



City and County of Swansea

## Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Wednesday, 27 March 2024 at 10.00 am

**Present:** Councillor P M Matthews (Chair) Presided

**Councillor(s)**

J P Curtice

**Councillor(s)**

C L Philpott

**Officer(s)**

Samantha Jenkins

Adrian Jeremiah

Rachel Loosemore

Lindsay Stock

Democratic Services Officer

Lead Lawyer

Operational Lead - Licensing

Licensing Officer

**Also present**

M Jones – Applicant

Y Lewis – Team Leader, Licensing (Responsible Authority)

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**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 Lead Lawyer presented the Statutory Licensing Sub Committee Procedure, for information.

**3 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Main Stage, 36 Castle Street, Swansea, SA1 1HZ.**

The Chair welcomed all attendees and requested that all present introduced themselves.

The Licensing Officer reported on the application for a premises licence in relation to Main Stage, 36 Castle Street, Swansea, SA1 1HZ which was received by the Authority on 9 February, 2024.

She referred to the licensing objectives, policy considerations, the guidance from the Home Office and action following consideration of the Responsible Authority's and Other Persons Representations.

Specific reference was made to the application (and plan) for a premises licence at Appendix A and A1. The location plan was detailed at Appendix B and a list of licensed premises in the area at B1. The conditions consistent with the operating schedule were highlighted at Appendix C. Relevant Representations were detailed at Appendix D.

She highlighted that the Council had re-adopted a special policy on Cumulative Impact Assessment (CIA) in July 2023 and the premises was situated within this area.

Members noted that the premises licence application under consideration did not fall within the exemption listed in the CIA as stated in paragraph 5.3 of the Policy and therefore must demonstrate that their application and proposed operation did not add to the cumulative impact.

The Licensing Officer outlined the two representations received from Pollution Control and Other Persons which had been subsequently been withdrawn following a meeting with the Applicant on 14 March 2024.

A representation had been received from the Licensing Authority on 14 March 2024. As the proposed premises was located within the CIA area, it was felt by the Licensing Authority that the applicant had not provided sufficient information as to why the premises licence application should be granted nor had the Applicant sufficiently demonstrated how the Licensing Objectives would be promoted. The CIA stated at paragraph 5.11 that should the applicant not be able to demonstrate that their operation would not add to the cumulative impact, a licence should be refused.

The Licensing Team Leader further amplified the written representations regarding the description of the premises provided by the Applicant and stated that there were residential units at 15-20 Castle Street as well as residential units within Castle Arcade at 32 Castle Street. Whilst the Applicant has stated SIA registered door staff will be employed at the premises and that the door staff would supervise queues to enter the premises, as per condition 5 and 13 of the Operating Schedule, the Applicant made no reference to how noise from the premises would be managed. The Licensing Authority, acting as Responsible Authority, would suggest additional conditions be considered should the licence be granted to ensure noise levels from the premises when regulated entertainment is taking place, would not become a public nuisance and therefore undermine the licensing objectives.

The Licensing Authority had considered the application in line with paragraph 5.3 of the CIA and whilst it proposes to sell alcohol and provide entertainment with different styles and characteristics in Swansea, the Applicant had not demonstrated how the premises would not add to the existing cumulative impact.

Should the Committee be minded to grant the application, the Licensing Authority acting as Responsible Authority suggests the following conditions:

- 1) All windows and doors to be kept closed whilst regulated entertainment takes place and any use of the P.A system is in use.
- 2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 3) Notices shall be prominently displayed at the exit and any area used for smoking requesting patrons to respect the needs of local residents and to use and leave the area quietly.
- 4) SIA door staff to actively monitor and control any queues outside of the premises in order to minimise any disturbance to local residents.
- 5) The premises will promote a QR code table service system.
- 6) Where customers are unable to use the QR Code Ordering Service, waiter/waitress service will be provided.
- 7) No service is to be provided directly to customers from the bar when regulated entertainment is taking place or when the P.A system is in use.

Members sought clarification in relation to information and evidence required from the Applicant in order to satisfy the Licensing Objectives and whether the Applicant had accepted the proposed conditions stated above.

The Applicant described the nature of the venue being LGBTQ+ and stated that there was a need for this type of premises in Swansea. He detailed the aims of the venue and referred to his experience in operating a similar venue in Cardiff.

He referred to the anomalies within his Application and stated that he had submitted an application in the first instance for a venue at Caer Street and had made enquiries regarding the existence of a CIA in that area. The initial Caer Street application had not made reference to residential properties. However, the Applicant had resubmitted a new application for the premises in High Street and 'cut and paste' the narrative from the original Caer Street application and this was where the anomalies had arisen.

The Application sought permission to circulate a revised Part M of his application which detailed how the Licensing Objectives would be promoted.

The Applicant provided details of the layout/size of the venue and the regulated entertainment,

The Operational Lead – Licensing, stated that the requirement of the Plan was to indicate fixed seating/structures only.

