



**Report of the Licensing, Food and Safety Manager
Statutory Licensing Sub Committee
28 April 2021**

**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 3rd March 2021. The applicant has applied for a premises licence to allow the following licensable activities to take place.

Live Music, Monday – Sunday 12.00 – 01.00 (indoors only)

Recorded Music, Monday – Sunday 09.00 – 03.30 (indoors only)

Performance of Dance, Monday – Sunday 09.00 – 03.00 (indoors only)

Late Night Refreshment, Monday – Sunday 23.00 – 03.00 (indoors only)

Supply of Alcohol, Monday – Sunday 09.00 – 03.00 (On & Off Sales)

Non-standard Timings- One additional hour on Saturday and Sunday preceding a bank holiday, including Christmas Eve and Boxing Day.

The application includes an indicative menu and the description of the premises is a *City Centre Bar offering food throughout its trading hours with provision to supply late night refreshment.*

3.2 A copy of the application is attached at **Appendix A.**

- 3.3 The Premises is situated in the centre of Wind Street in the City Centre. A location plan is attached at **Appendix B**.

4. Background

- 4.1 The premises currently has a premises licence which was granted by the Council's Statutory Licensing Sub-Committee on 1st September 2020 but due to Covid 19 restrictions has not yet traded using this licence.

- 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 detailed in 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 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 This application has been considered in relation to paragraph 6.22 of the Special Policy however this application falls outside of the exemptions specified.

- 4.5 This means that where relevant representations are made the licensing authority must determine the application in line with paragraphs 6.23 & 6.24 of the Special Policy, which states that 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;
 - (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 which are consistent with the operating schedule and will be attached to the licence, if granted, are attached 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. This 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. A copy of South Wales Police's 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

A representation has been received from the Licensing Authority, acting as a Responsible Authority, on the basis that there is a Special Policy in place for the location of the premises **A copy of this representation is attached at Appendix E**

j) Immigration

No representations.

k) Other Persons

No representations

7. Policy Considerations

7.1 In considering this application Members should have regard to the current Statement of Licensing Policy. A link to the policy is provided in

paragraph 4.2 of the report 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

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 of the report. 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:

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
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