

CITY AND COUNTY OF SWANSEA

MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

**HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON
FRIDAY, 3 FEBRUARY 2017 AT 10.00 AM**

PRESENT: Councillor P M Matthews (Chair) Presided

Councillor(s)
J P Curtice

Councillor(s)
K E Marsh

Officer(s)

Lyndsay Thomas
Richard Westlake
Gavin White
Samantha Woon

Senior Lawyer
Licensing Officer
Solicitor
Democratic Services Officer

Coffee Post Ltd, Trading as Bluebell

Ms S Joannides – Manager and Responsible Person (Applicant)

Mr T Joannides – Director, Coffee Post Ltd (Applicant)

42 **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.

43 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - BLUEBELL, 17-18 CARNGLAS COURT, SKETTY, SWANSEA. SA2 9BQ.**

The Chair welcomed all attendees to the meeting.

The Senior Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application. The Lawyer confirmed the policy dated 30/07/13 as reviewed on 26/01/17 (the Policy) was being considered and the Statutory Guidance (SG) dated March 2015.

The Senior Licensing Officer reported on the application for a premises licence in respect of Bluebell, 17-18 Carnglas Court, Sketty, Swansea, SA2 9BQ.

He highlighted a typographical error in respect of page 1 of the report, relating to the Supply of Alcohol, which should read “Supply of Alcohol – Monday to Sunday 09:00-23.20hrs (New Year’s Eve until 00:30hrs)”.

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, conditions consistent

with the operating schedule at Appendix C and the representations made by Other Persons at Appendix D.

No representations had been made by any Responsible Authorities but a letter from South Wales Police dated 12th January 2017 confirmed its officer had agreed conditions with the Applicant which conditions were included in Appendix C to the report. The Committee noted SWP did not have any objection to the grant of a licence as applied for save for the addition of the 2 additional conditions. SWP were satisfied this was going to be a food led operation with the sale of alcohol being ancillary to food. SWP were therefore satisfied the premises was going to be a “bespoke licensed restaurant rather than a vertical drinking venue premises”.

One representation had been received from an Other Person, namely Mr L Griffiths opposing the grant of a licence. A copy of the representation was attached at Appendix D. The representation related to the prevention of crime and disorder and public nuisance and the protection of children from harm.

Three representations from Other Persons had been received in support of the application from Ms V Di Francesco, Ms D Davies (also representing Mr J Hewitt and Mrs C Sanderson) and Mr N Thomas. These had been included in Appendix D.

In the absence of Mr L Griffiths, an Other Person, the Committee confirmed they had read the representation on pages 27–30 of the report. The Lawyer advising the Committee confirmed there was no further clarification or expansion with regard to the issues raised, specifically in relation to the Police UK Statistics – January 2016 and the references referred to on page 30 of the report and these had not been provided by Mr Griffiths with his representation. The Lawyer recommended the Committee heard from the Applicant with regard to that representation when considering what weight to attach to the suggested likely effect of the grant would lead to misuse of alcohol which would undermine one or more of the 4 licensing objectives. In particular the Lawyer questioned whether they may be more up to date Police UK Statistics.

The Chair referred to Mr L Griffiths absence at the Committee which was unfortunate as it was unclear why he believed that the granting of the alcohol licence for these premises would not promote the licensing objectives.

The Lawyer advising the Committee confirmed that the only issue before the Committee was the sale of alcohol at these premises and whether it would have the likely effect that Mr L Griffiths was suggesting in his representation. She stated that Members should not consider other matters not in dispute in accordance with the SG paragraph 9.36.

The Lawyer advising the Committee referred to the letters of support from Ms V Di Francesco, Ms D Davies (also representing Mr J Hewitt and Mrs C Sanderson) and Mr N Thomas and Members confirmed that they had considered the representations.

Ms S Joannides, Applicant (Manager and Responsible Person) and Mr T Joannides, Applicant (Director of Coffee Post Ltd) spoke in support of their application and

provided a pack .The Lawyer advising the Committee viewed the pack and indicated it was relevant to the application and in the absence of any Other Party in attendance to object, the Committee could have regard to it but not the late representations in support that had not been submitted within the statutory 28 day period and excluded from the report.

Members noted that the premises would be a speciality coffee house using local organic produce, therefore supporting the local economy. The premises was a family friendly venue with the best interests of the community at the forefront. It was intended that the venue would be a community hub, with locals enjoying a coffee, cake and glass of wine. Reference was made to the high quality sample menus and it was stated that the sale of alcohol was auxiliary to that.

Coastal Housing was the Landlord and had chosen the applicant over other established businesses in the area due to their responsible and considerate views. The applicant read a reference in support of the application from Helen Jones, Commercial Co-ordinator, Coastal Housing.

