



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 4 February 2022 at 12.00

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)

J P Curtice

Councillor(s)

P Lloyd

Officer(s)

Aled Gruffydd

Rachel Loosemore

Charles Gabe

Samantha Woon

Associate Lawyer

Licensing Officer

Licensing Officer

Democratic Services Officer

Also present:

Mr K H How

Mr Cornwell

Mr Davy

Applicant

Other Persons

Other Persons

11 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.

12 Licensing Act 2003 - Section 17 - Application for a Premises Licence - Asian Café, 82 Brynymor Road, Swansea SA1 4JE.

The Chair welcomed all attendees to the meeting and requested that the Associate Lawyer outline the procedure to be adopted by the Sub Committee in considering the application.

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The Licensing Officer reported on the application for a premises licence in respect of Asian Café, 82 Brynymor Road, Swansea, SA1 4JE.

He 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 and Appendix A1. The location plan of the premises at Appendix B, other premises on Brynymor Road which have on sales of alcohol at Appendix C, conditions consistent with the operating schedule at Appendix D, the representations made by Other Persons at Appendix E.

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

Mr Cornwell, 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.

In response to a question from Mr Cornwell regarding the granting of licences, the Associate Lawyer stated that most applications are granted unless the applicant has a track record of poor management of previous premises or has not satisfied the Committee that the licensing objectives can be promoted. The ability to apply conditions to a licence and the legal remedy in so far as revocation of a licence were detailed. He further stated that any concerns regarding the law surrounding licensing legislation should be directed to the relevant Member of Parliament.

Mr Cornwell advised that he had nothing further to add to his submission over and above those discussed in his comments regarding the application in respect of Sky 70.

Mr Hoh, representing the Applicant, stated that the proposed premises would be a restaurant with the ability to sell alcohol. There would be a maximum of 40 diners and there was no outside area.

In response to Member questions, the Applicant stated that there was no designated smoking 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.

(CLOSED SESSION)

Members discussed the issues relating to the application.

(OPEN SESSION)

The Lawyer advising the Sub-Committee gave a comprehensive overview of the legal advice tendered.

The Chair indicated that the Sub-Committee had considered the application and representation made and the needs and interests of all parties in terms of the Council's Statements of Licensing Policy, statutory guidance and the requirements of the Licensing Act 2003.

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

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 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 and 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 to a Police Officer/Local Authority Officer on demand. The Recording equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any CCTV system failings the actions taken are to be recorded, and the Premises Licence holder/DPS must report the failure to the Police/Local Authority.
2. An incident book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents, interventions by staff 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 Local Authority.
3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
4. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2200 hours and 0800 hours.
5. A Challenge 21 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.
6. Notices shall be clearly displayed in the premises to emphasise to customers the prohibition on providing sales of alcohol to persons under the age of eighteen years.

7. A log shall be kept detailing all refused sales of alcohol. The log will include the date and time and reason for the refused sale and a means of identifying 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.
8. Premises to keep up to date records of staff training and refresher training in respect of age related sales including proxy sales, 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.
9. Door and windows to be closed from 2200hrs unless COVID restrictions supersede this condition.

The meeting ended at 12.35 pm

Chair