

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 6, GUILDHALL, SWANSEA ON FRIDAY,
21 OCTOBER 2016 AT 10.00 AM

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)
C A Anderson

Councillor(s)
A C S Colburn

Officer(s)

L Anthony

Divisional Officer, Licensing, Food & Safety

C Gabe

Licensing Officer

A Gruffydd

Lawyer

G White

Lawyer

S Woon

Democratic Services Officer

Applicants:

Mr W Parry - Solicitor

Mr L Esfahani -The Magic Bean Company Ltd

40 **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.

41 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - STARBUCKS COFFEE SHOP, FABIAN WAY, PORT TENNANT, SWANSEA. SA1 8LD.**

The Chair welcomed all attendees to the meeting.

The Divisional Officer, Licensing & Food Safety, reported on the application for a premises licence in respect of Starbucks Coffee Shop, Fabian Way, Port Tennant, Swansea, SA1 8LD.

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.

She advised that clarification had been received from the representing agent, Evolve Architecture, that the applicant on the first page of the application form should be The Magic Bean Company. A copy of the email was attached at Appendix B. Additionally, she sought clarification from Mr W Parry, Solicitor representing the applicant, that the application included a 'drive thru' facility.

The Solicitor representing the Applicant confirmed that the application did include the 'Drive Thru' facility.

The Divisional Officer, Licensing, Food & Safety, referred to the location plan of the premises at Appendix C, conditions consistent with the operating schedule at Appendix D.

One representation had been received from Other Persons (Councillor J A Hale, Ward Member). A copy of their representations was attached at Appendix E. The representation related to concerns regarding the undermining of the Statutory Licensing Objective in relation to the prevention of public nuisance.

The Chair confirmed that Councillor J A Hale, Ward Member, was unable to attend Committee.

The Solicitor representing the Applicant, referred to the concerns expressed regarding littering and noise nuisance. He stated that there were currently extensive littering and parking problems associated with McDonalds which was next door to the Applicants premises.

He stated that he knew the area well and Bevan's Row could not be accessed easily.

He reported that both his client and the McDonalds premises had large, dedicated parking areas. With regard to the high littering problems with McDonalds, the Applicant had attempted to address these concerns in the conditions that have been imposed, specifically condition 5. With regard to external seating, condition 4 would ensure that furniture would be removed from external areas from sunset. The premises were new and had been built to high specifications to avoid noise pollution.

The Applicant's trading name, The Magic Bean Company Ltd, operates a franchise of Starbucks and is the only Starbucks franchise in Wales. The Applicant takes his responsibility seriously and has made a significant investment into the business.

In response to Members' questions, the Solicitor representing the Applicant confirmed the following:

- Late night refreshment would be inside and outside in so far as customers using the 'drive thru' facility will be passed goods for consumption within their vehicles;
- The premises would not open on Christmas Day, ceasing trade at 23:00 hours on Christmas Eve to 05:00 hours on Boxing Day and from 23:00 hours on Easter Sunday to 05:00 hours the following day;
- Doors automatically close and were kept closed for security reasons during trading;
- The premises was situated close to the main road and as a result was subject to lots of background noise. Trees had been planted around the premises to buffer any noise.
- No problems within the car park had been witnessed to date;
- There is extensive CCTV coverage surrounding the premises, including the car park;
- The premises car park is larger than McDonalds car park. There was a ticketing system in operation and vehicle recognition. There is a strong management

team at the premises and staff are well trained with situations that may be confrontational;

- Not aware of any Police incidents in respect of McDonalds. However, the Police occasionally asked for CCTV footage if it has covered the McDonalds premises; and
- Students using the premises tend to drive and spend time at the premises utilising the free wifi to do their work.

The Solicitor representing the Applicant confirmed that he had nothing further to add to his submission.

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 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:

No Licensable Activities will take place between 23:00 hours on Christmas Eve and 05:00 hours Boxing Day.

No Licensable Activities will take place between 23:00 hours Easter Sunday and 05:00 hours Easter Monday.

1. An incident book 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 upon lawful request by the Police and authorised officers of the Local Authority.
2. A comprehensive recordable CCTV system (which has already been installed) will be maintained covering the trade areas and encompassing all ingress and egress to and from the premises and the drive through trade counter area. The system must continuously record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system shall be capable of providing pictures of evidential quality and in particular facial recognition, All recordings shall be stored for a minimum of 31

days with a date and time record. Recordings shall be made available with a minimum of delay upon the lawful request of a Police or other authorised officer.

3. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to trade to the public and such staff member shall be able to show to the police or an authorised officer, upon lawful request, recent data or footage with a minimum period of delay.
4. The removal of tables and chairs which are located in the external seating area shall be removed from the external seating area between the hours of 23:00 and 05:00 hours.
5. A member of staff will be tasked daily prior to the hour of sunset to examine the paths and roadways within a 50 metre radius of the premises and at Bevans Row, Swansea, SA1 and to retrieve any litter which has been irresponsibly discarded by customers of the Premises. Such litter will be taken back to the premises to be disposed of through normal recycling/disposal of waste facilities. Routine checks of the external seating area shall be carried out at no less than 30 minute intervals during such time as the removable tables and chairs remain located in the external seating area.
6. No live or recorded entertainment will take place at any time outside the building of the premises.
7. Loud speakers for the playing of amplified music will not be located in the entrance lobby or outside the building of the premises. Nothing in this condition is to prohibit the use of the intercom equipment associated with the use of the drive thru' facility.
8. Staff will monitor customers' behaviour and at any time when customers are refused service or asked to leave the premises such occasion will be classed as an incident and shall be recorded in the incident book.
9. Notices shall be placed at the premises requesting customers to respect the needs of the local residents and to use and leave the premises quietly.
10. Telephone number to be supplied to residents in order that they can report issues directly so that they can be resolved.

The meeting ended at 10.45 am

CHAIR