

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE STATUTORY LICENSING SUB COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
TUESDAY, 18 APRIL 2017 AT 10.00 AM

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

**Councillor(s)**  
A M Cook

**Councillor(s)**  
C L Philpott

**Councillor(s)**

**Officer(s)**

R Westlake  
G White  
S Woon

Licensing Officer  
Solicitor  
Democratic Services Officer

**My Alibi Ltd**

Mr S Millidge - Applicant  
Mr T Scone - Applicant  
Mr A Sivertsen - John Morse Solicitors

44 **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.

45 **LICENSING ACT 2003 - SECTION 17 - APPLICATION FOR A PREMISES LICENCE - 30 UPLANDS CRESCENT, UPLANDS, SWANSEA.**

The Chair welcomed all attendees to the meeting and outlined the procedure to be adopted by the Sub Committee in considering the application.

The Senior Licensing Officer reported on the application for a premises licence in respect of 30 Uplands Crescent, Uplands, Swansea. 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.

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

Mr Sivertsen, Solicitor representing the Applicant, stated that he would be making submissions based on the representations received. He referred to the location of three of the objectors which did not fall within the vicinity of the premises and

therefore did not make them valid. He requested that the Sub Committee give them these representations appropriate weight in this regard. He highlighted that there had been an element of duplication with these representations from the main resident, Mr Bevis' representation, which appeared to be representations made during the planning process and emphasised that Planning and Licensing are separate matters.

He referred to Mr Bevis' representation which he believed was more appropriate for planning. He highlighted concerns within Mr Bevis representation regarding the prevention of public nuisance and crime and disorder. However, he stated that there was no evidence to support these assertions and, in the absence of Mr Bevis, they could not be tested. He urged the Sub Committee to add appropriate weight to Mr Bevis representations.

Furthermore, any concerns Mr Bevis had regarding noise could be allayed as the terrace was situated at the front of the building and there were many physical barriers to prevent noise nuisance.

He referred to the Operating Schedule which had been expanded with the assistance of South Wales Police. Subject to an amended Operating Schedule being agreed, South Wales Police did not make any representations to the application.

He urged the Sub Committee to grant the application on the grounds that no Responsible Authority had made any relevant representations. He confirmed that the premises would be offering food and was not intended to be a High Volume Vertical Drinking (HVVD) establishment and the clientele of the Uplands area tends to be an older age group which differs from Wind Street. The one main representation focuses on planning issues as opposed to licensing.

In response to Member questions, the Applicant's representative and Applicant confirmed:

- Food would be served up to 21.30 hours for a maximum of 50 covers split between the downstairs and upstairs of the premises;
- There was no intention to re-arrange dining furniture following the conclusion of the food offer;
- A range of traditional pub food would be offered (lasagne, burgers etc) the majority of which would be pre-ordered.
- The Operating Schedule produced following consultation with South Wales Police, makes reference to bottles and waste being disposed of until midnight, however, good practice dictates that premises 'clean up' as they go. There was a willingness to reduce the Operating Schedule to reflect the Applicant's agreement to reducing the timing for disposing of bottles and waste to 23.00 hours.
- The extractor fans which are to be used are new and operate efficiently and are very quiet, thus preventing any noise nuisance.
- The Applicant operates a successful premises of a similar nature in a rural area and understands the importance of working with the community.
- Smoking is allowed at the front of the building in an area that will be supervised regularly (as outlined in the Operating Schedule).

- It would be unlikely, due to the staff shift pattern, that staff would be taking breaks during the hours of operation and causing noise nuisance at the rear of the building. In any event, a manager and four to five staff would be the total number at any given time.
- If Mr Bevis had attended, the Applicant would have offered his telephone number should there be any issues in the future.
- It was not the intention to install speakers and the premises would benefit from background music. The Applicant did not object to windows being closed.
- Waste bins would be situated to the rear of the premises and would be cleared on a regular basis.
- The closing time of 0200 hours on New Year's Eve would accommodate the needs to late night revellers. However, there is a planning constraint which licensing would not over-ride.

The meeting adjourned at 10.35 p.m. to allow the Applicant to access legal advice.

The meeting re-convened at 10.37 p.m.

The Solicitor representing the Applicant stated that the Operating Schedule could be amended to reflect the Applicant's agreement to the disposal of bottles and waste between 08.00 and 22.00 hours.

The Applicant's representative stated that the Applicant was an experienced licensee and the premises were located in a mixed area. There were many mechanisms that would allow the resolving of any problems including a review of a premises licence should there be any issues. He stated that there was nothing to rebut the presumption that the application should be granted.

