



**Report of the Licensing, Food and Safety Manager
Statutory Licensing Sub Committee
11th April 2022**

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

1. **Premises: The Green Room, Copr Bay, Oystermouth Road, Swansea, SA1 3BX**
2. **Applicant : Oystermouth Road LTD**
3. **Application For A New Premises Licence**
- 3.1 An application for a new premises licence was received by this authority on the 14th February 2022. The applicant has applied for a premises licence to allow the following licensable activities to take place:

Supply of Alcohol

Monday to Sunday 0800 – 2300

Late Night Refreshment

Monday to Sunday 2300 – 2330

Opening Hours

Monday to Sunday 0800 – 2330

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

4. **Background**

The premises is situated within the Coastal Park area of the Copr Bay development. The premises seeks to operate as a café/bar/restaurant.

An aerial plan is attached at **Appendix B.**

A list of Licensed Premises in the area is attached at **Appendix B1.**

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.

- 5.2 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.

k) Other Persons

A representation has been received from 1 Other person who is also representing 2 Other persons.

A copy of the representation is attached at **Appendix D**.

7. Policy Considerations

7.1 In considering this application Members should have regard to the current 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>

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
- (vii) Regulated Entertainment – Chapter 16

Of particular relevance to this application the following paragraphs from Chapter 16 are specified below.

“16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- *...Live music: no licence permission is required for:
– a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
– a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500...”*
- *“Recorded Music: no licence permission is required for:
– any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500...”*

- *“Licence conditions*

- Live Music or Recorded Music*

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- *at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;*
- *if the music is amplified, it takes place before an audience of no more than 500 people; and*
- *the music takes place between 08.00 and 23.00 on the same day.”*

“16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case.

In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.”

“16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (signage asking patrons to leave quietly) will continue to have effect.”

A link to the full 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
Contact Officer:	Rachel Loosemore
Extension:	01792 635600