



LICENSING AND GAMBLING ACTS COMMITTEE

10.00 AM - MONDAY, 17 OCTOBER 2022

**MULTI LOCATION HYBRID MICROSOFT TEAMS/COUNCIL
CHAMBER**

**ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE
DURATION OF THE MEETING**

Webcasting/Hybrid Meetings:

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1. Chairpersons Announcements
2. Minutes of the previous meeting - Licensing and Gambling Acts 7th June 2022 *(Pages 5 - 6)*
3. Minutes of the previous meeting - Licensing and Gambling Acts Sub 28th June 2022 *(Pages 7 - 14)*
4. Minutes of the previous meeting - Licensing and Gambling Acts Sub 11th July 2022 *(Pages 15 - 16)*
5. Minutes of the previous meeting - Licensing and Gambling Acts Sub 15th August 2022 *(Pages 17 - 20)*
6. Declarations of Interest
7. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100B(4)(b) of the Local Government Act 1972.

Report of the Head of Legal Services.

8. Minor Variation position on door supervisors (*Pages 21 - 28*)

K.Jones
Chief Executive

Civic Centre
Port Talbot

Tuesday, 11 October 2022

Committee Membership:

Chairperson: Councillor A.J.Richards

**Vice
Chairperson:** Councillor J.Henton

Members: W.Carpenter, M.Crowley, A.Dacey, H.Davies,
L.Jones, D.Lewis, A.Lodwig, K.Morris,
S.Paddison, S.Renkes, S.Thomas, D.Whitelock
and L.Williams

Substitute: Councillor

c.c. Superintendent of Police, Neath
Chief Fire Officer, Neath

Licensing and Gambling Acts Committee

(Hybrid Meeting)

Members Present:

7 June 2022

Chairperson: Councillor A J Richards

Vice Chairperson: Councillor J Henton

Councillors: W.Carpenter, M.Crowley, D.Lewis, A.Lodwig, S.Paddison, S.Renkes, S.Thomas, D.Whitelock, L.Williams, A.Dacey, H.Davies and K.Morris

Officers In Attendance C Griffiths, S Curran, J Woodman-Ralph

1. **Appointment of the Licensing and Gambling Acts Sub Committee**

- RESOLVED:**
- (a) that the appointment of the above Sub Committee for the Civic Year 2022/23, comprising 3 places, for the purpose of the functions as set out in the Constitution, be approved;
 - (b) that the Sub Committee Membership be affirmed as set out the report of the Council meeting of 7th June 2022 and that the other arrangements as set out in that report be also affirmed;
 - (c) that the following Members be appointed as Chair and Vice Chair of the Sub Committee respectively:-

Councillors A.Richards and J.Henton

CHAIRPERSON

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Licensing and Gambling Acts Sub Committee

(Hybrid Microsoft Teams/Hybrid Council Chamber)

Members Present:

28 June 2022

Chairperson: **Councillor J.Henton**

Councillors: A.Dacey and S.Paddison

Officers In Attendance N.Chapple, M.Shaw, S.McCluskie and N.Jones

1. **Chairpersons Announcements**

Councillor Henton introduced himself to the Committee and welcomed all to the hearing.

2. **Declarations of Interest**

There were none received.

3. **Application for the Grant of a Premises Licence - A&K Catering Ltd**

Members were asked to consider representations received in respect of the following application for the Grant of a Premises Licence made under the Licensing Act 2003.

Premises Name	A&K Catering Ltd
Premises Address	7A The Parade, Neath, SA11 1RB
Applicant Name's	A&K Catering Ltd
Applicant Address	7A The Parade, Neath, SA11 1RB
DPS Name	Bettina Kacziba

RESOLVED: That the application for the grant of a Premises Licence – A&K Catering Ltd, 7A The Parade, Neath, SA11 1RB made by A&K Catering Ltd, 7A The Parade, Neath, SA11 1RB be

approved, subject to the operating hours and conditions as detailed in the circulated report.

4. **Application for the Grant of a Premises Licence - Pontardawe RFC**

Members were asked to consider representations received in respect of the following application for the Grant of a Premises Licence made under the Licensing Act 2003.

Premises Name	Pontardawe Rugby Football Club
Premises Address	Ynysderw Road, Pontardawe, SA8 4EG
Applicant Name's	Pontardawe Rugby Football Club Limited
Applicant Address	Ynysderw Road, Pontardawe, SA8 4EG
DPS Name	Meirion Davies

1. **RESOLVED:** The Sub-Committee decided to grant a premises license, with conditions. The following operating hours and conditions would apply in addition to any conditions consistent with the operating schedule.

