



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Council Chamber - Guildhall, Swansea

Monday, 22 January 2018 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

S J Gallagher

Councillor(s)

P Lloyd

Councillor(s)

Officer(s)

Gareth Borsden
Charles Gabe
Aled Gruffydd
Yvonne Lewis
Allison Lowe
Richard Westlake

Democratic Services Officer
Licensing Officer
Lawyer
Team Leader, Licensing
Democratic Services Officer
Senior Licensing Officer

West Pier Deli

Mr J Holohan	Applicant
Mrs T Holohan	Wife of Applicant
Mr M Holohan	Son of Applicant

Other Persons

Mr M Roberts, Mr O Evans, Mr J Wade, Mrs M Schwarz

Apologies for Absence

Councillor(s): None.

4 **Disclosures of Personal and Prejudicial Interest.**

Councillor Gallagher sought Legal advice in relation to him recognising one of the objectors from past professional functions.

Resolved that the 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)

The Legal Officer provided Councillor Gallagher with advice regarding his potential interest.

(Open Session)

The Legal Officer reported that Councillor Gallagher had recognised one of the objectors personally from past professional functions but confirmed that he had not seen the objector for over 15 years. The applicant also confirmed that he was content for Councillor Gallagher to remain on the Sub Committee and make a decision regarding the application.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor S J Gallagher declared a personal interest in Minute 5 – Licensing Act 2003 – Section 17 – Application for a Premises Licence – West Pier Deli, Aurora Building, Trawler Road, Swansea – I know one of the objectors personally from past professional functions.

5 Licensing Act 2003 - Section 17 - Application for a Premises Licence - West Pier Deli, Aurora Building, Trawler Road, Swansea. SA1 1FY.

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 West Pier Deli, Aurora Building, Trawler Road, Swansea SA1 1FY. He referred to the Licensing Objectives, the Licensing Policy considerations and the Statutory Guidance from the Home Office. Specific reference was made to the details in the application for a premises licence, the location plan of the premises at Appendix A and conditions consistent with the operating schedule at Appendix B. No representations had been received from the responsible Authorities. However, several representations had been received from Other Persons. A copy of their representations was attached at Appendix C. The representations related to the prevention of crime and disorder, the protection of children from harm and the prevention of public nuisance.

Malcolm Roberts on behalf of the Aurora Swansea Marine (Management) RTM Co Ltd and also on behalf of the Aurora Freehold owning Company Directors further amplified the 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 crime and disorder, the protection of children from harm and the prevention of public nuisance.

Owen Evans further amplified the 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 crime and disorder, the protection of children from harm and the prevention of public nuisance.

Mr Holohan, the Applicant outlined details of the premises, which was also a continental shop/deli and had been established over the past 7 months. It was a family run business. Its clients included residents of Aurora and passing customers from the beach. It sells cheeses, meats, sandwiches, coffee, cakes and household goods. The sale of alcohol would supplement the current provision. The licence had been requested as customers had commented that it would be nice to have an

alcoholic drink with their meal. He indicated that they were not looking for late night parties, drinking on the beach or an Ibiza type theme. They intended to keep a close rein on the premises. He stated that the family had been in the licensing trade for a number of years but did not want to run a pub, rather they wanted to enhance the current products to their clientele. They sell approximately 168 products and wish to expand the deli. The products they sell include cheeses, meats, condiments, garden wear, sandwiches, salads, platters, cakes, breakfasts, hot and cold drinks. The alcoholic drinks would make up approximately 10% of the product line. Whilst they wanted to increase their product line they did not necessarily want to increase the alcohol percentage towards this.

He confirmed that they did not want a night pub environment, rather a child friendly business.

Mr Holohan stated that there were 5 other licensed premises within the locality. He had researched the number of crimes reported during a month via the Police's website. He could find no correlation between the offences and the licensed premises. He did not feel that obtaining a premises licence would result in an increase in violent disorder or crime thus affecting the licensing objectives.

In response to Member questions, the Applicant confirmed:

During the summer months, the opening hours were generally 8am til 8 or 9 pm, with shorter opening hours during the darker winter months, depending on customer demand.

He had received no negative comments, only positive feedback. He stated that social media indicated that the premises was a calm, friendly environment, where children are welcome.

Mr Holohan would be the Designated Premises Supervisor (DPS) as he had obtained the qualification and his son (Michael Holohan) would be the Manager. Mrs Holohan would also be assisting with the family run business. The family had past experience of licensed premises with Mr Holohan's brother having run various public houses. Mr Holohan reiterated that he was not looking to run a pub, but requested the license to compliment the food aspect of the business. Mr Holohan's background had been in education and training and he would train his staff in the 4 licensing objectives.

He confirmed that customers would be able to purchase alcohol without purchasing a meal, however they would be provided with a snack, such as olives, nuts, popcorn, crackers or fruit to introduce the product to the customer in order to promote the deli side of the business. They would be selling premium lagers, costing around £4-£6. Therefore, they did not expect customers to become intoxicated, however, like any establishment they would have to ensure that customers would not do so.

He stated that he did not think that noise levels would be an issue for residents in the Aurora building as his establishment would just have conversational noise. There were notices up for customers to leave the premises quietly and to have regard for residents. There would only be 20-30 people frequenting the premises and not all at

one time. They did not anticipate that the business would grow tremendously just because it had a licence.

The windows, which had vents were plate glass but did not open. There were 2 doors used to enter and exit the premises.

There were 3 tables outside, each with 4 chairs. This would only increase slightly, but no more than double.

Deliveries were currently 0800 – 1700 hours. Bottles were contained internally. Glasses were allowed outside and the tables and outside area were cleaned regularly, including the play area. The licence had been requested until 2300 hours to allow their customers to drink up and leave at a leisurely pace.

In response to questions from Other Persons, Mr Holohan stated that parents could bring their children to the premises with them but he would not expect children to be on the premises much later than 9 pm.

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 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 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. 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 will be kept available for inspection by the Police and authorised officers of the Licensing Authority.
3. Other than for off sales in sealed containers no drinks are permitted to leave the licensed area as shown on the deposited plans.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0900 hours.
6. 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.
7. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
8. A Challenge 21 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.
9. 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.
10. Premises to keep up to date records available for inspection of staff training in respect of age related sales.
11. 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.
12. All tables and chairs shall be removed from the outside area by 2200 hours each day.
13. External drinking area to be cleared of all customers by 2200 hours.

Additional conditions:

14. Sale of alcohol until 2200 hours.
15. Premises to close at 2230 hours.
16. Glass receptacles to be cleared at regular intervals from outside.
17. Doors to remain closed except for entry / exit.

Reason for Decision

Despite the best intentions of the ownership, it is understood that noise can escape, therefore to minimise the impact on residents the licence has been brought forward one hour from that requested to 22.00 hours.

The meeting ended at 11.13 am

Chair