



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 4 February 2022 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
J P Curtice

Councillor(s)
P Lloyd

Officer(s)

Charles Gabe
Aled Gruffydd
Rachel Loosemore
Samantha Woon

Licensing Officer
Associate Lawyer
Licensing Officer
Democratic Services Officer

Also present:

Mr K H Hoh
Mr Cornwell
Mr Davy

Applicant
Other Persons
Other Persons

9 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

10 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Sky-70, 70 Brynymor Road, Swansea SA1 4JJ.

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 Associate Lawyer provided a comprehensive overview of the procedure to be adopted by the Sub Committee when considering the application.

The Licensing Officer reported on the application for a premises licence in respect of Sky 70, 70 Brynymor Road, Swansea, SA1 4JJ.

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 and Appendix A1. The location plan of the premises at Appendix B, other premises on Brynymor Road which have on sales of alcohol at Appendix C,

conditions consistent with the operating schedule at Appendix D, the representations made by Other Persons at Appendix E.

Two representation had been received from Other Persons. A copy of their representations were attached at Appendix E. The representations related to the prevention of crime and disorder and public nuisance.

Mr Cornwell, further amplified his 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 and public nuisance. He reiterated the current volume of licensed premises in the area and highlighted his experiences in relation to noise and nuisance.

In response to Member questions, Mr Cornwell stated that a petition was in circulation and would be submitted in due course. He further stated that whilst the pubs could be attributed to the levels of public nuisance other factors contributed including off sale premises.

Mr Davy (representing Mr and Mrs Moran) further amplified the 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 and public nuisance. He reiterated his experiences of life on Brynymor Road since 1988 and the change in dynamic in the last 5 years. He referred to the number of premises able to sell alcohol, and the general decline of the area.

Mr Hoh, Applicant, stated that the proposed premises was previously a beauty salon and he currently owned the Chinese Takeaway. He advised that, as a resident himself, he did understand the issues experienced by other residents and his willingness to respect and work with neighbours to make this work.

In response to Member questions, the Applicant stated that smoking would be permitted in the beer garden at the rear of the premises.

Mr Cornwell stated that there was little room on the pavements for smokers and there were problems in the alleyways at the rear of the properties, specifically vermin.

Mr Davy stated that it would not be easy for patrons to smoke at the front of the premises. He referred to difficulties posed by vermin. He asserted his concerns regarding potential drug dealing within the beer garden and the increased noise nuisance as a result of patrons using the beer garden.

The Associate Lawyer stated that valid points had been raised respect of increased noise, however, concerns regarding drugs would need to be dealt with if they occurred.

Mr Hoh stated that patrons would be encouraged to respect neighbours when leaving the premises. The beer garden was solely for the use of patrons. Issues

with vermin were dealt with on an ongoing basis. He reiterated his respect for all neighbours and his willingness to work with them.

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 Associate 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 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 and 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 shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any CCTV system failings the actions taken are to be recorded, and the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. An incident book, bound in numerical order, shall 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.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
4. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2100 hours and 0800 hours.
5. 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.
6. Notices 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. 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.
8. Premises to keep up to date records of staff training and refresher training in respect of age related sales including proxy sales, sales to persons who are drunk and identifying and preventing drug misuse, in written or electronic format, available for inspection on request by an authorised officer.
9. Door and windows to be closed from 2200 hours unless COVID restrictions supersede this condition.
10. The beer garden contain a designated smoking area.
11. Contact details be provided for the premises.
12. No use of the Beer Garden is to be made after 2200 hours.

Minutes of the Statutory Licensing Sub Committee (04.02.2022)
Cont'd

The meeting ended at 11.55 am

Chair