



**Report of the Licensing, Food and Safety Manager
To the Statutory Licensing Sub Committee
25th May 2021**

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

1. **Premises: Ponderosa, 626 Mumbles Road, Mumbles, Swansea, SA3 4EA**
2. **Applicant : Mr Daniel Evans**
3. **Application For A New Premises Licence**

- 3.1 An application for a new premises licence was received by this authority on the 19th March 2021. The applicant has applied to allow the following licensable activities to take place.

**Supply of Alcohol on and off premises – Monday to Sunday
10:00hrs to 00:00hrs**

Late night refreshment – Monday to Sunday 23:00 – 00:00hrs;

The venue is set on the Mumbles Road and is one floor on two levels. The premises has a capacity of 48 persons.

- 3.2 A copy of the application is attached at **Appendix A**. Initially the last date for representations was 16th April but this was extended to 28th April due to an administration error in the advertising, and subsequently advertised accordingly.
- 3.3 The Premises is situated on the main road which runs from the roundabout at the bottom of Newton Road to Limeslade Bay. Mumbles Road, from the junction of Newton Road onto Limeslade consists of numerous businesses with a few residential properties, however there are predominantly residential properties in the streets off Mumbles Road.

A location plan is attached at **Appendix B**.

4. Background

- 4.1 The premises had a premises licence until March 2021 which was granted in 2011 in the name of The Kitchen Table. That premises licence lapsed in 2021. The Kitchen Table was food led and the licensable hours were as follows -

Exhibition of Films

(Indoors)

Monday to Sunday 1800 hours to 2230 hours

Performance of Live Music

(Indoors)

Monday to Saturday 1830 hours to 2300 hours

Sunday 1400 hours to 2100 hours

Playback of Recorded Music

(Indoors)

Monday to Saturday 0900 hours to 2300 hours

Sunday 1000 hours to 2130 hours

Supply of Alcohol

(On the premises)

Monday to Saturday 1100 hours to 2300 hours

Sunday 1100 hours to 2200 hours

Due to the Deregulation of Regulated Entertainment Both Live and Recorded music would now have been permitted on this licence from Monday to Sunday 0800hrs to 2300hrs

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**
No representations
- 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.
- j) **Other Persons**
Stephen Rees; John Rees; Evelyn Rees – Joint representation - **Appendix D1**
Kathleen Phillips - **Appendix D2**
Lynda Venn - **Appendix D3**
L A Hannington – **Appendix D4**
Richard Lewis - **Appendix D5**
Edward Matthews - **Appendix D6**
Robert Hurst - **Appendix D7**
Sarah Gooding - **Appendix D8**
Jess Lewis - **Appendix D9**
John Weaver - **Appendix D10**
Jason French-Williams - **Appendix D11**
Jamie Smith - **Appendix D12**

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 below.

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

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

9. Determination of the Application

9. 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.

- 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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