



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 23 June 2023 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
P Downing

Councillor(s)
B J Rowlands

Officer(s)

Annie Davies

Licensing Officer

Craig Davies

Associate Lawyer

Rachel Loosemore

Operational Lead - Licensing

Samantha Woon

Democratic Services Officer

Also present

Mr D Rees, Dunvant RFC Treasurer (on behalf of the Applicant)

Councillor J W Jones (Ward Member)

Councillor M H Jones (Ward Member)

Ms D Matthews (Local Resident)

Mr K Munson (Local Resident)

Mr N Alexander (Local Resident)

Ms S Thomas (Local Resident)

Apologies for Absence: 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 declared.

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 17 - Application for a Premises Licence - Dunvant RFC, Broadacre, Killay, Swansea, SA2 7RU.

The Associate Lawyer outlined the procedure to be adopted by the Sub Committee in considering the application.

The Licensing Officer reported on the application for a new premises licence in respect of Dunvant RFC, Broadacre, Killay, Swansea, SA2 7RU received by the Authority on 3 May 2023.

She referred to the licensing objectives, policy considerations, guidance from the Home Office and action following consideration of the relevant person's objections. Specific reference was made to application for a premises licence at Appendix A and A1, a copy of the Club Premises Certificate at Appendix B and B1, the location plan of the premises at Appendix B2, a list of licensed premises in the area is attached at Appendix 3, conditions consistent with the operating schedule at Appendix C and the representations made by Other Persons at Appendix D and a copy of representations in support of the Application at Appendix D1.

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

Councillor J W Jones (Ward Member) amplified his written representations in relation to public nuisance. He referred to complaints over the years and traffic difficulties in Broadacre as a result of parking in the cul-de-sac as opposed the Rugby Club.

Councillor M H Jones (Ward Member) amplified her written representations in relation to public nuisance. She outlined that the Application sought the same hours as they previously had under a Club Licence. She referred to public nuisance to residents in Broadacre which had been ongoing for many years.

Officers detailed the difference between a Club and Premises Licence. The Premises Licence would allow more flexibility in so far as patrons would not need to be club members or known to club members.

Mr K Munson (Local Resident) requested to speak. The Operational Lead – Licensing stated that Mr Manson had not indicated his wish to speak in line with licensing legislation. On the advice of the Associate Lawyer, the Chair allowed Mr Manson to make verbal representations.

Mr K Munson referred the residential nature of the area and the difficulties experienced by residents on match days. He stated that the premises licence may encourage the Club to seek more patrons during the year, ultimately during the venue into a nightclub. He referred to damage to a neighbour's van, an incident with an open air bar trading during lockdown and gangs of people waiting for taxis in Broadacre.

In response to a question from the Chair in relation to breaching of rules during lockdown, the Operational Lead, Licensing, stated that she was unable to confirm any complaints had been received during lockdown without checking records.

The Associate Lawyer stated that de-regulation had occurred during lockdown with many premises legally able to provide off sales during lockdown.

Ms D Matthews (Local Resident) further amplified her written representations regarding noise nuisance, gangs gathering and the potential for the venue to become a nightclub.

Mr N Alexander (Local Resident) further amplified his written representations regarding the residential nature of the area and the on-going noise nuisance. He referred to a video recording previously circulated to Members in which a group of people were rowdy whilst leaving the area.

Ms S Thomas (Local Resident) amplified her written representations regarding noise nuisance (specifically noise travelling up the valley), litter (cans at the top of the lane) and lack of consultation with residents regarding the Application.

The Chair welcomed Mr D Rees (representing the Applicant) who stated that the Club's current licence allowed the premises to remain open until 0145 hours. He reported that the Application had been submitted on the advice of Licensing Officers and the Club had in fact reduced its hours of operation, closing at 2200 most evenings. He stated that noise travelling up the valley could also be from other licensed premises. He referred to the Club's four big annual events which created income to keep the premises viable. He detailed the running costs associated with the Club and the reliance on alcohol sales to generate income. He detailed the constraints of the current Club Licence and the rationale for applying for a Premises Licence.

He stated that the premises did not sell cans, so any litter referred to by the local resident would have been purchased elsewhere. He referred to the incident of the van damage and detailed how the Club had reviewed CCTV and involved the Police with the culprit being identified and the damage being rectified.

