



**Report of the Licensing, Food and Safety Manager
To the Statutory Licensing Sub Committee
4 February 2022**

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

1. **Premises: Asian Café, 82 Brynymor Road, Swansea SA1 4JE**
2. **Applicant : Huai Chin Toh**
3. **Application For A New Premises Licence**
 - 3.1 An application for a new premises licence was received by this authority on the 21st December 2021. The applicant has applied to allow the following licensable activities to take place.

**Late Night Refreshment - Sunday to Thursday 2300hrs to 0030hrs;
Friday & Saturday 2300hrs to 0100hrs**

**Supply of Alcohol - Sunday to Thursday 0900hrs to 0000hrs;
Friday & Saturday 0900hrs to 0030hrs**

**The opening hours are - Sunday to Thursday 0900hrs to 0030hrs;
Friday & Saturday 0900hrs to 0100hrs**
 - 3.2 A copy of the application and plan is attached at **Appendix A** and **A1**.
 - 3.3 The venue is situated on Brynymor Road on the side which consists of Commercial properties whilst the opposite side of the road consists of mainly residential properties with a few commercial. The premises 82 Brynymor Road was formerly Letting Stars, a letting agency. The Location plan is attached and the surrounding properties identified **Appendix B**.
4. **Background**
 - 4.1 The applicant **Huai Chin Toh** has experience with two licensed premises in Swansea, Swansea Oriental situated at 71 Brynymor Road, Brynmill and Friendly Chinese in Woodfield St, Morriston which are owned by her partner. Both premises are Takeaways, with

Swansea Oriental operating an extensive delivery service, whereas Asian Café will operate as a restaurant.

Other premises on Brynymor Road which have on sales of alcohol are listed on **Appendix C** which includes their alcohol sales times.

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 and will be attached to the licence, if granted as applied for, are attached at **Appendix D**.

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

Representations

Christopher Cornwell – (Crime and Disorder and Public Nuisance)

Dawn & Karl Moran – (Crime and Disorder)

– Attached at **Appendix E**

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/statementoflicensingpolicy>

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

- 9.1 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.

- 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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