



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Statutory Licensing Committee

At: Remotely via Microsoft Teams

On: Friday, 26 November 2021

Time: 9.55 am

Chair: Councillor Penny Matthews

Membership:

Councillors: C Anderson, J P Curtice, N J Davies, P Downing, S J Gallagher, P Lloyd, H M Morris, C L Philpott, B J Rowlands, L G Thomas and L V Walton

Agenda

Page No.

1 Apologies for Absence.

2 Disclosures of Personal and Prejudicial Interest.

www.swansea.gov.uk/disclosuresofinterests

3 Minutes:

To approve & sign the Minutes of the previous meeting(s) as a correct record.

1 - 12

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Monday, 22 November 2021

Contact: Democratic Services - tel: (01792) 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Remotely via Microsoft Teams

Thursday, 23 September 2021 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

H M Morris

Councillor(s)

B J Rowlands

Officer(s)

Craig Davies

Yvonne Lewis

Rachel Loosemore

Samantha Woon

Associate Lawyer

Team Leader, Licensing

Licensing Officer

Democratic Services Officer

Other Persons

Mr A P Lewis - Resident

Mr G Edwards - Resident

Mrs N Smith – Resident

Mr S Simmonds - Resident

Applicant & Applicant's Representatives:

Mr E MacGreggor – Solicitor to Applicant

Ms C Dixon, Business Director of Ambassador Theatre Group Limited (ATG)

Ms L Mart, Appointed General Manager, Swansea Arena

Ms L Caple Harding Operations Manager, Swansea

Mr P Laffan Risk Manager & Group Security Lead

Mr L Richards - Project Director, Swansea Council.

7 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.

8 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Swansea Arena, Oystermouth Road, Copr Bay, Swansea, SA1 3BX.

The Chair welcomed all attendees to the meeting.

The 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 Swansea Arena, Oystermouth Road, Copr Bay, Swansea, SA1 3BX.

She 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, the representations made by Other Persons at Appendix E and a position statement from the Planning Authority at Appendix F.

A representation in support of the application had been received from South Wales Police on 26 August, 2021. The representation detailed the numerous meetings held with the Applicant surrounding the operational plan for the premises. The Application was supported on the grounds that the premises was a multi-functional Arena, enhancing and promoting the culture of the City. There was a detailed operational schedule which included a number of conditions relating to event specific management plans which would ensure a robust and safe operation, whilst also promoting the licensing objectives of crime and disorder, public safety, prevention of public nuisance and protection of children from harm. The conditions had considered the operational needs of the Arena along with minimising noise and anti-social behaviour disruption to the local community and wider community. The representation stated that the Application did not adversely affect the licensing objectives and there was no other police representations in relation to the Application.

In response to questions from Other Persons and Councillors, Mr Hancock stated that:

- 1) South Wales Police had not contacted the Residents directly.
- 2) Policing of events would depend on the Event Management Plan. Due to the variety of events proposed, some would not require South Wales Police involvement. Regular meetings would take place with the operators regarding upcoming events and risk management. Responsibility ultimately lies with the operators to ensure their operating plans are robust.
- 3) Noise pollution and any anti-social behaviour resulting from patrons leaving the Arena was unknown. However, the necessary process was in place should such issues arise.
- 4) Police response times in relation to incidents in the Marina could not be guaranteed due to the service being 'demand-led' across the County.
- 5) South Wales Police expectation is that the operators will be successful and it will be beneficial to the City and County of Swansea.
- 6) It is anticipated that residents would contact the operators directly should there be any incidents resulting from events. Incidents taking place within the Marina would require Police reporting in the usual manner.

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

Mr A P Lewis also representing R J Williams not in attendance, 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 and public nuisance.

Mr G Edwards, 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 and public nuisance.

The Lawyer advising the Committee referred to representations made Mr J Woolliscroft who was not present at the meeting. However, he confirmed that Mr Woolliscroft's representations had been noted by the Committee.

Mrs N Smith, 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.

The Lawyer advising the Committee referred to comments made by Mrs N Smith, regarding light pollution (as a result of the LED Light Skin) which was a matter to be dealt with under the Planning regime.

Mr S Simmonds, 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 and public nuisance.

In response to a question from the Lawyer advising the Committee, the Democratic Services Officer stated that Mr Woolliscroft was not present at the meeting.

Resolved that the Committee adjourn until 11.25 p.m.

Reconvened at 11.25 p.m.

