

STATUTORY LICENSING SUB-COMMITTEE

Minutes of Remote meeting held on 9th January, 2023.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillors H.C. Hamilton, M.J.G. Morgan and J.M. Norman.

Also present: S. Ganachandran (Applicant), S. Kanapathi (Applicant's Representative), J. Jones (Responsible Authority; South Wales Police), Councillor Dr. I.J. Johnson (Other Person), K. Stevens (Other Person), K. Brook and Y. Witchell (Licensing Officers – Vale of Glamorgan Council), R. Price (Legal Officer – Vale of Glamorgan Council) and M. Thomas (Democratic and Scrutiny Services Officer – Vale of Glamorgan Council).

(a) Announcements –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

The Officer advised that a copy of the procedure for the meeting was available to Elected Members within the agenda papers circulated in advance of the meeting.

N.B. Councillor M.R. Wilkinson, who was originally scheduled to attend as a Member of the Licensing Sub-Committee, sent her apologies, with Councillor H.C. Hamilton in attendance instead.

(b) Appointment of Chair –

RESOLVED – T H A T Councillor M.J.G. Morgan be elected as the Chair for the duration of the Sub-Committee hearing.

(c) Declarations of Interest –

No declarations of interest were received.

(d) Grant of a Premises Licence – 3S Convenience Stores, 2 Evelyn Street, Barry, CF63 4EN –

The Chair welcomed those present to the Sub-Committee hearing and invited each person to introduce themselves.

The Chair subsequently invited Y. Witchell, Team Manager for Licensing, to present the report to the Sub-Committee, who advised that the report was to consider an application under the Licensing Act 2003 ("the Act") for the grant of a Premises Licence at 3S Convenience Stores, 2 Evelyn Street, Barry.

The report papers included the application process; a copy of the application form; proposed conditions submitted by South Wales Police; and a schedule of representations received by the Council.

The application sought authorisation for the licensable activity of the sale by retail of alcohol. The permitted hours requested for the sale of alcohol were originally 06:00am to midnight each day of the week for consumption off the premises only, and there was no application made for nonstandard timings.

Subsequently, there had been discussions between the Applicant and South Wales Police, a Responsible Authority, over a number of additional conditions that had been proposed by the Responsible Authority, with the majority agreed.

The overall conditions (including any additional or amended conditions proposed) were as follows:

- Permitted Hours amended - sale of alcohol to be 09:00 am to 10:30 pm Monday to Sunday.
- Opening and closing of the premise to be 07:00am to 23:00pm Monday to Sunday.
- A CCTV system will be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The CCTV system must cover all entrances, exits and all areas where alcohol is displayed. The images will be kept for a minimum of thirty-one days. The images will be produced to a police employee (subject to data protection legislation) in a readily playable format upon request when the premises are open to the public and at all other times as soon as is reasonably practicable. There will be sufficiently trained staff to facilitate this condition.
- No display of alcohol shall be located within a three-metre radius of the main front entrance/exit doors of the store, unless stored behind a staffed payment counter.
- An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to a police employee, and will record the following:
 - All crimes reported to the venue
 - Any complaints received (of a Criminal or Licensing nature)
 - Any incidents of disorder
 - Any refusal of the sale of alcohol
 - Any visit by a representative of a relevant authority or a member of the emergency services.
 - Any failures of the CCTV system.
- There shall be no self-service of spirits except for spirit mixtures.
- There will be no sale of beer, lager, or cider with an alcohol content above 5.5% ABV. This restriction shall not apply in respect of specialist branded premium priced products, for example Craft ales, local or micro-brewery

specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.

- The Premises shall not sell any item that may reasonably be expected to be used for the preparation or consumption of illegal drugs. This will include grinders; pipes and other items commonly used for smoking products other than legal tobacco or herbal products; and nitrous oxide cannisters.
- A staff training scheme shall be used for all staff authorised to sell alcohol. The training will cover the importance of preventing underage sales and complying with licence conditions. Refresher training will be provided every six months, records will be kept and be made available on request to a police employee.
- All employees will be vigilant and monitor the area immediately outside the shop at regular intervals to check that youths do not cause annoyance by congregating and littering. These employees will undertake a litter pick to a distance of five metres outside the premises when necessary, during opening hours and at the close of business each day. This check will be documented and recorded for a period of twelve months on a yearly basis. It shall be made available on request to a police employee.
- The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers through point of sale including the use of appropriate signage, displayed in prominent positions in the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport, Armed forces identification cards or proof of age scheme cards. All permanent staff will receive the appropriate Challenge 25 training, having completed a minimum of six continuous weeks of employment. No sale of alcohol will be made to those persons who, if challenged, are unable to produce suitable identification.
- Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.
- All display areas for alcohol shall have shutters. Shutters shall be closed at the end of the permitted hours for the sale of alcohol and shall not be open again until the start of the permitted hours on the following day.
- The sale of alcohol for delivery will only be made to a verified postal address, there will be no delivery of alcohol to public spaces. Examples of such public spaces would be parks, beaches, street locations, or open fields.
- The premises licence holder will maintain a register for a period of not less than 12 months from the date of transaction for the sale of alcohol for home or workplace delivery service which will be kept at the premises specifying the following;
 - a) The quantity of alcohol sold
 - b) The description of alcohol sold
 - c) The price of the alcohol sold
 - d) Name and address of the person placing the order
 - e) The name and address of the person to whom and where the delivery is made if different from point d) above
 - f) All refusals of the sale of alcohol
 - g) Any visit by representatives of a relevant authority or emergency service

- When alcohol is delivered by a third-party carrier, the Licence holder will specify that all alcohol deliveries will require an age check. This will be done by the third-party carrier operating the challenge 25 scheme.
- All purchases for delivery of alcohol will be completed electronically prior to dispatch of goods. There shall be no cash on home or workplace delivery sales.
- The website will have an age checker to enter the site, enter each product and purchase/payment page.

