



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Statutory Licensing Sub Committee

At: Multi-Location Meeting - Council Chamber, Guildhall / MS Teams

On: Tuesday, 7 February 2023

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: V A Holland and M W Locke

Watch Online: <https://bit.ly/40B81Ph>

Agenda

	Page No.
1 Apologies for Absence.	
2 Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests	
3 Statutory Licensing Sub Committee Procedure (For Information).	1 - 2
4 Licensing Act 2003 - Section 100 - Temporary Event Notice - Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF.	3 - 14

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

Huw Evans
Head of Democratic Services
Wednesday, 1 February 2023

Contact: Democratic Services - Tel: (01792) 636923

Agenda Item 3



Statutory Licensing Sub Committee Procedure/Running Order

The procedure to be followed by the Committee is as follows:-

1. The Chair will:
 - Open the meeting.
 - Introduce themselves, Members of the Committee, Officers present and ask the other parties to introduce themselves.
 - Explain the nature of the decision to be taken.
 - Ask the Lawyer advising the Committee to outline the procedure to be followed.
2. Members will be asked to make any declaration of interest.
3. The Chair will ask the Licensing Officer to present the report
4. Members of the Committee will be invited to ask any relevant questions of the Licensing Officer.
5. Responsible Authorities and other persons present will be invited to ask for any clarification in respect of the report presented.

Representations – Responsible Authorities

6. The Chair will invite each responsible authority to fully outline the nature of their representation in the following order:
 - South Wales Police.
 - Trading Standards.
 - Mid and West Wales Fire Authority.
 - Health and Safety.
 - Planning Authority.
 - Pollution Division.
 - Child Protection.
 - Primary Care trust/Local Health Board.
 - Licensing Authority.
 - Immigration.
 - Other Persons.

7. The Chair will invite Members of the Committee to ask questions of each responsible authority.
8. The Chair will invite the applicant and other persons present to ask questions of each responsible authority.

Representations – Other Persons

9. The Chair will invite each of the other persons present (or their appointed spokesperson where there are a number of other persons and the nature of the representations are similar), to fully outline their representation.
10. The Chair will invite Members of the Committee to ask any relevant questions of the other persons.
11. The Chair will invite the responsible authorities and applicant to ask questions of the other persons.

The Application

12. The Chair will invite the applicant and/or the person representing them to fully outline their application.
13. The Chair will invite Members of the Committee to ask questions of the applicant.
14. The Chair will invite each responsible authority and other persons present to ask questions of the applicant.

Closing Submissions

15. The Chair will give all parties the opportunity to briefly summarise their key points and make any final points of clarification. The order will be:-
 - responsible authorities;
 - interested parties.;
 - applicant.
16. Members will consider if they need to go into private session to receive legal advice and to debate the application.
17. The decision will generally be given, with reasons, together with a summary of the legal advice provided within 5 working days of this date.

Agenda Item 4



Cyngor **Abertawe**
Swansea Council

Report of the Service Manager Statutory Licensing Sub Committee 7 February 2023

Licensing Act 2003 **Section 100 Temporary Event Notice**

1. **Premises: Cinema & Co, 17-19, Castle Street, Swansea, SA1 1JF**
2. **Premises User: Miss Anna Redfern**
3. **Temporary Event Notice**
 - 3.1 A Temporary Event Notice was submitted for the above premises on 30th January 2023. A Copy of the Temporary Event Notice is attached at **Appendix A**.
 - 3.2 The notice states the proposal is for the premises to be open for the **provision of sale of alcohol, The Provision of Regulated Entertainment (on the premises)**, for the following times:

3rd – 4th March 2023 1900 hours to 0200 hours
 - 3.3 A Temporary Event Notice may be submitted where it is proposed to use premises for one or more licensable activities for a period not exceeding 168 hours and for less than 500 persons. There must also be a period of at least 24 hours between events.
 - 3.4 In addition the premises can only be used under the provisions of a Temporary Event Notice for up to 20 events per year and for no more than an aggregate of 26 days within that period.
4. **Objections from Relevant Persons**
 - 4.1 When submitting a Temporary Event Notice the premises user must also submit a copy to the Chief Officer of the Police and The Local Authority ("local authority exercising environmental health functions) Pollution Control Division, Environment Department. These are to be known as relevant persons. Where the relevant person is satisfied that allowing the premises to be used in accordance with the notice would undermine one or more of the four Licensing Objectives, they must give notice of

their objection within three working days of receipt of the Temporary Event Notice.

- 4.2 An objection notice in accordance with paragraph 4.1 above has been received from the Pollution Division and a copy is attached at **Appendix B**.