Mr MacGreggor, Solicitor representing the Applicant, referred to collaboration that had taken place with the responsible authorities, emergency services and local residents in bringing the application to the Committee for consideration.

Mr MacGreggor stated that he would be assisted by Claire Dixon, Business Director of Ambassador Theatre Group Limited (ATG), Lisa Mart, Appointed General Manager, Swansea Arena, Lara Caple Harding Operations Manager, Swansea, Paul Laffan Risk Manager & Group Security Lead and Lee Richards - Project Director, Swansea Council.

He provided background information regarding the Ambassador Theatre Group (ATG), COPR BAE Development and the Arena.

He referred to application which sought a licence for 365 days from 10:00 until 02:00 hours and confirmed that the premises would not be operating on each day of the

year. He referred to the different levels of scrutiny regarding the operation of the premises and the joint operational management plan.

Mr MacGreggor referred to the outline submissions document in support of the application and provided a comprehensive overview in respect of the:

- planning and licensing regimes.
- conditions associated with the application.
- extensive meetings and site visits (including the requirement to meet with South Wales Police and the Licensing Authority throughout the year).
- operating schedule.
- off sales provision (which would be limited to food festivals, weddings etc).
- dispersal policy.
- event management plan.
- categorisation of the type of events.
- staff training (underage sales, door security).
- Letter of support from South Wales Police and lack of representations from any of the other responsible authorities.

Mr MacGreggor shared a promotional video of the Arena which included a firework display. However, it was noted that firework displays would not take place every night of the year.

Both Claire Dixon (Business Director of Ambassador Theatre Group Limited (ATG), and Lisa Mort (General Manager of Swansea Arena) introduced themselves and provided a brief overview of their roles within the organisation.

Mr MacGreggor shared a plan of the Arena and referred to the risk profile, entry procedures and the orientation of the Arena in terms of the LC and Victoria Quay.

Mr S Simmonds urged Committee Members to undertake a site visit of Victoria Quay prior to reaching a decision.

Resolved that the Committee adjourn until 1.30 p.m.

Reconvened at 1.30 p.m.

Mr MacGreggor provided a comprehensive overview of the Arena staffing, security, communication (before, during and after the event), traffic and transportation and the dispersal policy.

Lee Richards (Project Director, Swansea Council) advised that, as the Council's Physical Regeneration Manager, he was responsible for the delivery of major projects and had been involved with the project for 8 years. He referred to the increased CCTV provision across the City (including the entrance to the arches) and in Arena car parks, the role of city centre rangers and addition of 7 new members of staff, car parking, the park and ride provision, the LED Light Skin encompassing the building (which had been part of this development since the 2018 planning

application), the proposals for a 1.8m hedge and heritage panel between Victoria Quay and the Arena, the extensive levels of collaboration associated with the project and the comments from residents.

In response to a member question regarding the LED Light Skin, the Lawyer advising the Committee confirmed that this was a planning matter.

In response to member questions, representatives of ATG stated that:

- Events could be booked with one months' notice, although this could be shorter.
- The off-licence provision was not a major part of the business. Mr MacGreggor confirmed that off-sales would cease at 20:00 hours.
- The level 2 foyer area would be open to the public between 10:00 to 18:00 every day for the purpose of purchasing tickets etc. No alcohol or food would be available during these hours.
- The LED Light Skin surrounding the building was the responsibility of the Council and was regulated under planning legislation. The LED Light Skin would be tested as part of the trial events. If there were any issues, the Light Skin could be dimmed.
- Car parking would be signposted on social media prior to any events, along with alternative means of transport.
- The hours of operation sought by the Applicant was not unusual for Arena's or Stadia given the nature of the business which did require flexibility with dates and hours of operation when booking bands, theatre shows etc.
- Robust measures (which included limited drop off areas and fast dispersal procedures for patrons) were in place in order to manage the risk associated with terrorism and drug misuse. The security policy required collaboration with the Council, City Centre Rangers, South Wales Police ensuring that overall responsibility was shared.
- Events were ticketed and patrons were required to arrive with a ticket at the appropriate time frame which was performance specific. Patrons were prohibited from leaving and re-entering the venue (from 12 midnight), save for those wishing to smoke within the designated smoking areas.
- 'Bottling-out' would take place within the venue and would not take place between the hours of 23:00 and 08:00.
- An out of hours contact number would be made available to local residents.
- An application for the DPS would be made at a later date.

