



City and County of Swansea

Minutes of the **Statutory Licensing Sub Committee**

Multi-Location Meeting - Council Chamber, Guildhall / MS

Teams

Friday, 3 March 2023 at 10.00 am

Present: Councillor P M Matthews (Chair) Presided

Councillor(s)
J P Curtice

Councillor(s)
M W Locke

Officer(s)
Annie Davies
Craig Davies
Yvonne Lewis
Samantha Woon

Licensing Officer
Associate Lawyer
Team Leader, Licensing
Democratic Services Officer

Also present:

Mr Jordan
Mr Tamilkumar
PC N Evans
Sgt C Dicks
PC P Jones

Applicant's Representative
Applicant's Representative
South Wales Police
South Wales Police
South Wales Police

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 personal or prejudicial interests were declared.

2 Statutory Licensing Sub Committee Procedure (For Information).

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

3 Licensing Act 2003 - Section 17 - Application for a New Premises Licence - 11 Mayhill Road, Mayhill, Swansea, SA1 6SZ.

Following formal introductions the Associate Lawyer outlined the procedure to be adopted by the Sub Committee in considering the application.

The Licensing Officer reported on the application for a new premises licence in respect of 11 Mayhill Road, Mayhill, Swansea, SA1 6SZ.

She referred to the licensing objectives, policy considerations, guidance from the Home Office and action following consideration of the relevant person's objections. Specific reference was made to application for a premises licence at Appendix A and A1, the location plan of the premises at Appendix B, a list of licensed premises in the area at Appendix B1, conditions consistent with the operating schedule at Appendix C, the representations made by the Responsible Authorities at Appendix D and the representations made by Other Persons at Appendix D1 to D2.

PC Evans referred to the representation submitted on behalf of South Wales Police on 6 February 2023 which related to the prevention of crime and public nuisance.

She referred to the proposed opening hours as Monday to Sunday 08:00 to 02:00 and that the convenience store was in a high density populated area. It was noted that convenience stores and shops have historically attracted an element of anti-social behaviour as they tend to be a congregational area.

She referred to the Applicant's responsibilities in adhering to the four licensing objectives and suggested that on the balance of probabilities (having checked all the other premises in the Townhill/Mayhill area with their respective finishing times being 23:00) that the application would attract members of the public not only within the locality but outside the area to attend in high numbers. This could cause anti-social behaviour, further alcohol issues and disturbances in the street due to the public wanting to continue to drink at such a late hour.

In response to Member questions, PC Evans stated that similar premises in the vicinity close at 23:00 hours and should the Applicant be minded to amend the application to close at 23:00 then the Police would have no objection.

Two representations had been received from Other Persons. A copy of their representations were attached at Appendix D1 and D2. The representations related to the prevention of crime and disorder and public nuisance.

Councillor C Anderson (Ward Councillor and Other Person speaking on behalf of Councillors D H Hopkins and L V Walton) further amplified his written representations. He stated that the objection was not against the application for an off licence in the location but of the closing time of 02:00 hours. He referred to similar premises closing at 23:00 hours in the area. He stated that he was concerned regarding the possibility of noise nuisance and anti-social behaviour. He confirmed that there would be no objection should the Applicant amend his application to close at 23:00 hours.

The Chair referred to the representation from Other Persons at D2 which was duly noted by the Committee.

Members discussed the closing times of premises within the area and the City Centre.

In response to a question from Mr Jordan, Applicant's Representative, Members confirmed that they had received the additional documents.

Mr Jordan referred to the lack of representations from Public Health and the small number (only two representations) from Other Persons. He referred to the takeaway which was situated next door to the premises which was open until 01:30 hours. He stated that any potential parking difficulties were merely speculation and in any event, were not a licensing consideration. It was noted that the Applicant had made a substantial investment in the area. He referred to the Statement of Licensing Objectives and specifically to the lack of evidence regarding any of the representations. He stated that the Applicant, as an experienced retailer did understand the concerns, however, he did not foresee any issues arising and there have been no complaints in respect of the other shops. Furthermore, he premises would benefit from external CCTV.

Mr Tamilkumar, Applicant, referred to the road where the premises was situated was very busy and that there was a demand for a premises to sell alcohol until 02:00 hours. He stated that he resides above the shop and owns a further premises on Middle Road. Furthermore, he stated that he had no idea why the Police felt there would be problems.

Further to a suggestion from Mr Jordan, the Associate Lawyer sought clarification regarding a modification of the application to 12:00 Sunday to Thursday and 01:00 Friday and Saturday.

In response to a Member question, Mr Tamilkumar stated that there was a demand for the sale of alcohol after 23:00 hours and the Licensing Officer cited examples of premises within the City Centre with 24 hour licenses.

In response to a question from South Wales Police, regarding upholding the licensing objectives, Mr Jordan referred to the staff training document and sought confirmation that the document had been circulated.

Resolved that the meeting adjourn until 11am to allow Officers to circulate the staff training document to all present.

Adjourned at 10:44 pm

Reconvened at 11:00 am

The Associate Lawyer confirmed that Mr Jordan was experiencing technical difficulties which prevented him from re-joining the meeting. Following a conversation with Mr Jordan and Mr Tamilkumar, the Associate Lawyer confirmed that the meeting could proceed in the absence of Mr Jordan.

The Licensing Team Leader referred to the conditions attached to Mr Tamilkumar's premises in Middle Road and suggested that these conditions be added to the Operating Schedule.

In response to a question from South Wales Police, Mr Tamilkumar stated that he was respectful of the Mayhill area despite seeking a later trading time than his premises in Middle Road.

The Associate Lawyer sought confirmation of the previous modification to the Application and Mr Tamilkumar stated that he wished the Committee to consider the revised hours.

In conclusion, Mr Tamilkumar stated that whilst he sought an application until the early hours, levels of demand would determine whether he would actually trade until that time.

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 Chair indicated that the Sub-Committee's decision would be published within five working days of the Committee and would take account of 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 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/Opening hours

Monday to Sunday
08:00 – 23:00

1. A CCTV system shall be installed at the premises which has 31-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick.
2. The CCTV cameras shall cover the entire premises, including the till area where payment is made for alcohol and all areas in which members of the public have access, including ingress and egress. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
3. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a

Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.

4. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25. The only acceptable forms of identification shall bear the photograph, date of birth and a holographic mark.
5. New staff shall receive induction training at the commencement of their employment at the premises, including dealing with incidents and prevention of crime and disorder, underage sales training, and serving to persons in drink and proxy sales prior to being allowed to sell alcohol. This training shall be recorded.
6. All staff involved in the sale/delivery of alcohol shall receive training in underage sales, serving to persons in drink and how to deal with abusive and aggressive customers – this shall be recorded and kept for a minimum of one year.
7. Staff refresher training shall take place every 6-12 months and will be recorded.
8. The DPS shall ensure that there is an up-to-date written letter of authority record for all staff working at the premises who sell alcohol.
9. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. This register shall be made available for inspection by South Yorkshire
10. A refusals register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, staff member challenging the sale and identification checked. This register shall be made available for inspection by South Wales Police or Local Authority Enforcement Officers immediately upon request.

The meeting ended at 11.30 am

Chair