Councillor Norman raised a question regarding condition 12, relating to display areas for alcohol having shutters. J. Jones, from South Wales Police, the Responsible Authority, stated this was still under discussion with the Applicant and their representative.

The Chair subsequently invited the Applicant's representative, S. Kanapathi, from Arka Licensing, to present their case. He started by addressing those conditions which had not been agreed with the Responsible Authority or were still under discussion, such as condition 12 relating to display areas for alcohol having shutters. The installation of these was not viable for the applicant, who offered instead to put notices within the shop notifying customers of the permitted hours for the sale of alcohol, coupled with the cash till being setting up to not allow the sale and processing of purchases of alcohol outside the prescribed hours for the sale of alcohol. Furthermore, the amended condition 13, relating to the sale of alcohol for delivery, had been agreed, concerning no delivery of alcohol to public spaces. Regarding conditions 14 and 15 these had been agreed, albeit condition 15 had been amended, moving away from when alcohol was delivered by a third-party carrier, the Licence holder would specify that all deliveries required an adult signature, to when alcohol was delivered by a third-party carrier, the Licence holder would specify that all alcohol deliveries would require an age check. Condition 16 was also cited, namely all purchases for delivery of alcohol would be completed electronically prior to dispatch of goods. There shall be no cash on home or workplace delivery sales. The Applicant objected to part of this condition, around preventing the use of cash for purchases of alcohol, due to the need of third-party carriers such as Deliveroo to give customers the option to pay with card or cash, and that customers themselves may prefer to pay for cash for various reasons.

The Applicant's representative, in response to the representations and public petition against converting the premises into a convenience store cited in Appendix C of the report, stated that the Applicant had taken onboard local concerns such as by amending the hours for the sale of alcohol, taken measures to stop the purchase and consumption of alcohol from the store in local public places, selling lower alcohol content drinks, etc. Also, it was not anticipated that there would be significant numbers of deliveries of alcohol via third-party carriers. Finally, the Applicant was a local resident himself, had worked in retail for ten years and this convenience store would be a benefit to the local community.

Subsequently, Councillor Norman asked if the premises in question were open, it was explained that at this time the premises were not open and were currently under renovation.

The representative from South Wales Police, J. Jones (the Responsible Authority), was then asked by the Chair to present to the Committee. He stated that, although most conditions had been agreed with the Applicant, the main sticking point was condition 16 around the use of cash due to the potential risks to third party carriers / drivers having to carry such cash i.e., robberies and thefts, and to ensure that the responsibility remained with the retailer, as well as ensuring that adults only could buy alcohol. He asked if this condition could be considered by the Committee and be kept in place. However, the majority of conditions, after discussions with the Applicant had been agreed or amended, such as the reduction in the hours that alcohol was for sale at the premises and the Police now agreed to the amendment or removal of condition 12, due to the alternative measures mentioned by the applicant earlier on in the meeting.

On the Team Manager for Licensing's question on the wording for condition 15, the Responsible Authority confirmed the amended wording (as per the wording outlined in the conditions above).

Councillor Dr. Johnson, an Other Person and the Councillor for the area in question, stated that in light of some local residents concerns, it was important to affirm that as the premises would remain a retail business (previously it was an electrical store), there would be no requirement for planning involvement, i.e. through 'a change of use' application. Although it was positive to note that the hours for selling alcohol had been limited, there were still concerns around the premises being sited in a quiet residential area and with regard to the overall opening hours of the store which could contribute to an increase in noise, particularly at night.

K. Stevens, an Other Person, also spoke, who echoed Councillor Dr. Johnson's concerns, adding that as well as increased noise, the siting of the convenience store, with its sale of alcohol, could encourage anti-social behaviour and other issues in a quiet and peaceful residential area.

The Chair subsequently invited all parties to sum up their representations or make any additional points, with the Applicant's representative stating that the Applicant appreciated the concerns raised by the Other Persons at the meeting and in the written representations, etc., and this was why a number of conditions had been modified or added in light of discussions with the Responsible Authority. However, regarding condition 16, excluding the use of cash to pay for online deliveries, this would be unworkable, with such deliveries also expected to be very few in number.

With no further points or questions of clarification from the Sub-Committee, the Democratic and Scrutiny Services Officer confirmed that the Sub-Committee would go into private deliberation, with the decision on the application to be provided to all parties within five working days. Following this, the Applicant, their representative, the Licensing Officer, the Responsible Authority and the Other Persons in attendance disconnected from the hearing as confirmed by the Democratic and Scrutiny Services Officer, and the Licensing Sub-Committee deliberated the application in private.

RESOLVED – T H A T the application be granted, together with the conditions agreed from South Wales Police.

Reasons for decision

Condition number 16 would not be included on the licence, allowing cash to be used for deliveries.

There would also be no requirement for shutters to be used, instead signage and a till prompt preventing the sale of alcohol outside permitted hours would be utilised instead.

In reaching its decision the Sub-Committee had considered the application along with all those who had made both written and oral submissions. The Sub-Committee had taken into account the Licensing Act 2003 as amended, in particular the licensing objectives and the Home Office Guidance along with the Council's Statement of Licensing Policy.

The Applicant has a right of appeal against the decision of the Sub-Committee. The appeal must be made in writing and within 21 days to the Cardiff and Vale of Glamorgan Magistrates Court. Should the Applicant be in any doubt as to their legal rights and or responsibilities they should take independent legal advice.