



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Monday, 31 October 2022 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
V A Holland

Councillor(s)
P Lloyd

Officer(s)

Charles Gabe
Aled Gruffydd
Rachel Loosemore

Licensing Officer
Associate Lawyer
Operational Lead - Licensing

Also present

Mr Kanapathi,
Mr Tamilkumar

Applicant's Representative
Applicant

Apologies for Absence

Councillor(s): None.

1 Disclosures of Personal and Prejudicial Interests.

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

2 Statutory Licensing Sub Committee Procedure (for information).

The Lawyer advising the Committee, presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 34 - Variation to a Premises Licence - Lifestyle Express, 187 Middle Road, Gendros, Swansea. SA5 8EZ

The Chair sought approval for an adjournment to allow Nicky, Other Persons, to attend the meeting.

Adjourned at 10.05 am

Re-convened at 10.15 am

The Chair welcomed all attendees to the meeting and advised that Nicky, Other Person, had stated that he was unwell and would not be attending the meeting.

The Licensing Officer reported on the application for a Variation to a Premises Licence in respect of Lifestyle Express, 187 Middle Road, Gendros, Swansea, SA5 8EZ.

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 (which included modified conditions which could be viewed at section M of the application form) a copy of the current premises licence at Appendix A1, the location plan of the premises at Appendix B, conditions consistent with the operating schedule at Appendix C, the representations made by Other Persons at Appendix D1 to D2.

Two representations had been received from Other Persons. A copy of their representations were attached at Appendix D1 and Appendix D2. The representations related to the prevention of crime and disorder, public safety and protection of children from harm.

In the absence of both Other Persons (Nicky and Rosaria) the Licensing Officer read the written representations objecting to the application and which highlighted concerns in relation to the undermining of the Statutory Licensing Objectives in relation to the prevention of crime and disorder, public safety and protection of children from harm.

In response to a Member question, the Licensing Officer stated that the reference to the premises selling alcohol and other products (nicotine) to underage children had been investigated. One anonymous complaint had been received which did not related to the sale of alcohol to underage children. No evidence had been submitted and Officers were not able to investigate further as the complaint was anonymous. The complaint related to the previous licence holder.

Mr Tamilkumar, Applicant, spoke in support of the Application and detailed the nature of the premises as a convenience store, operating throughout the day and evening.

Mr Kanapathi, Applicant's Representative, stated that the applicant would be changing to the DPS this week as he now holds a personal licence.

Reference was made to the lack of representations from the Responsible Authorities. Given the location of the premises in a highly populated area, only two representations had been received. The issues raised by the Other Persons related to the previous licence holder.

It was noted that the Applicant had experience in promoting the Licensing Objectives and lived locally.

The hours of operation applied for reflected the nature of the premises as a convenience store and Members' noted that customers were present at all hours throughout the day.

The revised conditions further strengthened the Licensing Objective in respect of protecting children from harm.

The Committee was urged to grant the application.

In response to a Member question, the Applicant stated that if a customer presented as intoxicated, the sale would be refused.

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 Statutory Licensing Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representations made and the needs and interests of all parties in terms of the Council's Statement of Licensing Policy, Statutory Guidance and the requirements of the Licensing Act 2003

Following this determination the Sub-Committee **Resolved to Grant** the application subject to conditions consistent with the operating schedule detailed:

1. A CCTV system shall be installed at the premises which has 31-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick.
2. The CCTV cameras shall cover the entire premises, including the till area where payment is made for alcohol and all areas in which members of the public have access, including ingress and egress. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
3. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.

4. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25. The only acceptable forms of identification shall bear the photograph, date of birth and a holographic mark.
5. New staff shall receive induction training at the commencement of their employment at the premises, including dealing with incidents and prevention of crime and disorder, underage sales training, and serving to persons in drink and proxy sales prior to being allowed to sell alcohol. This training shall be recorded.
6. All staff involved in the sale/delivery of alcohol shall receive training in underage sales, serving to persons in drink and how to deal with abusive and aggressive customers – this shall be recorded and kept for a minimum of one year.
7. Staff refresher training shall take place every 6-12 months and will be recorded.
8. The DPS shall ensure that there is an up-to-date written letter of authority record for all staff working at the premises who sell alcohol.
9. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. This register shall be made available for inspection by South Yorkshire
10. A refusals register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, staff member challenging the sale and identification checked. This register shall be made available for inspection by South Wales Police or Local Authority Enforcement Officers immediately upon request.

Reason for Decision

The Committee found no evidence to support the refusal of the request.

The allegations raised by the representations regarding underage sales were not backed up by Trading Standards, Furthermore, the allegations related to the previous licence holder not the current applicant.

Finally the Committee confirmed that the residents have the opportunity to apply for a licence review if concerns arise regarding the licensable activities at the premises.

Minutes of the Statutory Licensing Sub Committee (31.10.2022)
Cont'd

The meeting ended at 10.50 am

Chair