



**Report of the Service Manager
Statutory Licensing Sub Committee
Monday 4 December 2023**

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

1. **Premises: Swansea Beach, Mumbles Road, Brynmill, Swansea, SA2 0AY - (51.610827, -3.966594 co-ordinates)**
2. **Applicant: Tunes in Dunes Ltd**
3. **Application For a New Premises Licence**
- 3.1 An application for a new premises licence was received by this authority on the **11th October 2023**. The applicant has applied for a premises licence to allow the following licensable activities to take place:

The application proposes:

Live Music

Friday – Sunday 1200-2300

Recorded Music

Friday – Sunday 1200-2300

Performance of Dance

Friday – Sunday 1200-2200

Anything of a similar description to that falling within live/recorded music

Friday – Sunday 1200-2200

Late-Night Refreshment

Friday-Sunday 2300-2330

Sale of Alcohol

Friday – Sunday 1200-2300

Opening Hours

Friday – Sunday Midday - Midnight

The proposed event would be held annually over a period of no more than 3 consecutive days. The event will take place during the period 01 April to 30 September – exact dates to be notified in advance. Proposed dates 3rd – 5th May 2024.

A copy of the application and plan is attached at **Appendix A – A3**. A copy of the Event Management Plan and Risk Assessment is at **Appendix A4 & A5**

4. Background

The proposed event will take place on Swansea beach located between the Secret Bar & Kitchen and the Cenotaph. Exact coordinates 51.610827, -3.966594

A location plan is attached at **Appendix B & B1**.

A list of licensed premises in the area is attached at **Appendix B2**.

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

A representation has been received from South Wales Police. The representation is attached at **Appendix D**. Additional information **Appendix D1**

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

A representation has been received from Pollution. The representation is attached at **Appendix D2**.

g) Child Protection

No representations.

h) Primary Care Trust/Local Health Board

No representations.

i) Licensing Authority

A representation has been received from Licensing authority. The representation is attached at **Appendix D3**.

j) Immigration

No representations.

k) Other Persons

2 representations have been received from other persons **Appendix D4**.

7. Policy Considerations

7.1 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/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 August 2023 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

A link to the full Guidance can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.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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