5. Policy Considerations

- 5.1 Considering this application Members should have regard to the current Statement of Licensing Policy (the Policy) which can be found at the following link.

[Statement of licensing policy - Swansea](#)

6. Guidance Issued by the Home Office

- 6.1 Members should have regard to the relevant parts of the above guidance, issued by the Home Office in December 2022, particularly with regard to the following:
- i. Permitted Temporary Activities (Temporary Event Notices), paragraphs 7.1 – 7.40.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1125660/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_December_2022.pdf

7. Action Following Consideration of the Relevant Persons Objections

- 7.1 If following consideration of the Relevant Persons objections, Members accept that the event taking place would undermine one or more of the four Licensing Objectives, a counter notice must be issued to the premises user to prevent the event taking place. If Members consider a counter notice is necessary, reasons for their decision must be provided at least 24 hours before the event date.
- 7.2 If Members consider that the event taking place would not undermine the Licensing Objectives and that a counter notice is not necessary, the event can proceed as notified or impose conditions that already apply to the existing premises licence. These are attached as **Appendix C** to this report for Members consideration.

The Licensing Sub-Committee's instructions are requested.

Background Papers: Temporary Event Notice

Contact Officer: Lindsey Stock
Extension: 01792 635600
Legal Officer: Aled Gruffydd

APPENDIX A

From: webmaster@swansea.gov.uk <webmaster@swansea.gov.uk>

Sent: 30 January 2023 23:43

To: EVH Licensing <EVH.Licensing@swansea.gov.uk>

Subject: Temporary event notice Cinema & Co

CAUTION: External email - Do not click links/open attachments unless you recognise the sender and know the content is safe

Form Submission

Temporary event notice postcode lookup

AMOUNT	21.00
<p>Swansea Council is the data controller for the personal information you provide on this form. We are collecting this information as part of our obligation under Licensing Act 2003. Your information will be used to help us fulfil our legal obligation and will not be used for any other purpose. We will not share your data with third parties unless we are required or permitted to do so by law.</p> <p>Data protection law describes the legal basis for our processing your data as necessary for compliance with a legal obligation. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate privacy notice on our website.</p> <p>I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.</p>	
The personal details of premises user	
Title (optional)	Miss
First name(s)	Anna
Surname	Redfern
Add any previous names	
Previous names (Please enter details of any previous names or maiden names, if applicable.)	
Title (optional)	
First name(s)	
Surname	
Date of birth	Redacted
Your place of birth	Redacted
Please provide your National Insurance number in the format AB 12 34 56 C	Redacted
Your current address	

Enter the postcode in the postcode lookup box, click the 'find address' button and then select the correct address from the list. This will fill out the address fields.

	17 CASTLE STREET
	CITY CENTRE
	SWANSEA
County	
Postcode	SA1 1JF
UPRN	10091614086
Label	
Telephone	Redacted
Mobile (optional)	
Email	Redacted
Add alternative address for correspondence	
Alternative address for correspondence	
Enter the postcode in the postcode lookup box, click the 'find address' button and then select the correct address from the list. This will fill out the address fields.	
County	
Postcode	
UPRN	
Alternative contact details	
Telephone	
Mobile (optional)	
Email	
The premises	
Business name	Cinema & Co
Building name / number	17
Street name	Castle St
Area	
City	Swansea
Postcode	SA1 1JF

Detailed description if no address	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?	Premises licence
Premises licence number	SJ067895
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. Please read note 3 . (optional)	
Please describe the nature of the premises below. Please read note 4 . (optional)	
	cinema, cafebar, venue, art gallery
Please describe the nature of the event below. Please read note 5 . (optional)	
	Live DJs, discotheque
The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). Please read note 6 .	
	The sale by retail of alcohol, The provision of regulated entertainment
Please read note 7 and note 8 .	
Please state the dates on which you intend to use these premises for licensable activities. Please read note 9 .	
	Friday 3rd March - Saturday 4th March 2023
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). Please read note 10 .	
	19:00 - 02:00
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. Please read note 11 .	
	150
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). Please read note 12 . (optional)	
	Both
Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. Please read note 13 . (optional)	

	n/a
Personal license holders	
Do you currently hold a valid personal licence?	Yes
Issuing licensing authority	Swansea
Licence number	Redacted
Date of issue	08/08/2016
Date of expiry	Not applicable
Any further relevant details	Door security will be employed. Payment has already been made online, this is an amended TEN notice.
Previous temporary event notices you have given	
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	
	2
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	No
Associates and business colleagues	
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	No
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (optional)	
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	No

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year

Has any associate with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (optional)

Checklist

I have (please tick the appropriate boxes)

Payment will be made using the online payment system on submission of this form, Signed the declaration below

Condition

Declarations

Please read [note 19](#).