In response to Members questions, the Applicant stated that:

- 1) The capacity of the basement area was 80 persons with 65 on the first level. 65 persons on the first level would be accommodated with a mixture of tables and chairs and bar stools in front of a drink shelf.
- 2) Tables and Chairs on the first level were not fixed.
- 3) Whilst the plan was for a coffee shop during the day, this would not be operational for 2-3 months after the opening of the venue.
- 4) There was a storage area for tables and chairs, however, it was not his intention to move any furniture.
- 5) The main stage was 3 metres wide and 150m high.
- 6) He was content for a condition to be imposed to prevent live bands at the premises.
- 7) Sound levels had been tested at 10am and there was little difference between sound levels during the daytime and evening.
- 8) The premises was not intended as a vertical drinking establishment.
- 9) Whilst QR codes would be promoted he wanted to have the flexibility for patrons to also use the bar.
- 10) Staff would be recruited and trained within the next ten days.
- 11) SIA doormen would be employed on Friday and Saturday nights and staff would be trained to deal with any issues arising on other days of the week.
- 12) Whilst accepting the anomalies, the Applicant had not withdrawn and resubmitted the application due to his busy workload.
- 13) A total capacity of 145 for both levels (40 seated/25 standing on first floor and 80 in the basement area) is detailed on the fire risk assessment.
- 14) He was content to amend the condition regarding the removal of rubbish and empties from 2300 to 2100 hours.
- 15) The bar was 4 metres long.
- 16) There was no dance floor.

Following discussions the Committee agreed to adjourn the meeting to allow all parties to read the revised Part M document.

**Adjourned at 11:40 am**

**Re-convened at 11:50 am**

The Chair referred to the modified Part M document and all present confirmed that they had considered the document.

The Operational Lead, Licensing, stated that the modified Part M document would need to be cross referenced against the original document as Responsible Authorities had confirmed acceptance of the original application.

In conclusion, the Applicant added that he did not believe that the premises would impact on the CIA due to effective management and procedures that would be in place. Furthermore, the premises did differ from the current offer in the area and would attract a different type of patron.

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.

**(Closed Session)**

Members discussed the issues relating to the application.

**(Open Session)**

The Sub-Committee **Resolved** to **Grant** the application subject to the conditions consistent with the operating schedule, additional part M document submitted by the applicant during the hearing and attached as modified as considered appropriate for the promotion of the licensing objectives as below:

**Films**

Monday to Sunday 1000-0100

**Live Music**

Monday to Sunday 1000-0100

**Recorded Music**

Monday to Sunday 1000-0100 (Applicant reduced hours previously requested 0130)

**Provision of late-night refreshment**

Monday to Sunday 2300-0100

**Supply of Alcohol (Both)**

Monday to Sunday 1000-0100

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 drinking 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, 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 CCTV footage in a recordable format either disc 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 named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions 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.
2. Suitable non glass receptacles only to be used at premises on days considered to be major event days in the area. Such days to be notified to designated premises supervisor in writing at least 14 days prior to event, or with agreement of Pub and Club Watch.
  3. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 22:00, until close, on Fridays and Saturdays and Sunday's that precede a bank holiday Monday or other statutory bank holiday, along with days considered to be major event days.
  4. There shall be a personal licence holder on duty at all times when the premises are authorised to sell alcohol.
  5. A register of door supervisors (Safer Swansea Partnership Register or like detailed bound numerical register) to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed and the register to be available for inspection on request by an Authorised officer.
  6. Signs to be prominently displayed at the entrance to the premises, within the toilet facilities and at key strategic points within public access areas. Signs to state that drug use is unacceptable and that the venue operates a drug search policy as a condition of entry reserving the right to search customers under this provision.
  7. Premises to actively participate in regular initiatives to target drug misuse at the venue to include full co-operation with South Wales Police led drug itemiser and drug search operations.
  8. Managers/supervisors of premises to attend and fully participate In the City Centre Pub and Club Watch scheme.
  9. Premises to actively participate in the city centre Nitenet radio communication scheme. Participation to specifically include a member of staff responsible for signing on the system, monitoring, responding to transmissions, making transmissions when incidents arise to alert other premises using the system and signing off. This participation to take place at all times the premises is open to customers and trading.
  10. 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.
  11. There shall be no outside drinking at the premises other than by customers using an area covered by a pavement cafe licence. All such areas to utilise non glass receptacles only.
  12. The premises shall have an adequate system of counting persons in and out to ensure that the customer levels in all areas do not exceed the limit endorsed in the venue risk assessment.

13. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
14. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2100 hours and 0800 hours.
15. 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.
16. 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.
17. 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.
18. Notices shall be clearly displayed in the premises to emphasis to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.
19. Live band performance to be at basement level only.
  
20. Double door entry system to be constructed; and then maintained to prevent nuisance from amplified music at the venue.

### **Reason for Decision**

The Committee noted representations had been made by one Responsible Authority (The Licensing Authority). The representation received from the Licensing Authority dated 7 March 2024 was based on the Licensing Objectives of the Prevention of Crime and Disorder and the evention of Public Nuisance. The Committee noted no representations had been received from South Wales Police, Trading Standards, Mid and West Wales Fire Authority, Health and Safety, Planning Authority, Child Protection, The Local Health Board or Immigration. The Committee noted that while representations had been submitted by the Pollution Division and Other Persons those representations had been withdrawn prior to the Committee meeting.

The Committee took into consideration the Responsible Authorities representations and the comments made by Martin Jones on behalf of the Applicant. In conclusion, the Committee felt that the representations made, with modification by way of inclusion of additional conditions were sufficient and significant enough to alleviate the representations to promote the Licensing Objectives.

The meeting ended at 12.40 pm

**Chair**