



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

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

Friday, 19 July 2024 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
J P Curtice

Councillor(s)
P Lloyd

Officer(s)

Aled Gruffydd
Yvonne Lewis
Samantha Jenkins
Lindsey Stock

Associate Lawyer
Team Leader, Licensing
Democratic Services Officer
Licensing Officer

Also present

Councillor L S Gibbard, Ward Councillor & representing Other Persons
Mr C Evans – Applicant
Mrs A Evans – Applicant's wife

Apologies for Absence

Councillor(s): 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 Associate Lawyer presented the Statutory Licensing Sub Committee Procedure, for information.

3 Licensing Act 2003 - Section 17 - Application for a Premises Licence - H&R Spirits Limited, Ty Rodney, Rear of 6 Curry Close, Dunvant, Swansea, SA2 7PL.

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

The Licensing Officer reported on the application to for a Premises Licence in respect of H&R Spirits Limited, Ty Rodney, Rear of 6 Curry Close, Dunvant, Swansea, SA2 7PL which had been received by the Authority on 31 May 2024.

Specific reference was made to the application (and plan) for a premises licence at Appendix A and A1. The location plan was attached at Appendix B. Conditions which are consistent with the operating schedule and will be attached to the licence, if granted, were attached at Appendix C. Relevant Representations were detailed at Appendix D.

One representation had been received from Other Persons (detailed at Appendix D). The representations related to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Licensing Officer 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.

Councillor L S Gibbard, Ward Member and representing Other Persons, further amplified the written representation in relation to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Councillor L S Gibbard highlighted the nature of the area which was a quiet cul-de-sac used to access the school. Residents were fearful of their homes being subject to criminal activity and concerned regarding the limited parking which was problematic at certain times of the day. Councillor L S Gibbard thanked the Applicant for meeting prior to the Committee to discuss residents concerns.

The Applicant circulated photographs of the proposed premises.

The Applicant stated that the proposed premises were protected by a commercial alarm system and a 2m high fence. South Wales Police had visited the proposed premises and were satisfied that there would be no issues with crime and disorder.

The Applicant referred to the gin business which had been launched in 2022. He had worked for a large company but had subsequently decided to trade solely.

The company van benefitted from a bright pink panel in order to raise local brand awareness. The van had been situated on the driveway for the last two years and had not encouraged any criminal interest. There had been no crime reports in Dunvant over the last 8 years. There would be no 'pick ups' or deliveries to the premises.

The Applicant was actively looking for a secondary unit in Fforestfach for the purpose of further storage and deliveries which would likely occur twice a week.

He detailed the premises which was a residential home benefitting from two dogs there was nothing enticing or suspicious beyond the gates of the property. The garage area had been approved by food hygiene and had been fitted to a high

standard with damp proofing, filing, kitchen cabinets and appropriate flooring and ceiling.

The Fire Authority had undertaken a fire risk assessment which had not highlighted any concerns.

The business would receive online orders from individuals who would be provided with free local delivery which would be carried out during the day.

The Applicant stated that he wished to be open and transparent and arrive at an amicable solution. He detailed his work experience working for a pharmaceutical company and his attention to detail in so far as engaging with HMRC.

He highlighted that there had been no representations from Responsible Authorities.

The Applicant detailed his ambition as a local man to set up a gin business and utilise the available space within his property. He referred to positive relationships with neighbours. During the last 12 months he had received one order to his property which had been labels.

In response to questions, the Applicant and stated that:

- 1) The business offered flavoured gin in boxes of 6 and received supplies once every 6 months.
- 2) The business was supplementary to the Applicants day job.
- 3) Stock was moved on very quickly and the storage area could hold a maximum of 200 bottles, although there would likely be half of that total at any given time.
- 4) The business would only trade in gin and there would be 35-40 boxes of 6.
- 5) The van would be used for local deliveries and trade was confined to the Swansea area.
- 6) He was content to reduce the licensable and deliveries to 0800 - 2200 hours.

In conclusion the Applicant stated that he wished to utilise his garage space and was not intending to effect anyone. He reiterated the secure nature of the storage area and the lack of representations from the Responsible Authorities. The precedent had been set in so far as the van had been in situ for 2 years and had not attracted any issues in relation to crime and disorder.

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 and as modified as considered appropriate for the promotion of the licensing objectives as below:

Supply of Alcohol (off the premises)

Monday to Saturday

0800-2200

Sunday

1000-2200

1. No advertising signage will be erected to the outside of the property or surrounding curtilage. No public access permitted. A recording CCTV system will be installed to monitor the security of the premises remotely 24/7.
2. Delivery drivers to operate a challenge 25 policy when making deliveries and any alcohol to be taken for deliveries in enclosed delivery containers.
3. The premises licence holder shall be responsible for ensuring that online alcohol sales are advertised correctly and contain warnings that the alcohol is for sale only to persons over the age of 18 years. Any failure to provide evidence of age if asked for at the point of delivery will negate the sale.
4. The premises to keep up to date records of staff training and refresher training in respect of age-related sales.
5. No advertising will be present at the front of the property to indicate that alcohol is currently being stored at the premises. The premises is secured with a commercial-grade, steel door which has a 19-point locking system.
6. A comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system will continually record whilst the premise is in use for licensable activities. The system will be capable of providing pictures of evidential quality, in particular, facial recognition. All recordings will be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of police or authorised officer.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises when undertaking licensable activities. The staff member shall be able to show police or authorised officers recent data or footage with the absolute minimum of delay when requested.
8. At all times when orders are fulfilled and dispatched, a personal licence holder will be present to uphold the licensing objectives.
9. No public access to the property is permitted. The property is accessed via full-width gates that are 2m in height which are closed and locked when not in use. No roadside view is present with the property being located circa 12m

from the nearest public pavement or highway. Loading and unloading from our van is done on private land.

10. Alcohol sales are only for 'off the premises' consumption, and we do not offer a 'pick up' service for customers ordering.
11. For online orders, we work with couriers to ensure safe and compliant delivery, with the majority of our orders being to other licensed establishments as wholesale orders.
12. No public access is permitted to the building. A commercial grade steel door has been installed to prevent entry. This is alongside the introduction of a recording cctv system to maintain security from prohibited access. No part of the building is facing the main highway and is freely accessible.
13. Deliveries are limited to the licensable hours of 0800 – 2200.

Reason for decision:

Committee heard representations in respect of the licensing objectives. They noted that the location of the premises however the protection of children from harm relates to underage drinking and the premises is not open to the public.

Whilst public safety and nuisance does not encompass parking issues, the Committee felt that the concerns regarding parking and vehicle movement was curtailed by fact that it would only be the applicant who was undertaking deliveries.

The Committee had regard to para 7.4 of the licensing policy which stated that conditions can be imposed to limit noise when premises are situated in residential areas when representations made and considered necessary. In order to mitigate some of the concerns regarding vehicle noise therefore the Committee felt that a condition limiting the time of deliveries to the licensable hours was appropriate.

The concerns raised regarding crime and disorder were alleviated by the fact that the van advertising the business has been on the driveway since 2022 and there have been no criminal concerns. The police also had no representations to make in respect of crime and disorder.

The meeting ended at 10.39 am

Chair