicant which were offered to be attached to the Licence and confirmed that the applicant would be open to accept more conditions.

Mr Morse, stated that the previous company had gone into administration and due to an error the previous licence had not been transferred. Mr A Jones had held the position of Designated Premises Supervisor for 6 years. He stated that the application was the same as the old licence.

He stated that despite the premises operating in a commercial area more control should have been exercised to limit disturbance in order that no-one living there should be unduly inconvenienced.

He referred to the noise and use of outside terrace and stated that the old licence contained an inherited condition which prohibited use of the rear terrace after 18.00 hours. He confirmed that there was no reason for this as beyond the rear terrace

was a parking area and a substantial fence. He stated that the rear terrace should be designated as area to smoke and congregate.

He referred to the front terrace and stated that all the properties on Newton Road used to be residential with front gardens and walls. The front gardens owned by properties had been removed and some people had located bollards. These areas are owned by people in the property and the property did not finish where door starts, this is the case for 61 Newton Road.

In response to a question from the Senior Lawyer Mr Morse confirmed that he possessed the land registry documentation to verify ownership of the front of 61 Newton Road.

Mr Morse stated that the front area should be defined and the Applicant wished to utilise the outside area until 23.00 hours, following which Chairs and tables would be stacked and covered. It would not be possible to take the tables and chairs inside the property as it would be too busy.

Mr Morse referred to the notices outside and inside the premises asking people to leave quietly. The Doormen would ask patrons to use the designated area at the back terrace.

Mr Morse stated that the premises 'Crew 42' situated opposite Jones' Bar had longer drinking hours and permitted drinking on the outside terrace until 02.00 hours, however, in all other respects the hours are the same.

He stated that the noise problem had already been addressed with the speakers removed from the front of the premises and the door closed. Licensing department had been helpful. There was no intention in respect of recorded or live music. He stated that the remainder of the noise issues could be dealt with by conditions. He reported that the Applicant was content to give a direct telephone number. CCTV was already installed at the premises and was being extended to cover the external area which would be monitored by bar staff. The recordings would be retained for 31 days.

He referred to the SIA doormen and whilst that was not a condition on the existing licence it had been put in place. SIA doormen were employed on Friday and Saturday evenings and would continue to be employed on these nights. He referred to the condition offered by the Applicant in respect of external areas being regularly supervised by staff from the premises when in use.

He stated that the doorman would not easily monitor the activities of patrons two buildings down from the premises and any issues were a matter for the Police. He referred to public safety being a Police matter and reiterated that the Police do not consider they have a problem with crime and disorder at the premises.

He referred to the trading hours and stated that there is a need for late night entertainment and there was no reason why the hours of operation should be interfered with. He referred to the bar opposite and suggested that to change the trading hours may have detrimental effect on both bars.

In respect of noise nuisance from taxis, Oyster Cabs were used by the premises, measures had been put in place to try to control this issue.

With regard to permitted numbers, Mr Morse stated that there was no suggestion from Police or Fire Authority of any issues. However, should the Fire Authority request amendments then Mr Jones would agree, but there were no problems caused by overcrowding.

He stated that he had demonstrated that concerns had been taken on board and there was a willingness to work together. He highlighted the lack of objections from Police or other Responsible Authorities.

In response to Member questions Mr Jones confirmed that:

- The front of the premises is swept between 12.30 – 01.00 hours or whenever everyone has left;
- There are 11 tables in the premises which are a permanent fixture and the venue is not a stand up drinking establishment;
- Patrons cannot leave the premises from the rear entrance as the gate is locked; and
- The rear terrace can be used from smoking and there is no need to use the front terrace after 23.00 hours.

In response to a question from Mr Parry, Mr Jones confirmed that the premises does not supply food.

In conclusion, Mr Parry stated that the premises was a drinking establishment as opposed to a cafe. He referred to the administrative error that had necessitated the new application and referred to the resultant animosity within the community. He read out the statement from Jones' Bar regarding the reasons for closure and reiterated that the closure had nothing do to with his clients.

Mr Jones stated that the purpose of the letter was not to cause problems or to shift the blame. He confirmed that he does not read any social media and is an honest part of the Community.

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:

**Films**

**Sunday to Thursday 09.00 – 00.30 Hours**

**Friday & Saturday 09.00 – 01.30 Hours**

**Indoor Sporting Events –**

**Sunday to Thursday 09.00 – 00.30 Hours**

**Friday & Saturday 09.00 – 01.30 Hours**

**Late Night Refreshment**

**Sunday – Thursday 23.00 -00.30 Hours**

**Friday & Saturday 23.00 – 01.30 Hours**

**Supply of Alcohol**

**Sunday – Thursday 09.00 – 00.30 Hours**

**Friday & Saturday 23.00 – 01.30 Hours**

**With the Premises open to the Public**

**Sunday – Thursday 09.00 – 01.00 Hours**

**Friday & Saturday 09.00 – 02.00 Hours**

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for every May Bank Holiday, Spring/Whitsun bank holiday and every August bank holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing day.

An extension from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

**The licence will also be subject to mandatory conditions, where applicable.**

1. 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 incidents and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

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2. The premises licence holder shall ensure that all reasonable steps are taken to encourage the rights of local residents. Clear and legible notices shall be placed conspicuously at the front and rear exits advising customers to have consideration to residents when using the external area and when leaving the premises.
3. All windows and external doors shall be kept closed after 23.00 except for the immediate access and egress of persons.
4. There shall be no consumption of alcohol permitted in the rear external area after 23.00 hours.
5. External access to the rear of the premises is to be locked at all times. If this exit forms part of the emergency exit, a push bar to be placed on the exit to be used in an emergency.
6. External drinking areas to utilise suitable non glass drinking vessels in liaison with the Police Licensing Officers, with the exception of the decanting of wine, sparkling wine and Champagne and off sales.
7. External drinking areas to be regularly supervised by staff from the premises when in use.
8. No licensable activities are to take place in the front terrace area and all use to cease by 23.00.
9. There shall be no licensable activities after 23.00 in the rear terrace. The area can be continued to be used as a smoking area until the close of business.
10. The premises licence holder shall display at the bar in a prominent position stating that any patrons who order taxi are to request that the drivers contacts them by phone on arrival.
11. Loud speakers shall not be located in the entrance lobby, in the rear terrace or outside the premises building.
12. A direct number for the designated premises supervisor/manager of the premises shall be made publically available at all times the premises is open. This telephone number is to be made available to residents in the vicinity if requested.
13. The front terrace, pavement and the area surrounding outside the premises shall be swept, and cleared of all litter and stored in accordance with the approved refuse storage agreement.
15. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions 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 area's. 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 timed and date stamped , recordings must be kept in date order, numbered 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 at 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 technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

### **Reason for Decision**

The complaints revolve around the behaviour of patrons on the front terrace/pavement area at the front of the bar and that when the door is closed there does not seem to be any noise emanating from the premises.

The plan accompanying the application suggested the licensable area to continue until the doorway and not onto the pavement. Accordingly there are no licensable activities permitted in the front terrace. The premises has a perfectly useable rear area which is fenced and can be utilised.

The meeting ended at 12.24 pm

**CHAIR**