



**Report of the Service Manager
Statutory Licensing Sub Committee
27 March 2024**

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

- 1. Premises: Main Stage, 36 Castle Street, Swansea, SA1 1HZ**
- 2. Applicant: Main Stage Swansea 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 February 2024**. The applicant has applied for a premises licence to allow the following licensable activities to take place:

The application proposes:

Films

Monday to Sunday 1000-0100

Live Music

Monday to Sunday 1000-0100

Recorded Music

Monday to Sunday 1000-0100 (Applicant reduced hours previously requested 0130)

Provision of late-night refreshment

Monday to Sunday 2300-0100

Supply of Alcohol (Both)

Monday to Sunday 1000-0100

A copy of the application and plan is attached at **Appendix A and A1**.

4. Background

- 4.1 The property is situated in Swansea city centre. The area is a mix of commercial and residential properties. The premises will be used to operate a cabaret bar by night and during the day it will be run as a coffee shop and a place to meet for the LGBTQ+ community.
- 4.2 A location plan is attached at **Appendix B**.
- 4.3 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 As Members will be aware, the Council re-adopted a special policy on cumulative impact (CIA) in July 2023 and the premises subject to this application is situated within this area. The following relevant paragraphs are extracts from the full policy and state:

“5.7

The publication of the CIA does not change the fundamental way that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact area on a case-by-case basis and with a view to what is appropriate to promote the licensing objectives.”

“5.8

The CIA does not remove the need for a relevant representation to be submitted by a responsible authority or ‘other persons’ in response to an application, where they consider it appropriate for the promotion of the licensing objectives and for the application to be determined by the Licensing Sub- Committee. Anyone making a representation may base it on the evidence published in the CIA.”

- 5.3 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 Representation.

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 was received from the Pollution Division, however, following a meeting with the applicant on 14th March 2024, the Pollution Division has withdrawn their representation.

g) **Child Protection**

No representations.

h) **Primary Care Trust/Local Health Board**

No representations.

i) **Licensing Authority**

j) A representation has been received from the Licensing Authority. The representation is attached at **Appendix D**.

j) **Immigration**

No representations.

k) **Other Persons**

A representation was received from one other person, however, following a meeting with the applicant on 14th March 2024, the other person has withdrawn their representation.

7. Policy Considerations

7.1 Considering this application, Members should have regard to the current Statement of Licensing Policy (the Policy) and the full copy of the Cumulative Impact Assessment (CIA) which may be accessed using the following link.

[Statement of licensing policy - Swansea](#)

- 7.2 Members will note that the premises licence application under consideration does not fall within the exemptions listed in the Cumulative Impact Assessment as stated at paragraph 5.3 of the policy and therefore must demonstrate that their application and proposed operation would not add to the cumulative impact:

“5.3

...it is recognised that pubs, nightclubs, restaurants, hotels, theatres, and other types of premises sell alcohol, serve food, and provide entertainment but with different styles and characteristics and due to the nature of the premises, would not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area, the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am, are exempt from the provisions of the CIA:

- Non – alcohol led premises.*
- Theatres, where the main purpose of the premises is the performance of plays.*
- Cinemas, where the main purpose of the premises is the exhibition of films.*
- Premises where the main purpose is the provision of substantial table meals;*
- Premises where the sale/supply of alcohol is by waiter or waitress service only.”*

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 January 2024 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:

[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/guidance/revamped-guidance-issued-under-section-182-of-the-licensing-act-2003)

- 8.2 The following extract from the Home Office Guidance refers to limitations on special policies relating to cumulative impact.

14.44

A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for

applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high-capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.”

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 Policies and the Guidance as previously provided. Reasons must be provided for any departures from the Policies 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; 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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