



**Report of the Divisional Licensing Officer  
Statutory Licensing Sub Committee - 7 February 2019**

**Licensing Act 2003  
Section 17 Application For a Premises Licence**

1. **Premises:** Depot, Langdon Road, Port Tennant, Swansea SA1 8PB
2. **Applicant :** Eventile Limited, Depot, Dumballs Road, Cardiff CF10 5FE
3. **Application** For A New Premises Licence
  - 3.1 An application for a new premises licence was received by this authority on the 18th December 2018. The applicant has applied for a premises licence to allow the following licensable activities to take place.

**Plays:** Monday to Sunday 10:00 – 00:00hrs

**Films:** Monday to Sunday 10:00 – 00:00hrs

**Indoor Sporting Events:** Monday to Sunday 10:00 – 00:00hrs

**Boxing, Wrestling:** Monday to Sunday 10:00 – 00:00hrs

**Live Music:** Monday to Sunday 10:00 – 00:00hrs

**Recorded Music:** Monday to Sunday 10:00 – 00:00hrs

**Performance of Dance:** Monday to Sunday 10:00 – 00:00hrs

**Anything similar to Live Music, Recorded Music or Performance of Dance:** Monday to Sunday 10:00 – 00:00hrs

**Late night refreshment:** Monday to Sunday 23:00 – 00:30hrs

**Supply of Alcohol:** Monday to Sunday 10:00 – 00:00hrs

**Premises open to the Public:** Monday to Sunday 10:00hrs to 00:30hrs;

**For all above** - a further additional hour into the morning every Friday, Saturday, Sunday and Monday every May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend. A further additional hour into the morning following every Thursday, Friday, Saturday Sunday and Monday for the Easter bank Holiday Weekend. A further additional hour every Christmas Eve and Boxing Day. An extension from the end of permitted hours each New Year's Eve to the start of the permitted hours on New Year's Day

The Application was submitted with supporting evidence. The supporting evidence is attached at **Appendix A** to this report.

#### **4. Background**

The premises is situated to the rear of an industrial compound with several other businesses operating from industrial units. These include Ackland Motor Garage; SA1 pallets; a disused unit in a poor state of repair; Swansea Clutch Repair; Limitless Trampoline Park; Swansea Coach Works.

Vehicle and pedestrian access to the compound can be gained through the main gates along Langdon Road and the rear of Bevans Row. Pedestrian access is through a gate on Fabian Way. There is a security guard on site who locks these gates following the closure of the latest opening business.

A location map can be found at **Appendix B**.

#### **5. Promotion Of The Licensing Objectives**

**5.1** The Licensing Act 2003 contains four licensing objectives, namely:-

- (i) Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) Prevention of Public Nuisance
- (iv) Protection of Children from Harm

Each of these objectives is of equal importance and the application must demonstrate how they are to be promoted.

Conditions consistent with the operating schedule that will be attached to the licence if granted are at **Appendix C**.

#### **6. RELEVANT REPRESENTATIONS**

##### **6.1 Responsible Authorities**

- a) South Wales Police

**Representations and supporting evidence.**

b) Trading Standards  
No representations.

c) Mid and West Wales Fire Authority  
No representations.

d) Health and Safety  
No representations.

e) Planning Authority  
**Representations and supporting evidence.**

f) Pollution Division  
No representations.

g) Child Protection  
No representations.

h) Primary Care Trust/Local Health Board  
No representations.

i) Licensing Authority  
**Representations.**

j) Immigration  
No representations.

j) Other Persons  
**Representations have been received from :**

1. Cllr Hale, Councillor for St Thomas Ward
2. Linda Summons resident Bevans Row, Port Tennant who has written authority to represent eleven other residents of Bevans Row, Port Tennant, Swansea

These representations are attached at **Appendix D.**

## **7. Policy Considerations**

7.1 In considering this application Members should have regard to the Council's current statement of Licensing Policy adopted in July 2018. Specifically in relation to this application;

Duplication – Section 11

Paragraph 11.3 In particular, Planning and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning application and the licensing decisions will not cut

across decisions taken by a planning committee or permissions granted on appeal.

There is no legal basis for the Licensing Authority to refuse an application because it does not have planning permission. The Licensing Authority will advise all new applicants to liaise with planning services to ensure they apply for any necessary permissions.

**7.2** A copy of the Authority's Policy has previously been circulated to Members.

## **8. Guidance Issued By The Home Secretary**

**8.1** Members should also have regard to the relevant parts of the current guidance issued by the Home Secretary in April 2018, in particular;

- (i) Introduction – Chapter 1
- (ii) Licensing Objectives – Chapter 2
- (iii) Applications For Premises Licenses – Chapter 8
- (iv) Conditions attached to Premises Licenses – Chapter 10
- (v) Promotion of Equality – Chapter 14 paragraphs 14.66 -14.67

All the representations received raise concerns regarding Public Safety specifically when accessing and dispersing from the premises whilst having consumed alcohol.

Paragraphs 2.7 – 2.14 of the Guidance refers to Public Safety, in particular –

Paragraph 2.10 states: *Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:*

- *Providing information on the premises of local taxi companies who can provide safe transportation home; and*
- *Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.*

The residents representations also raise concerns regarding Crime and Disorder paragraphs 2.1 to 2.6. and Public Nuisance paragraphs 2.15 to 2.21 and – In particular:

Paragraph 2.15 *The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

Paragraph 2.16 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.*

Paragraph 2.19 *Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.*

Paragraph 2.20 *Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.*

Paragraph 2.21 *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.*

Planning and building control – Chapter 14

Paragraph 14.64 *The statement of licensing policy should indicate that planning permission, building control approval and licensing regimes will be properly separated to avoid duplication and inefficiency. The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing committees are not bound by decisions made by a planning committee, and vice versa. However, as set out in chapter 9, licensing committees and officers should consider discussions with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs*

**8.2** A copy of the Home Secretary's Guidance has previously been circulated to Members.

## **9. Determination Of The Application**

**9.1** The decision must be based on the individual merits of the application and the representations received, with a view to promoting the licensing objectives outlined in paragraph 5 above.

**9.2** In addition in arriving at the decision Members should have regard to the relevant provisions of the Council's Statement of Licensing Policy and the Secretary of State's Guidance as previously provided. Reasons must be provided for any departures from the Policy or Guidance.

**9.3** In reaching the decision the Committee must, having regard to the representations, take such steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives:-

a. Grant the licence subject to:

i) conditions that reflect the operating schedule, modified to such extent as the authority considers appropriate for promotion of the licensing objectives. Certain regulated entertainment under the Licensing Act 2003 (as amended ) has been deregulated. Where entertainment is deregulated, but licensable activities continue to take place on any premises, any licence conditions imposed on a grant of a licence in respect of any deregulated entertainment will be suspended.

ii) any mandatory conditions relevant to the licence

b. Exclude any of the licensable activities to which the application relates.

c. Refuse to specify a person in the licence as the premises supervisor.

d. Reject the application

**The Licensing Sub Committee's instructions are requested.**

**Background Papers:** Licence Application  
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