



## Report of the Divisional Licensing Officer

Statutory Licensing Sub Committee - 1 September 2020

### **Licensing Act 2003** **Section 17 Application for a Premises Licence**

1. **Premises: Bambu Beach Bar, 51-52 Wind Street, Swansea, SA1 1EJ**
2. **Applicant : Bambu Ops Ltd**
3. **Application For A New Premises Licence**
  - 3.1 An application for a new premises licence was received by this authority on the 6<sup>th</sup> July 2020. The applicant has applied for a premises licence to allow the following licensable activity to take place.  
**Live Music, Monday – Sunday 12.00 – 01.00**  
**Recorded Music - Monday – Sunday 09.00 – 03.30**  
**Performance of Dance – Monday – Sunday 09.00 – 03.00**  
**Late Night Refreshment – Monday – Sunday 23.00 – 03.00**  
**Supply of Alcohol – Monday – Sunday 09.00 – 03.00**  
**Non standard Timings – One additional hour on Saturday and Sunday preceding a bank holiday, including Christmas Eve and Boxing Day.**
  - 3.2 A copy of the application is attached at **Appendix A.**
  - 3.3 The Premises is situated in the middle of Wind Street, a location plan is attached at **Appendix B.**
4. **Background**
  - 4.1 The premises is situated on Wind Street in the City Centre. The premises currently has the benefit of a premises licence and trades to the above hours. The new application is to include a change in layout to the premises as the current operation found that the venue had a number of pinch points and that the terrace areas of the premises on

the 1<sup>st</sup> and 2<sup>nd</sup> floor were more popular than the ground floor of the premises. The applicant also submitted a change to the original plans submitted for the 1<sup>st</sup> floor during the consultation period and you can find the amended plans attached at Appendix A.

- 4.2 The Council has adopted a special policy on cumulative impact for premises situated within the Wind Street area (The Special Policy). The Special Policy is stated at section 6 of the Authority's Statement of Licensing Policy (the Policy) which can be found at the following link.

<https://www.swansea.gov.uk/article/4280/Statement-of-licensing-policy>

- 4.3 Members will note that the Special Policy was last reviewed as part of the review of the Policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the Special Policy areas including Wind St was received from South Wales Police and the evidence supported the retention of the existing Special Policy without amendment.

- 4.4 The application received has been considered against the exceptions outlined in 6.22 of the Special Policy however this application falls outside of the exemptions

- 4.5 Members will note that where relevant representations are made the licensing authority must determine the application in line with 6.23 & 6.24 of the Special Policy where refusal will normally be the case unless the applicant is able to demonstrate that the application will not add to the existing cumulative impact.

## **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
- (ii) Prevention of Public Nuisance
- (iii) 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**

A representation has been received from South Wales Police on the basis that there is a Special Policy in place for the location of the premises. The Police representation makes reference to the proposed increase in customer capacity at the venue and the probable increase in cumulative impact on the area of Wind Street. They have stated that should the venue's existing capacity remain unchanged, the Police would not object to the application subject to the necessary conditions included in the representation being agreed. The representation is attached at **Appendix D**.

#### **b) Trading Standards**

No representations.

#### **c) Mid and West Wales Fire Authority**

No representations.

#### **d) Health and Safety**

No representations.

#### **e) Planning Authority**

No representations.

#### **f) Pollution Division**

No representations.

#### **g) Child Protection**

No representations.

#### **h) Primary Care Trust/Local Health Board**

No representations.

#### **i) Licensing Authority**

No representations

#### **j) Immigration**

No representations.

#### **k) Other Persons**

No representations

## 7. Policy Considerations

- 7.1 In considering this application Members should have regard to the Policy reviewed in July 2018. A link to the policy is provided in paragraph 4.2 above and 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 statutory guidance (The Guidance) issued by the Home Secretary in April 2018 in particular;

- (i) Introduction – Chapter 1
- (ii) Licensing Objectives – Chapter 2
- (iii) Applications For Premises Licences – Chapter 8
- (iv) Determining Applications – Chapter 9
- (v) Conditions attached to Premises Licences – Chapter 10
- (vi) Statement of Licensing Policy – Chapter 14

A link to the Guidance can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)

- 8.2 In particular paragraphs 14.20 – 14.48 of the Guidance refers to the effect of cumulative impact.

## 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. As this is an application for a premises licence located within the Special Policy area of Wind Street and a relevant representation has been received paragraph 6.24 of the Special Policy applies which states as follows :-

*6.24 Where relevant representations are made, a Licensing Sub Committee of the Authority will hear those representations and determine the application. For applications that fall within the requirements of the special policy, refusal will normally be the case UNLESS the applicant can demonstrate in their operating schedule that the application will not add to the existing cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the special policy in the light of the individual circumstances of the case. The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional. The authority does not consider that premises that are well managed and fully compliant with all licensing conditions and*

*relevant legislation to be exceptional. This is expected of all licensed premises.*

- 9.2 In arriving at the decision Members should also have regard to the relevant provisions of the Policy and the 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, Cabinet report 17<sup>th</sup> May 2018  
& Council report 26th July 2018

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