Reference was made to the support been received from local residents, who could not wait for the premises to open and were in favour of having a glass of wine with their meal. Three letters of support had been received and one against from Mr Lee Griffiths.

It was noted that both Ms S Joannides and Mr T Joannides had a strong background in training and staff would be subjected to continuous training following which they would be required to sign to confirm they had undertaken the training.

Ms S Joannides referred to her experience in numerous café's, public houses both in the UK and Australia. Ms S Joannides stated that she had passed Level 2, HABC for personal licence holders which would enable her to be the Designated Premises Supervisor (DPS).

She confirmed that she understood the Licensing Objectives and how to promote them. She referred to Mr T Joannides background which had been in manufacturing where he had adhered to strict guidelines. She stated that Mr T Joannides would not undermine the Licensing Objectives.

She referred to the licensed premises in the area. The Co-op was licensed to supply alcohol from Monday to Friday 06.00–23.00 hrs. She stated that if a comparison of prices were to be made of the proposed premises to those of the Co-op, should a member of the public desire to become intoxicated they could do so cheaper in the Co-op. The other licensed premises the area, the Bistro, has a licence to supply alcohol from 11.00-23:00 hrs and was popular with locals.

Ms S Joannides referred to the Police UK statistics provided by Mr Griffiths and provided more up to date figures for November 2016. She stated that there had been no offences in these premises or indeed the area. No alcohol related crimes had been committed in the month of November 2016. She stated her confusion regarding the police statistics quoted in Mr L Griffiths representation, as they did not

correlate. It was unclear if they related to Sketty or just Tycoch area and/or what actual area in Tycoch.

She detailed the statistics in relation to November 2016 for the Sketty area. 23 crimes had been committed which had related to theft and anti-social behaviour at Bishop Gore School. The three acts of violence and three anti-social behaviour none of which had happened in the Tycoch area. Furthermore, there was no evidence to suggest that these crimes could be associated with alcohol.

The Applicants detailed the reasons why the hours for the sale of alcohol had been sought which related to there not being enough space to cover up alcohol during the day. Additionally, patrons may wish to book baby showers and celebrate with a glass of prosecco. Patrons could purchase locally crafted beers to take home following their meal, hence the time of 23.20 had been selected.

It was noted that the Bistro serves alcohol for 40 minutes extra and the Applicants expressed their desire to operate on an equal basis.

Nick Bailey, Police Liaison Officer, had undertaken checks and no concerns had been raised. Conditions had been agreed in consultation with the Police. The Applicants highlighted the role of the Police as the experts in crime and disorder and anti-social behaviour issues.

The Applicants confirmed that they will ensure that staff are vigilant with regards to bad behaviour. It is intended that the premises is welcoming, family friendly and will not be a place to drink excessively or be a place for young people to congregate. If we are not able to serve alcohol we will not be able to compete on an equal basis.

In response to Member questions, the Applicants confirmed that:

1. It is proposed that the venue will have 60 covers, with fixed tables and Chairs which utilise alcove areas;
2. There will be three chefs (one of whom was employed at the Ivy in London), two waitresses, possibly a pot washer and the Applicant/Applicant's brother;
3. The premises does not have a sit down bar area, alcohol will be served directly to the table;
4. Staff will attend an intensive four day training session from 20 February which will include age related sales. Ms S Joannides referred to the training pack circulated to Members. Monthly appraisals will be undertaken and teething problems will be dealt with should they arise. Training will take place one/twice a month;
5. The outside patio space is limited but there may be a possibility to place a table of 6 covers outside. Staff will regularly supervise the outside area which also benefits from CCTV. Additionally, the premises is surrounded by glass so staff can easily observe the outside area with ease. Sales would be refused if patrons are intoxicated;
6. The till system has a challenge 21 prompt function;
7. Work has been undertaken with specialists to check noise levels within the premises to ensure there is no escape to residents. Additionally, builders have

- been playing music and using equipment between the hours of 08:00 and 16:30 and there have been no resident complaints regarding noise;
8. Smoking will be permitted in the outside patio. There is canopy above the patio area which should prevent smoke nuisance to the flats above. The Applicants stated they were not fans of smoking and if allowing smoking in that area had a negative effect on their patrons or residents it would be stopped. T Joannides said the curvature of the building and the prevailing wind direction meant this should not be a problem but they would review the position as necessary;
 9. The premises will operate to the times requested on Good Friday and Easter Sunday. However, the premises will close at 16:00 on Sunday. Longer hours had been applied for in order to give flexibility to the applicant should there be a request for a private party on a Sunday but it would be the exception to the rule to operate past 16:00 hours;
 10. The Applicants agreed to concerns raised by the Committee about noise from disposing of bottles at 23.00 hours and agreed to 21.30 hours as the latest time instead;
 11. The Applicants also gave an indication as to the type of regulated entertainment that would take place which would be mainly acoustic. They agreed to a condition that all windows and doors would be closed whilst regulated entertainment took place;
 12. The Applicants agreed to a request of the Committee for them to provide a telephone number to a Coastal Housing representative so the DPS could be contacted if any issues arose regarding noise.