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.

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 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.
  
2. SIA licensed door supervisors shall be employed on occasions when a requirement is identified by the licence holders written risk assessment. If a written risk assessment identifies that door staff are required the following numbers will be adhered to:-

*(Please note that the number of door supervisors should be dependent on the type of business you run, the crowd profile, and certain events that you run as a premises.) see below table -*

<u>Members of the Public Present</u>		<u>Number of door Supervisors</u>
1	- 100	2
100	- 250	3
250	- 500	4
500	- 750	5
750	- 1,000	6
1,000	- 1,250	9
1,250	- 1,500	10
1,500	- 2,000	12
<b>In excess of 2,000 - at least 12 and such other stewards as may be required either by the Chief Fire Officer or the Council.</b>		

3. A register of door supervisors (Safer Swansea Partnership Register or like detailed bound numerical register) to be maintained at all times at the premises.

Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed, and the register to be available for inspection on request by an Authorised officer.

4. Premises shall have an adequate system of counting persons in and out when utilising door staff to ensure that the customer levels in all areas do not exceed the agreed limit.
5. Other than for off sales in sealed containers no drinks are permitted to leave the licensed area as shown on the deposited plans.
6. There shall be no self- service of unmixed spirits on the premises.
7. 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 incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.
8. Premises to actively participate in regular initiatives to target drug misuse at the venue to include full co-operation with South Wales Police led drug itemiser and drug search operations.
9. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
10. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
13. External drinking area to be cleared of all customers by 00:00 hours
14. External area to be regularly supervised by staff from premises when in use.
15. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.
16. 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.
17. 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.

18. 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.

### **Reason for Decision**

- Members noted that no representations had been submitted by any of the Responsible Authorities but had regard to the Statutory Guidance (paragraph 1.5), the Council's own Policy (paragraphs 9.3 and 9.7) and case law.
- The Sub Committee noted the Applicant had met with the Police leading to the formation of certain conditions.
- The Sub Committee had regard to all the written representations, which had been received. None of the, 'Other Persons', were present and the Sub Committee, whilst taking into account their written representations, applied the appropriate weight to them on the basis that they were not present, and, therefore, could not amplify or expand on their representations or provide clarification on any matter arising from them. Some of the representations had limited weight as they did not address the Licensing Objectives. It was noted that one, 'Other Person', resided in the property directly behind the Premises while the others reside further away.
- The Sub Committee heard at length from the Applicant's solicitor who provided a detailed explanation on the representation.
- The Sub Committee was impressed by the Applicant's attitude and note that the Applicant appears to be taking a genuine interest in addressing the issues raised by residents. Particularly, as the Applicant has run a successful business for four years and assurances of best practices for these Premises.
- The Sub Committee was grateful & thankful to the Applicants in response to concerns raised by it to the modification of Condition 15 (regarding altering the hours between 2200 to 0800) regarding disposing of bottles and agreeing conditions mitigating potential noise from the Premises, which will address the concerns of noise from the, 'Other Persons'.
- Whilst considering its decision, the Sub Committee were mindful of the Statutory Guidance (paragraphs 1.17, 10.10 & 13.44. Furthermore, it considered the Policy (paragraphs 7.1, 12.1, 12.2, 12.3 and 12.5), and the Committee did not consider any additional conditions were required or necessary having regard to the limited matters raised in the representations by the, 'Other Persons', against the grant.
- The Sub Committee noted the, 'Other Persons', concerns over the need to balance the number and type (A3) of premises within the Ffynone & Uplands Conservation Area. The Committee considered this was more of a planning issue

and was not relevant to their decision as Licensing, and Planning are two different Committees which consider separate factors. As per paragraph 6.2 of the Policy, the Committee is not able to take into consideration, 'need'.

- The Sub Committee was satisfied it could grant this licence as presented in the application, with one modification, without undermining any of the Licensing Objectives. The Sub Committee disregarded those issues relation to need, parking, traffic and planning.
- Simply as a reminder, this licence has been granted to the Applicants by the Licensing Sub Committee. Planning Committee is a separate body.
- Furthermore, any live or recorded music will have to cease at the Premises at 2300 hours.
- The Sub Committee was pleased that a telephone number would be offered to Mr Bevis. It is not a condition; however, they wondered whether the Applicant would be kind enough to either provide their contact details to Mr Bevis directly or through the Licensing Section. The Applicants solicitor confirmed the telephone number would be placed through Mr Bevis' letterbox.

The meeting ended at 11.12 am

**CHAIR**