Mr J Hancock, South Wales Police, stated that comments regarding the Police having no concerns were inaccurate and that the application had been considered within the context of the Licensing Objectives. Whilst incidents within the Marina area were historic, any issues associated with crime and disorder arising from patrons attending the Arena would be subject to the same robust enforcement as other areas within the City Centre.

Mr MacGreggor concluded that:

- The applicant was a world leader in operating large scale entertainment venues.
- The application is consistent with the Councils Licensing Policy.

- The application is consistent with the Revised National Guidance for Licensing Authorities dated April 2018.
- The application is consistent with the planning permission granted by the Planning Committee of the Licensing Authority.
- The application is consistent with the strategic priority of the Council to build and develop a world-class live performance Arena and conference.
- The National Guidance and Councils own licensing policy acknowledge the importance of the integration of, amongst other things, planning, licensing and cultural strategies.
- The Applicant has agreed a revised schedule of conditions with the responsible authorities.
- There are no negative representations to the application from any of the responsible authorities.
- The application is supported by the South Wales Police.
- The Arena and Event Management Plans referred to in the planning permission and operating schedule to the licence attend directly to the concerns raised by the local residents and will be the subject of careful on going scrutiny by the Council and other statutory bodies.
- The Arena and Event Management plans will continue to adapted and revised once the Arena is open.
- In the event that the concerns of the local residents are realised there are comprehensive review and enforcement procedures and protocols 37. In balancing the concerns of the residents against the application, in all the circumstances it is right and proper for the Licensing Sub-Committee to conclude, based on experience, that these premises are unlikely to undermine the licensing objectives and, in all the circumstances there is every good reason why 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.

The Sub-Committee **Resolved** to **Grant** the application as applied for subject to conditions consistent with the operating schedule and as modified as considered appropriate for the promotion of the licensing objectives as below.

- 1) The Premises will operate as a multi-functional event and conference space.
- 2) An event and site-specific Event Management Plan (EMP) will be developed and shared with the Licensing Authority, Police and other Responsible Authorities (as requested) on an ongoing basis.
- 3) The EMP will include details on subjects such as (but not limited to):
 - Site plan

- Layout plans
 - Risk Assessments
 - Artists profile
 - Counter terrorism measures
 - Fire Risk Assessment
 - Security Management Plan
 - Capacity control
 - The use of glass drinking vessels
 - Drugs Policy
 - Alcohol Management Plan
 - Traffic Management Plan
 - Medical Management Plan
 - Adverse Weather Plan
 - Crisis Communication Plan
 - Noise Management Plan
 - Access, Egress and Dispersal Plan
 - Child Welfare/Vulnerable Persons Policy
 - Residents and Local Community Engagement
- 4) The EMP (and appendices) will be 'living' documents which will be reviewed and revised in the planning phases of events at the premises. These documents to be shared with Local Authority Licensing and Police Licensing for consideration prior to implementation.
- 5) Annually in January, formal discussion between Licensing Authority, Premises Licence Holder, and South Wales Police must take place to discuss the proposed events for the year that are known at the time. Discussions will include the event profile, number of expected attendees and identify any additional resource levels that may be required.
- 6) The Premises Licence Holder must comply with the EMP.
- 7) The Premises Licence Holder will engage with, and attend as required, Safety Advisory Group (SAG) meetings.
- 8) Small Events – For events where the capacity does not exceed 1,000 attendees (including for example but not limited to sit down dinners, award ceremonies, private events etc.) the terminal hour for the sale of alcohol shall be 0200, with the premises to be cleared of patrons by 0230.
- 9) Medium Events – Subject to condition 10 below, for events where the capacity does not exceed 2,500 (including but not limited to DJ sets, club nights) the terminal hour for the sale of alcohol shall be 0200 with the premises to be cleared of patrons by 0230.
- 10) Large Events – For events where the capacity is in excess of 2,500 the terminal hour for the sale of alcohol and the provision of Licensable Activities (save for the VIP areas) shall be 2300 with the premises cleared by 2330 save for the VIP area

where the terminal hour for the sale of alcohol shall be 0000. The VIP area shall be cleared of patrons by 0030.

11) Events where the primary source of entertainment is by way of a DJ, with a capacity of over 2,000, where the provision of regulated entertainment ends after 0000, will only take place on Friday, Saturday, Sunday or Bank Holiday Mondays, with no more than one event taking place each weekend (to include Friday, Saturday, Sunday and a Bank Holiday Monday) and will be limited to no more than 12 events in any 12 month period.

