



City and County of Swansea

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

Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS

Teams

Tuesday, 9 July 2024 at 10.00 am

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

**Councillor(s)**  
P Downing

**Councillor(s)**  
C L Philpott

**Officer(s)**  
Aled Gruffydd  
Rachel Loosemore  
Lindsey Stock

Associate Lawyer  
Operational Lead – Licensing  
Licensing Officer

### **Also present**

James Ponting  
Annie Davies  
Nicola Evans  
Yvonne Lewis

Police Licensing Officer (Responsible Authority)  
Licensing Officer (Responsible Authority)  
Police Licensing Officer (Responsible Authority)  
Licensing Team Leader (Responsible Authority)

Pete Conisbee  
Mano Nagendram

Applicant's Representative  
Applicant

### **Apologies for Absence**

Councillor(s): None.

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#### **1 Disclosures of Personal and Prejudicial Interests.**

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

#### **2 Statutory Licensing Sub Committee Procedure (For Information).**

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

#### **3 Licensing Act 2003 - Section 17 - Application for a Premises Licence - South Wales Grocers Limited, 55 The Kingsway, Swansea, SA1 5HQ.**

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 South Wales Grocers Limited, 55 The Kingsway, Swansea, SA1 5HQ which was received by the Authority on 20 May, 2024.

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 & D1.

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.

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 Applicant had taken into consideration the fact the venue was located within the cumulative impact area and as such had offered conditioning in line with a venue in such an area, to ensure that the objectives were upheld.

The Licensing Officer referred to the additional information which had previously been circulated to the Committee. The information had been submitted by PC Licensing Consultancy on behalf of the Applicant and offered the following:

1. Bring the terminal hour for licensable activity, Monday to Sunday, back to 2300 hours.
2. Accept the condition, - Personal licence holder to be on duty at all times when the premises is open for the purpose of selling alcohol.
3. There will be no sale of 50ml alcohol miniatures.
4. Persons who appear to be under the age of 18 will not be permitted in the premises after 21 hours unless accompanied by an adult.

A representation had been received from South Wales Police on 14 June 2024. The representation related to the negative impact it would have on the four licensing objectives.

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.

PC Nicola Evans, South Wales Police, further amplified the written representations regarding the undermining of the four licensing objectives. She stated that the Applicant had accepted the additional conditions proposed by South Wales Police, namely:

1. Personal Licence Holder to be on duty at all times when the premises is open for the purpose of selling alcohol.
2. Terminal hour for alcohol to be reduced to 23:00 hours.

The Licensing Officer further amplified the written representations in so far the Applicant's failure to demonstrate how the premises would promote the licensing objectives, in particular, the prevention of crime and disorder, public nuisance and the protection of children from harm and therefore not add to the Cumulative Impact Assessment.

In response to a question, the Licensing Team Leader stated that despite the Applicant reducing the terminal hour for the sale of alcohol, consideration of how this would impact the CIA was still a matter for the Committee's deliberation.

The Applicant's Representative stated that the Applicant had five years experience of managing two post offices and off licenses. There was currently no convenience store on the Kingsway and the provision of alcohol would play a small supplementary role to the other items on sale. However, the provision of alcohol would provide a full range of options to encourage customers to patronise the store.

The application had been compiled with due respect to the CIA and the anti social activities within the area. Alcohol would be contained behind a locked shutter and no alcohol over 6abv would be sold. Staff would be fully trained.

The proposed premises was situated 50 metres from the InfoNation. Issues currently experienced within the area were the result of existing premises.

The Applicant was aware of the issues within the area and a Personal Licence Holder would be on site at all times. He advised that there would be no sale of 50ml alcohol miniatures.

The Applicant had offered to exclude patrons under the age of 18 years and reiterated that the main aim of the premises was to sell groceries. It was not the Applicant's intention to add further to the issues currently experienced within the area.

The Applicant stated that he was a post master and a responsible retailer who had been resident in Swansea for five years. He advised that he was fully aware of the issues surrounding the sale of alcohol and that there would be a strong internal system to identify trouble makers. There would be no sales of single cans or alcohol 6abv and above. He commented on the lack of convenience stores within the area and the general 'run down' appearance of the area. He felt that the premises would be beneficial to the area and he would discourage street drinkers.

In response to Members questions, the Applicant/Applicant's representative stated that:

- 1) Only 10% of the available space within the premises would be dedicated to the sale of alcohol.
- 2) The alcohol would be contained within a locked shutter within view of the cashier.
- 3) The sale of alcohol was complimentary to the purpose of the premises which was primarily to sell groceries.
- 4) He was aware of the issues within the area and the pricing of alcohol would deter street drinkers.
- 5) Managing two other premises, albeit not in Swansea but within 'high street' areas, had provided the Applicant with the necessary knowledge and experience in regard to training staff and managing the issues associated with anti social behaviour.

The Lawyer advising the Committee stated that whilst there was no convenience store situated on the Kingsway, there were premises offering the sale of alcohol within walking distance of the proposed premises.

In conclusion, the Applicant's Representative and Applicant confirmed that the combination of the additional conditioning and staff training would not add to the cumulative impact within the area.

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 **Refuse** the application.

**Reason for Decision**

The Licensing Act 2003 has a presumption to grant a premises licence unless concerns arose that doing so would undermine the four licensing objectives.

A premises licence sought in a Cumulative Impact Area reverses that presumption and places burden of proof on the applicant to show that it is not adding to the cumulative impact on the area.

The Committee were not persuaded that the licence would not add to the cumulative impact within the area.

The Applicant confirmed that alcohol was a small supplementary offering of the shop but contradicted that by stating that an alcohol offering was required to get customers through the door. The Committee felt that this was encouraging alcohol sales and increasing the cumulative impact.

The Committee were not persuaded that the Applicant had relevant experience of managing a store in an area such as the Kingsway which has many social and behavioural issues such as on street drinking. The Police representation confirmed that "...convenience Stores have historically attracted an element of anti-social behaviour as they tend to be a congregational area due to selling alcohol and Tobacco products..."

The Applicant did not address the issue of street drinking other than by stating that they would get to recognise those undertaking it.

The Committee were also concerned with the location of the premises being situated in close proximity to a drop-in centre for vulnerable young adults.

There was no satisfactory explanation provided as to how the Applicant would not add to the cumulative impact of the area and the Applicant had therefore failed to discharge the burden of proof upon it so that the Committee could depart from its policy to refuse licences in a Cumulative Impact Area.

The meeting ended at 11.14 am

**Chair**