

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

**HELD AT COMMITTEE ROOM 6, THE GUILDHALL, SWANSEA. ON
FRIDAY, 15 APRIL 2016 AT 10.00 AM**

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)
A C S Colburn

Councillor(s)
V M Evans

Officers:

L Thomas - Senior Lawyer
R Westlake - Senior Licensing Officer
C Gabe - Licensing Officer
G Borsden - Democratic Services Officer

Applicants:

Mr Thomas, Mr Benjamin & Mr Cleverly

Other Persons:

Mr & Mrs Edwards, Mr & Mrs Cowley & Mrs Denton – Local Residents

37 **APOLOGIES FOR ABSENCE.**

No apologies for absence were received.

38 **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.

39 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - UNIT 3-4, SQUIRES COURT, SWANSEA MARINA.**

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 Unit 3-4, Squire Court, Swansea Marina. He 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, photos of the premises at Appendix C, conditions consistent with the operating schedule at Appendix D, the representations made by Other Persons at Appendix E.

No representations had been received from Responsible Authorities.

Representations received from Other Persons related to the prevention of crime and disorder, public safety and public nuisance.

Mr Edwards (on behalf of Squire Court Management Company) and Mr Denton further amplified their 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 crime and disorder, public safety and in particular public nuisance.

Mr Thomas & Mr Benjamin Applicants spoke in support of their application for a new premises licence, and outlined the background details relating to the application. They detailed their involvement in a similar type premises elsewhere in the city centre.

In response to Member questions, the Applicant responded as follows

- Any furniture outside to be secured rather than moved indoors to minimise any potential noise issues;
- They had been liaising with Pollution Control regarding the sound insulation at the premises and regarding the placement of the speakers;
- Any music would be background music only;
- The outside area was not part of this application and would be dealt with elsewhere:
- The type of venue they planned to operate and clientele they would be looking to attract;
- The type of food and drinks to be served;
- The proposals for taxi pick ups away from the premises;
- Potential for storing waste inside the premises;

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

Supply of Alcohol(on and off premises), Monday to Sunday 10.00 to 23.00 hours.

Premises open to public, Monday to Sunday 10.00 to 23.30 hours.

Conditions

1. 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 areas. 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.

2. No patrons shall be admitted or re-admitted to the premises after 23:00hours

3. Managers/supervisors of premises to attend and fully participate in the City Centre Pub, Club Watch and Nite Net schemes.

4. An incident book (Safer Swansea Partnership Incident Book or like detailed bound numerical register) to be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff 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 Local Authority.

5. No consumption of alcohol or other refreshments to be permitted after 21:00 hours in the external drinking area.

6. Premises shall have an adequate system of counting persons in and out to ensure that the customer levels in all areas do not exceed those within the fire risk assessment

7. Prior to the beneficial use of the premises a sound insulation scheme designated by a competent acoustic consultant to contain noise within the

curtilage of the premises shall be submitted for approval by the Pollution Control Division of the Directorate of Place, City & County of Swansea. Once approved, in writing, the sound insulation scheme shall be installed and properly maintained.

8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
11. All tables and chairs shall be stacked and secured to prevent use after 2100 hours.
12. External area to be regularly supervised by staff from premises whilst the premises is open.
13. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2100 hours and 0900 hours.
14. 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 a holographic mark.
15. 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.
16. Premises to keep up to date records of staff training in respect of age related sales, in written or electronic format, available for inspection on request by an authorised officer.
17. Persons under the age of 18 years shall only be allowed into or remain on the premises after 19:00hrs if accompanied by an appropriate adult.
18. Notices shall be clearly displayed in the premises to emphasis to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.
19. No glassware to be used in the external drinking area.
20. Compartmental doors to be closed at 2100.
21. The Designated Premises Supervisors to provide a direct contact number to Mr Edwards of Squire Court Management Company in order to report any complaints.
22. Deliveries only allowed between 0900 and 1200.

Reasons

Members noted that no Responsible Authorities (RA) had made representations .In accordance with the statutory guidance (SG) paragraph 9.11 this implied the RA's considered there were no grounds.

Members also noted no representations from Ward Members.

Members were satisfied having heard from the Applicant that the proposed enterprise at the location was a very different proposal than the nearby previously licensed premises the Tug & Turbot.

A number of the relevant representations referred to problems with that premises .The members did not consider those issues would apply to the type of premises now proposed where it was going to be mainly seated with a lower proposed capacity than before.

Whilst the members noted the concerns over past events, illegal parking, damage to residents' cars and increased anti-social behaviour in the locality the use of the premises cannot be responsible for the behaviour of people away from the immediate vicinity of the premises (SG para 2.20) . This is a popular locality which attracts people to it and the Applicant cannot be responsible for persons it has no control over.

The members noted concerns over public nuisance being caused by the playing of recorded music but members considered the proposed condition regarding an agreed sound insulation scheme would limit any noise issues. They accepted the Applicant proposed background or incidental music only.

The members having regard to the proposed conditions felt the issues raised by the Other Persons in their representations could be adequately controlled by the proposed and /or amended conditions (see above) without undermining the licencing objectives .

The members by attaching conditions to the use of an external area were not granting permission to use the external area which was outside the proposed application (not being on the plan attached to the application) and the proper consents would need to be obtained before it could be used .

The meeting ended at 12.10 pm

CHAIR