



Report of the Service Manager

Statutory Licensing Sub Committee - 1 July 2022

Licensing Act 2003 Section 17 Application for a Premises Licence

1. **Premises: Flame Kebab House, 11 Wind Street, Swansea. SA1 1DP**
2. **Applicant : Flame Kebab House Ltd.**
3. **Application For A New Premises Licence**
 - 3.1 An application for a new premises licence was received by this authority on the 9th May 2022. The applicant has applied to allow the following licensable activities to take place.

Late Night Refreshment - Monday to Sunday 2300hrs to 0500hrs

The opening hours are – Monday to Sunday 1600hrs to 0500hrs
 - 3.2 A copy of the application and plan is attached at **Appendix A** and **Appendix A1**
 - 3.3 The venue is situated on Wind Street, Swansea. There are mostly commercial properties along this street however there are residential properties, mainly apartment complexes situated along the upper levels of the street. Many of the commercial properties have Premises Licences which allow several licensable activities including the Sale of Alcohol, Regulated Entertainment, and Late Night Refreshment, however some, like just have Late Night Refreshment. Wind Street is an area known for its vibrant Night Time Economy with Student night on Wednesdays and Fridays with Saturdays being the busiest of evenings. The applicant seeks to open a Late Night Refreshment premises selling hot food and drink. Although opening at 1600hrs the premises requires a Premises Licence to remain open after 2300hrs selling hot food and drink and proposes to trade between the hours of 2300hrs to 0500hrs with the benefit of this licence, if granted.

4. Background

4.1 The premises at 11 Wind Street had the benefit of a Premises Licence which allowed the below licensable activities, issued in 2014. The premises was known as Tino's.

4.2 The times the licence authorises the carrying out of licensable activities

Performance of Live Music

Monday to Sunday 11.00 hours - 00.00 hours

Playback of Recorded Music

Monday to Sunday 08.00 hours - 01.00 hours

Late Night Refreshment

Monday to Sunday 23.00 hours - 01.00 hours

Supply of Alcohol

Monday to Sunday 08.00 hours - 01.00 hours

4.3 This Licence lapsed on 13th July 2019 and the premises has since remained empty.

4.4 There are several other Late Night Refreshment Licences along Wind Street some of which are held by premises offering other licensable activities including the sale of alcohol. The premises relative to this application on Wind Street which have only Late Night Refreshment as a licensable activity with no sales of Alcohol are listed on **Appendix B**.

4.5 The location of Flame Kebab House in relation to the business addresses of those who are represented in the submitted representation can be found on a map at **Appendix C**.

4.6 On 30th July 2013 the Council resolved to adopt a Cumulative Impact Special Saturation Policy for the following areas:

i) Wind Street and the surrounding area as defined

ii) The Kingsway and the surrounding area as defined 30.07.13 Policy review 26.01.17 CIP review 26.07.18 Policy review 13

iii) High Street and College Street as defined

However, due to Covid pandemic, the consultation and assessment as to whether the policy should continue was not conducted within the required time limits and therefore no regard can be given to section 6, Cumulative Impact And Special Policy within the Swansea Statement of Policy for Licensing.

The absence of a CIA however does not prevent any responsible authority or other person making evidence based relevant representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

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

Submitted by Barrie Davies on behalf of five nearby business owners. The representation and clarification emails are attached at **Appendix E; 1 to 5.**

6.1 Additional information has been submitted by the applicant's representative and is attached at **Appendix F.**

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.
 - 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:	Charles Gabe
Extension:	01792 635600