12) The Premises Licence Holder must ensure that:

- a) CCTV cameras are located within the premises to cover all public areas including all entrances and exits.
- b) The system records clear images permitting the identification of individuals.
- c) The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 28 days.
- d) The CCTV system operated at all times while the premises are open for Licensable Activities.
- e) All equipment must have a constant and accurate time and date generation.
- f) The CCTV system is fitted with security functions to prevent recordings being tampered with i.e. password protected.
- g) There are members of trained staff at the premises during operating hours able to provide viewable copies on request to Police or Authorised Officers as soon as is reasonably practicable in accordance with the Data Protection Act 2018 (or any replacement legislation).

13) An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the Police or Authorised officer of the Licensing Authority, which will record the following incidents including pertinent details:

- (a) All crimes reported to the venue, or by the venue to the Police.
- (b) All ejections of patrons.
- (c) Any incidents of disorder.
- (d) Seizures of drugs, offensive weapons, fraudulent ID or other items.
- (e) Any faults in the CCTV system, searching equipment or scanning equipment.
- (f) Any refusal of sale of alcohol.
- (g) Any faults in the CCTV system.
- (h) Any visit by a Relevant Authority or Emergency Service.
- (i) The times on duty, names and the licence numbers of licensed door supervisors employed by the premises.

14) There must be at the premises a lockable "Drugs Box" to which no member of staff save for the Designated Premises Supervisor (DPS) and nominated members of management shall have access. All controlled drugs or items suspected to be or to contain controlled drugs found at the premises must be placed in this box as soon as reasonably practicable and when emptied of its contents all must be given to the designated officer of South Wales Police for appropriate disposal.

- 15) The Premises Licence Holder must complete, and make available for inspection, a written assessment form, as may be prescribed by the Licensing Authority, at least 7 days before an event that is
- Carried on by any person not affiliated with the venue: and
 - Promoted/advertised to the public.
- 16) Relevant and appropriate staff shall be trained in:
- a) Relevant age restriction in respect of age restricted products.
 - b) Recognising signs of drunkenness and vulnerability.
 - c) How over service of alcohol impacts on the four Licensing Objectives of The Licensing Act 2003.
 - d) The Premises' Duty of Care Policy, understanding and dealing with situations involving vulnerable persons.
 - e) Action to be taken in the event of an emergency, including the preservation of scene and reporting an incident to the emergency services.
 - f) The conditions in force under this licence.
- 17) Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed and signed by the trainee. Documented records of training completed will be kept for each member of staff.
- 18) Training shall be regularly refreshed, at least every 6 months.
- 19) Training records shall be made available for inspection upon request by a Police Officer or an Authorised Officer of the Authority.
- 20) The premises shall display prominent signage indicating (at any point of sale, at the entrance of the premises) that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
- 21) The Challenge 21 scheme must be operated to ensure that any person who appears to be under the age of 21 shall provide documented proof that they are over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram or any electronic or biometric age verification technology approved by the Licensing Authority.
- 22) A refusals record must be kept at the premises which details all refusals to sell alcohol.
- 23) This record must include the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be available for inspection and copying within 24 hours of a request by an Officer of a Responsible Authority.

- 24) The provision of door security on the premises shall be risk assessed.
- 25) A copy of the risk assessment shall be kept on the premises and made available to the Police and Licensing Authority on request.
- 26) The risk assessment shall be reviewed at least annually.
- 27) When employed, a register of Door Supervisors shall be kept. The register must show the following details:
- Full SIA registration number.
 - Date and time that the Door Supervisor commenced duty, countersigned by the Duty Manger.
 - Date and time that the Door Supervisor finished work.
 - Any occurrence or incident of interest involving Crime and Disorder or Public Safety must be recorded giving names of the Door Supervisor involved.
- 28) The Door Supervisor register shall be kept at the premises and be available for inspection by an Authorised Officer from the Local Authority and the Police and shall be retained for a period of 12 months.
- 29) Alcohol may be sold from permitted bars as shown on the deposited plans, from temporary pop up bars and by mobile vendors.
- 30) The positioning of any temporary bar/mobile bar shall be within the licensed area as shown on the deposited plan.
- 31) The positioning of any temporary bar mobile vendor will be risk assessed by the License Holder and their location will be in such a place/places as not to impede/hinder or prevent access/egress to or from the premises or through escape routes.
- 32) A copy of the risk assessment shall be kept on site and made available to authorised representatives of the Police and Licensing Authority on request.
- 33) Any sales of alcohol for consumption off the premises shall be in sealed containers only.
- 34) No external speakers shall be placed on the premises.