In conclusion, the Applicants stated that they were genuinely responsible individuals who wished to operate a professional establishment and did not want to create problems with the community and residents.

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 in agreement with the Applicants as considered appropriate for the promotion of the licensing objectives as below.

1. 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.
2. External area to be regularly supervised by staff from premises when in use.
3. Loud speakers shall not be located in the entrance lobby or outside the premises building.
4. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 21:30 and 08:00 hours.
5. The consumption of soft or alcoholic drinks bought at the premises is prohibited on the highway outside the premises.
6. Notice shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.
7. An incident book to be maintained at the premise showing details of the dates 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.
8. No consumption of alcohol or other refreshments to be permitted after 23:00 hours in the external drinking area.
9. Notice shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
10. 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.
11. A log shall be kept detailing all refused sales of alcohol. The log will include the date and time and reason for the refused sale and a means of identifying 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.
12. All doors and windows to remain closed except for access and egress of persons at any time regulated entertainment takes place.
13. Contact details of DPS to be provided to named representative of Coastal Housing in the event of any issues arising at the premises

Reason for Decision

When considering concerns in Relevant Representations committee had regard to Statutory Guidance paras 1.5 and Policy 9.7,9.4.

In light of no attendance by the Other Person opposing the grant of the premises licence at Committee the Committee did not have the benefit of clarification of the information provided in the representation.

The Committee heard at length from the Applicants who provided detailed comments on the representation.

The Committee found there were 2 other premises in the vicinity of this premises where the sale of alcohol was authorised and there was no evidence there was

misuse . Therefore the Committee found the suggested likely effect of the sale of alcohol would result in misuse as suggested by the Other Person in the written representation was speculation rather than the likely effect and attached little weight to it.

The Committee noted the information regarding crimes supplied by the Other Person was dated January 2016 and there was no evidence they were alcohol related. The area provided in the representation appeared to cover the whole of Sketty rather than just the locality of the premises. Furthermore, it was not clear from more up to date and precise information provided by the Applicants how the figures provided in the representation were arrived at or their relevance to where the premises was located.

The Committee were mindful of the offences under the 2003 Act and they should not duplicate other measures. The sale of alcohol to children , the sale to a person who was drunk , obtaining alcohol for a person who was drunk and allowing disorderly conduct on the premises were all offences under the Licensing Act 2003 .

The Committee were mindful that the sale of alcohol is lawful when authorised and Applicants are only responsible for promoting the licensing objectives when persons 's are on the premises or in the immediate vicinity as provided for by 2.14 & 2.20 of the Statutory Guidance.

The Committee noted the proposed DPS's experience and the training staff would undertake to ensure the licensing objectives were promoted. The Committee was satisfied the proposed measures put in place by the Applicants would ensure there would not be misuse of alcohol by persons whilst on the premises.

The Committee noted there were no concerns raised by any of the Responsible Authorities in particular the Police and accepted this supported that the Licensing Objectives would not be undermined by a grant of the licence in the terms sought.

The Committee accepted that the proposed use and nature of the operation was acceptable in this particular location and was food led. The impact of the premises having regard to the type of operation, number of covers, the licensable activities and times requested would be minimal if granted and would not undermine the licensing objectives.

As the representation only dealt with the grant of an authorisation for the sale of alcohol and no other matters the Committee, in line with its policy and the Statutory Guidance, only had regard to that issue. There being no reason to depart from its policy, the hours sought were granted.

The Committee was grateful for the Applicants in response to concerns raised by it agreeing to the modification of the condition regarding disposing of rubbish and agreeing conditions mitigating potential noise from the premises when there was regulated entertainment taking place.

Being mindful of paragraphs 10.10 13.44 and 1.17 of Statutory Guidance and Policy 7.1, 12.2, 12.3, 12.5, the Committee did not consider any additional conditions were

Minutes of the Statutory Licensing Sub Committee (03.02.2017)
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required having regard to the limited matters raised in the representation against the grant.

No weight in the absence of any evidence was given to the suggestion of cumulative impact under paragraph 6.10 of the policy and the Committee recognised it could not consider need.

The meeting ended at 11.40 am

CHAIR