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature

Anna Redfern

Date

30/01/2023

If you want to save this form, please ensure you have entered your email address above to receive the link in order to continue it later.

When you click 'submit' you will be taken to our payment system. Please ensure that you fully complete your bank details and progress to the confirmation of payment. If we don't receive your payment we won't be able to process your application.

APPENDIX B

From: Tom Price < >
Sent: 01 February 2023 11:55
To: EVH Licensing <EVH.Licensing@swansea.gov.uk>
Cc: Jenny Aazem < >; Sam Naylor < >
Subject: RE: Cinema and Co

Thank you Lindsey,
Please can you record that the Pollution Control Division are objecting to this application for a TEN due to the likely recurrence of a statutory noise nuisance.
Regards
Tom

Tom Price CEnvH
Arweinydd Tîm
Rheoli Llygredd a Thai Sector Preifat
Team Leader
Pollution Control & Private Sector Housing

*Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.
We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales*



Annex 2 – Conditions consistent with the Operating Schedule

1. Alcohol can only be sold to customers with a valid cinema ticket for that day unless the premises is being hired for a private function such as a conference or birthday party subject to agreement of the Police Licensing Officer. All events to be notified in writing or email to South Wales Police with at least 21 days' notice.
2. The licensable activity of alcohol shall only exist as long as the primary use of the premises is that of a cinema.
3. Staff will be educated in conflict management and be provided with the confidence to deal with difficult situations. Staff training will be logged and signed in a training book and made available to the Police or Licensing Officer.
4. The consumption of soft or alcoholic drinks purchased at the premises is prohibited on the highway outside the premises.
5. An incident book (safer Swansea Partnership incident book or like detailed bound numerical register) to be maintained at the premises at all times, register to show 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. Register to be available for inspection by an authorised officer at any time.
6. All alcohol will be displayed behind the counter and supplied on a counter service provision only.
7. No patrons shall be admitted to the premises after 22.00 hours.
8. in the event of a non-standard timing, the premises are entitled to 12 events per annum where the licensable activities of films and the supply of alcohol can take place between the hours of 10.00 and 00.00. Such events are to be notified in writing to the Police Licensing Officer and the Local Authority Licensing Officer 21 days before the event.
9. Managers/Supervisors of the premises are to attend and fully participate in the City Centre Pub and Club Watch Scheme.
10. 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. Ground floor fire exits and all areas where the public have access. 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 times 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 CCTC footage in a recordable format either disk or VHS 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 names individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is complaint. In the event of any failing the action 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 Licensing Officer.

11. Suitable non glass receptacles only to be used at the premises on days considered to be major event days in the area, such days to be notified to the designated premises supervisor in writing at least 14 days prop to the event, or with agreement of Pub and Club Watch.

12. Premises shall have an adequate system of counting persons in and out to ensure that the customers levels in all areas do not exceed the agreed limit.

13. Provision of food and non-intoxicating beverages shall be available in all parts of the premises when alcohol is sold or supplied for consumption on the premises.

14. Clear and legible notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

16. The Premises Licence Holder shall ensure all doors and windows are kept closed, except for ingress and egress, to reduce noise nuisance from the premises.

17. 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 holographic mark.

18. 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 a Police or an authorised officer of the council at all times whilst the premises are open.

19. The premises is to keep up to date records in written or electronic format available for inspection of staff training in respect of age-related sales.

20. A proof of age Policy will be implemented on the door in accordance with "U", "PG", "12A", "15" or "18" certificate from the British Board of Film Classification. Staff have the right to refuse entry to anyone not able to produce valid forms of ID when requested.

21. When films are classified by either the BBFC or the licensing authority they shall be classified in the following way

- U – Universal – Suitable for all
- PG – Parental Guidance. Some scenes may be unsuitable for young children.

- 12A – Passed only for viewing by person ages 12 years and over or persons younger than 12 when accompanied by an adult.
- 15 – Passed only for viewing by person ages 15 years and over
- 18 – Passed only for viewing by a person ages 18 years and over.

22. Before the exhibition at the premises of a film passed by the BBFC there shall be exhibited on screen for at least five seconds in such a manner has to be easily read by all persons in the auditorium a reproduction of the certificate of the board or as regards a trailer advertising a film of the statement approved by the board indicating the classification of the film.

23. Clear and legible notices shall be prominently displayed in the area of the sale to emphasis to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.

24. The premises will employ a two-tiered ID policy in which a challenge 25 Policy is used on entry to the premises and if attempting to purchase alcohol at the bar within the premises.

25 All alcohol behind the bar will be covered and not be in sight during specified children's events.