The application is modified and the following conditions are added:-

- a) No off sales after 8pm
- b) No rubbish including bottles shall be moved, removed/collected or placed in outside areas between 2300 and 0800 hrs.
- c) No entry or re-entry to events after 12 midnight; save for persons exiting to smoke.
- d) To provide residents a contact number for the relevant duty manager during operating hours.
- e) Ensure bar bottling out to refuse area is limited to the enclosed space.

Reason for Decision

The Members' fully took into consideration all representations from residents both provided in writing and expanded orally during the committee.

The Members' noted the residents' representations regarding the applied for operating hours and gave full consideration to them. The Committee also noted the comment given by the Applicants confirming the reasons why they have requested full hours on all days. The Committee noted the comment that any lesser hours of operation would have a detrimental effect on the potential draw of artists and operation of the Arena.

The Members' noted the operational difficulties of using a venue such as this Arena 365 days a year. They appreciated that the planning, setting up and changing the layout for a multifunctional venue was very different and required time between events. This was particularly relevant to the concerns of the local residents that this venue could be used for 365 days a year to 2.30am, the view was confirmed by the Applicant that they did not intend to use the Arena 365 days a year.

The Members' noted the support of the application by SWP following numerous robust and challenging dialogues with ATG where the EMP was formed. The conditions offered in the EMP affords both local Police and Council officers to continuously challenge the effectiveness of the EMP and deal with any issues on a regular basis, however the committee were of the view that the residents representations should also be included in the ongoing consideration of the EMP.

The Members' noted that before full usage of the Arena, three trial events are planned to take place early next year and that all stakeholders and residents would be invited to take part and provide feedback to inform any changes required to the EMP.

The Members' noted the Traffic Regulation Order which has formed part of the scheme designed to evacuate persons from the vicinity is currently being considered and was welcomed by some residents living in the marina to minimise traffic using Victoria Quay which is a dead end, late at night/early in the morning when events are held.

The Members' noted that there had been substantial dialogue with all parties and ATG prior to the hearing and that this had informed the Event Management Plan so far. They also noted that this was a living document which would be under constant consultation and amendment/revision.

It was noted that additional City Rangers were to be employed and would be used to assist members of the public and to promote the dispersal of persons leaving events.

The Members' noted the draft dispersal policy and recognised that this too is a living document which will be kept under review. Issues of concern relating to those customers wishing to disperse to the Marina were accepted and the measures within the current dispersal policy to avert nuisance and disorder to local residents by

directing persons away from the platform, either across the bridge or down the stair case to the footpath and adjacent to the road to transport connections. Thereby reducing the footfall in the Victoria Quay area mitigating the concerns raised in representations.

It was commented that the LED light skin of the area has potential to cause nuisance; Therefore committee were specifically directed to points 2.15, 2.16, 2.20 and 2.21 of the April 2018 Home Office issued s182 Guidance of the Licensing Act 2003.

In response, Committee were advised that the LED light skin is designed to graduate around the arena and dissipate around the back. The Committee were comforted by the confirmation that the lighting operation is an ongoing consideration; as such its operation and usage is adaptable.

The Members' were advised that the operation of the LED light skin is not under the control of the Applicants and therefore not enforceable under a licensable condition. However the LED light skin is part of the development plan and contained within the planning application design and access statement and as the LED skin is at the testing stage the Council representative stated that residents' views will be taken into account with regard to its usage.

The Members' noted the representations of the residents regarding the level of the platform area being adjacent to window level the residents homes this caused concern for the Members'. However it is noted that the Arena is still under construction and currently heritage wall or living screening is not in place.

The Applicant confirmed that prior to any effective use of the Arena the heritage screening and planting will be in place thereby mitigating the potential concerns.

The Members' also noted the availability of additional off site car parking facilities and the dispersal plan directing persons to this additional parking. It was also commented that the use of local park and ride bus service could be championed to aid dispersal away from the Arena site and surrounding areas.

In conclusion and on a final consideration of all information before the Committee, the Members' were satisfied that with the ongoing consideration of the EMP combined with the comprehensive list of conditions on the licence and the Applicant's assurance of compliance with the conditions and the substantial mitigating actions would deal appropriately with the representations put forward and aim to uphold the Licensing Objectives.

The meeting ended at 4.53 pm

Chair