



Report of the Service Manager

Statutory Licensing Sub Committee – 31 October 2022

Licensing Act 2003 Section 34 - Variation to a Premises Licence

1. **Premises: Lifestyle Express, 187 Middle Road, Gendros, Swansea. SA5 8EZ**
2. **Applicant : Kanakanayagam Tamilkumar**
3. **Application For a Variation to an existing Premises Licence SJ49941**

- 3.1 An application to vary the existing premises licence was received by this Authority on the 5th September 2022. The applicant has applied to allow the following licensable activities to take place.

Supply of Alcohol (off sales only) - Monday to Sunday 0700hrs to 2300hrs

The opening hours would be – Monday to Sunday 0700hrs to 2300hrs

Further to the application to vary and extend the supply times for alcohol, the applicant has offered modified conditions which can be found in Section M of the application form at **Appendix A**.

- 3.2 A copy of the current premises licence is attached **Appendix A1**. Members will note that the times the current licence authorises the carrying out of licensable activities are:

Supply of Alcohol (off sales)

Monday to Sunday 0800 hours to 2100 hours

Opening times

Monday to Sunday 0700 hours to 2100 hours

- 3.3 The venue is situated on Middle Road, Gendros within a highly populated residential area. The location can be seen on map **Appendix B**. At the request of one person making a representation the location of the road they live on has been identified but not that of the exact address. The second person has now also indicated that they live in close proximity to the applicant's premises.

4. Background

- 4.1 The premises has had a Premises Licence since December 2011 allowing the off sales of alcohol. At that point the Premises Licence Holder and Designated Premises Supervisor (DPS) was Rashed Aziz, however in September 2022 the licence was transferred to Kanakanayagam Tamilkumar and the DPS became Niranshana Sureshkuma.
- 4.2 The current conditions which can be compared to those offered if the Licensing Sub-Committee grants the variation as applied for, can be found at **Appendix C**.

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.

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
 - 1. Submitted by Nicky.
 - 2. Submitted by Rosaria.

The representations are attached at **Appendix D (1) & (2)**.

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, taking into account those proposed to be removed and replaced by the applicant at **Appendix C** and
 - 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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