It was noted that patrons attend the Club for specific events, in the absence of such events, the Club is quiet, closing before 2200 hours for approximately 340 days of the year.

In response to Member questions, Mr Rees stated that:

- The Club usually closes at 1600 hours on Sundays (apart from Bank Holidays). He stated that he could see no problem with modifying the hours of operation on a Sunday, however, the RFC's Committee Members would need to agree.
- He was agreeable to modifying the movement of litter and bottles between the hours of 0900 and 2000 hours.
- The Club did not offer the premises for 18th Birthday parties and was not looking to extend non-member use. Generally, the Club does not attract patrons from other premises who conclude their evening in the other licensed venues within Duvant and Killay.
- The Club often requests patrons to move cars on the request of local residents at are helpful at all times.
- The issue of off sales is mis-leading as there are numerous venues in Duvant and Killay available for off sale purchases. It was unlikely that patrons would travel to the Club to purchase off sales.

- The Club were fully compliant regarding advertising associated with the Application.
- Only hot drinks were available a late night refreshment.

The Associate Lawyer reminded all present that issues associated with parking was not within the remit of the Licensing Act 2003. Furthermore, he confirmed that the Applicant had advertised correctly and legally.

In conclusion, Mr Rees stated that the purpose of the Application was to mirror the existing Licence in order to better manage the larger annual events. He detailed the benefits to the community offered by the Club and the volunteers and the ongoing willingness to work with local residents to alleviate any issues.

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.

The Chair thanked the participants for their attendance and advised that a decision would be provided within 5 working days.

(Closed Session)

Members discussed the issues relating to the application.

(Open Session)

The Chair indicated that the Sub-Committee's decision would be published within five working days of the Committee and would take account of 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 the conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below:

Performance of Live Music
Playback of Recorded Music
Performance of Dance

All activities

Sunday - Thursday 2300 hours to 0000 hours
Friday – Saturday 2300 hours to 0100 hours

Late Night Refreshment

Sunday – Thursday 2300 hours to 0000 hours
Friday – Saturday 2300 hours to 0130 hours

Supply of Alcohol

Sunday – Thursday 0800 hours to 2330 hours

Friday – Saturday 0800 hours to 0100 hours

1. No unsupervised U18's after 9 pm.
2. Comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system must be capable of providing pictures of evidential quality, in particular facial recognition. All recordings must be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of a Police or Authorised Officer.
3. 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.
4. Notices shall predominantly display at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. Notices shall be predominantly displayed in all areas used externally patrons to respect the needs of the local residents and use the area quietly.
6. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2100 hours and 0800 hours.
7. 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.
8. 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.
9. The premises to keep up to date records of staff training and refresher training in respect of age-related sales including proxy 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.
10. Other than for off sales in sealed containers no drinks are permitted to leave the licensed area as shown on the deposited plans.

11. 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.
12. A 30-minute drinking up time on top of the last permitted sale of alcohol to allow customers.
13. The Safety Advisory Group shall be notified with at least two months' notice for all events likely to attract more than 500 people.

Reason for decision:

The Committee noted that no relevant representations were received from the Responsible Authorities.

The Committee noted all the local resident's representations within the bundle of documents, their enhanced representations during the Committee and the video provided. It was noted that the representations also referred to matters of parking and use of the highway which could be considered being not directly relevant to the objectives, therefore members took extra care in considering all the representations and comments in line with the objectives.

The Committee noted the applicant's comments and the applicant's supporting information provided prior to the Committee.

The Committee noted that the Applicant acknowledged the local residence representations and concerns by providing answers in rebuttal and/or mitigation relevant to the licensing objectives.

The Applicant also confirmed a willingness to continue to work with residents to assist in the resolution of local issues emanating from the premises.

The Applicant was open regarding the premises current opening hours and although did not have the authority to agree modifications to the application welcomed members modifications if it felt that such modifications would promote the licensing objectives.

Therefore, the Committee felt that with the mitigation offered and with the modification of all activities and supply of alcohol on a Sunday in line with the Monday to Thursday hours, modification of .6 & .13 of the conditions was sufficient and significant enough to elevate the local resident's representations regarding the effect a grant of licence would have on the licensing objectives.

The meeting ended at 11.53 am

Chair