Opening Hours

Monday to Sunday 08:00 – 01:00

Supply of Alcohol (On and Off Sales)

Monday to Sunday 08:00 – 00:30

Films (Indoors and Outdoors (subject to conditions))

Monday to Sunday 10:00 – 00:00

Indoor Sporting Events

Sunday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00.30

Live Music (Indoors and Outdoors (subject to conditions))

Sunday to Thursday 10:00 – 23:30
Friday and Saturday 10:00 – 00:30
Bank Holiday Sunday 10:00 – 00:00

Recorded Music (Indoors and Outdoors (subject to conditions))

Sunday to Thursday 10:00 – 23:30
Friday and Saturday 10:00 – 00:30
Bank Holiday Sunday 10:00 – 00:00

Performance of Dance (Indoors and Outdoors)

Sunday to Thursday 10:00 – 23:30
Friday and Saturday 10:00 – 00:30
Bank Holiday Sunday 10:00 - 00:00

Anything of Similar Description (Indoors and Outdoors)

Sunday to Thursday 10:00 – 23:30
Friday and Saturday 10:00 – 00:30
Bank Holiday Sunday 10:00 – 00:00

Late Night Refreshment (Indoors and Outdoors)

Sunday to Thursday 23:00 - 23:30
Friday and Saturday 23:00 – 00:30

- There shall be no amplified music nor unamplified music provided externally between the hours of 23:00 hours and 10:00.
- There shall be no sales of alcohol made externally between the hours of 23:00 hours and 10:00 hours. i.e. the external bar shall close between these hours.
- Every Thursday, Friday, Saturday & Sunday night of the Pontardawe Festival, a minimum of 2 SIA registered door supervisors will be on duty from 23:00 hours until closing time.

- Every Friday, Saturday & Sunday night of any bank holiday weekend a minimum of 2 SIA registered door supervisors will be on duty from 23:00 hours until closing time, when regulated entertainment is being provided.
- Other than during the Pontardawe Festival or a bank holiday weekend, the premises licence holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment.
- There shall be no amplified music provided in the car park area located at the front of the premises.
- All conditions specified in Annex 1, 2 or 3 of the premises licence remain valid during special event days
- A Digital CCTV system shall be installed, or existing system maintained, at the premises which will be operational at all times when the premises is open to the public & be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be correctly timed and date stamped & retained for a period of 31 days and made available for viewing by the Police or an authorised Officer of the Licensing Authority on request.

The system must provide coverage of the following areas:-

- i. The exterior perimeter of the premises
 - ii. The entrances and exits to the premises;
 - iii. The public areas of the premises;
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show and provide Police or authorised officer recent data or footage with the absolute minimum of delay following a lawful request.

5. **EH Witness Statement**

The witness statement was reviewed as part of the circulated supplementary report.

6. **Application for the Grant of a Premises Licence - Rum and Co**

Members were asked to consider representations received in respect of the following application for the Grant of a Premises Licence made under the Licensing Act 2003.

Premises Name	Rum and Co.
Premises Address	12 High Street, Pontardawe, SA8 4HU
Applicant Name's	Gourmet Catering Solutions Ltd
Applicant Address	85 Cilmaengwyn Road, Pontardawe, SA8 4QW
DPS Name	Daniel Dyer

1. **RESOLVED:** The Sub-Committee decided to grant a premises licence, with conditions. The following operating hours and conditions would apply in addition to any conditions consistent with the operating schedule.

Opening Hours

Monday to Sunday 09:00 – 01:00

Supply of Alcohol (On and Off Sales)

Monday to Sunday 09:00 – 00:30

Films (Indoors)

Monday to Sunday 09:00 – 00:30

Live Music (Indoors)

Sunday to Thursday 12:00 – 00:00

Friday and Saturday 12:00 – 00:30

Recorded Music (Indoors and Outdoors (Subject to Conditions))

Sunday to Thursday 12:00 – 00:00
Friday and Saturday 12:00 – 00:30

Late Night Refreshment (Indoors and Outdoors (Subject to Conditions))

Monday to Sunday 23:00 – 00:30

- The Outside area (Identified on the plan as “terrace dining”) shall close to customers between the hours of 22:00 and 09:00 every day, subject to the following condition.
- The outside area (identified on the plan as “terrace dining” shall be permitted to be used for smoking between the hours of 22:00 and 09:00 provided the following conditions are satisfied
 - A maximum of 4 customers shall be in the area at any one time
 - Customers shall not take any drinks or food into the area
 - A member of staff shall control the entry to the area to ensure that the above conditions are met.
- A minimum of 2 SIA registered door supervisors shall be on duty from 22:00 hours until closing time on every Friday and Saturday, the Thursday preceding Good Friday, Christmas Eve, Boxing Day & New Year’s Eve. At all other times, the premises licence holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment.
- All door supervisors shall display their S.I.A licence in a reflective armband whilst on duty.
- A daily register of security personnel shall be maintained. The register shall show the name, address and licence

number of each door supervisor, and the dates and times that they operate. The register must be kept available for inspection by the Police and authorised officers of the Local Authority.

- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show and provide Police or authorised officer recent data or footage with the absolute minimum of delay following a lawful request.
- A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
- Signage shall be displayed in a prominent position within the premises informing of the Challenge 25 policy.

7. **Noise Pollution Statements**

The noise pollution statement was reviewed, as part of the circulated supplementary report.

8. **Urgent Items**

No urgent items were received.

CHAIRPERSON

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LICENSING AND GAMBLING ACTS SUB COMMITTEE

(Hybrid Microsoft Teams/Hybrid Committee Room 1&2)

Members Present:

11 July 2022

Chairperson: Councillor A.J.Richards

Councillors: Councillor J.Henton and Councillor S.Paddison

Officers in Attendance: Neil Chapple

1. **Chairpersons Announcements**

Councillor Richards introduced himself to the Committee and welcomed all.

2. **Declarations of Interest**

There were none.

3. **Application for the Grant of a Premises Licence - Static Bus at Rheola Farm**

Members were asked to consider representations received in respect of the following application for the Grant of a Premises Licence made under the Licensing Act 2003.

Premises Name	Static Bus at Rheola Farm
Premises Address	Rheola Farm, Glynneath Lakes, Resolven, Neath, SA11 4DY
Applicant Name's	Trevor Richardson
Applicant Address	Bryncoch Farm, Llandyfan, Ammanford, Carmarthenshire, SA18 2TY
DPS Name	Trevor Richardson

RESOLVED: That the application for the grant of a Premises Licence Static Bus at Rheola Farm, Glynneath Lakes, Resolven, Neath, SA11 4DY made by Trevor Richardson, Bryncoch Farm, Llandyfan, Ammanford, Carmarthenshire, SA18 2TY be approved,

subject to the operating hours and conditions as detailed in the circulated report.

4. **Urgent Items**

There were none.

AGENDA

LICENSING AND GAMBLING ACTS SUB COMMITTEE

10.00 AM - MONDAY, 15 AUGUST 2022

**MULTI LOCATION MEETING - HYBRID MICROSOFT
TEAMS/COUNCIL CHAMBER ORT TALBOT CIVIC CENTRE**

**ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE
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1. Chairpersons Announcements
The Chair welcomed everyone to the meeting.
2. Declarations of Interest
The following member made a declaration of interest at the commencement of the meeting:-

Councillor A. Dacey	Re: Application for the grant of a premises Licence, The Burger Boyz, 37 Commercial Road, Port Talbot, SA13 1LG, DPS Marcin Sadlos, as he is a friend of one of applicants. He confirmed his interest was personal and withdrew from the meeting thereon.
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3. Application for the Grant of a Premises Licence - The Burger Boyz, Taibach Port Talbot
Members were asked to consider representations received in

respect of the following application for the Grant of a Premises Licence made under the Licensing Act 2003.

Premises Name	The Burger Boyz
Premises Address	37 Commercial Road Port Talbot SA13 1LG
Applicant Name's	Burger Boyzzz Limited
Applicant Address	Ty Dewin 16 Station Road Port Talbot SA13 1JB
DPS Name	Marcin Sadlos

RESOLVED: That the application for the grant of a Premises Licence The Burger Boyz, 37 Commerical Road, Port Talbot, SA13 1LG, DPS Marcin Sadlo, Ty Dewis, 16 Station Road, Port Talbot, SA13 1JB, be approved, subject to conditions consistent with the operating schedule, and as considered appropriate for the promotion of the licensing objectives. The permissions are:

Opening hours

Monday – Sunday, 08.00hrs – 22.00hrs.

Supply of alcohol (on the Premises only)

Monday - Sunday, 08.00hrs to 21.30hrs.

Recorded music – indoors

Monday – Sunday, 08.00hrs to 22.00hrs.

As detailed in the circulated report, conditions proposed by the Police were agreed with the applicant.

4. Urgent Items
There were no urgent items.

K.Jones
Chief Executive

Civic Centre
Port Talbot

Tuesday, 9 August 2022

Committee Membership:

Chairperson: Councillor A.J.Richards

**Vice
Chairperson:** Councillor J.Henton

Members: Councillor S.Paddison

Substitute: Councillor A. Dacey

c.c. Superintendent of Police, Neath
Chief Fire Officer, Neath

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Committee

17th October 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: All

Licensing Act 2003 - Minor Variations

Purpose of the Report

1. To obtain member approval for officers to determine minor variation applications which remove conditions from premises licences and club premises certificates in respect of Security Industry Authority ("SIA") registered door supervisors.

Executive Summary

2. Members are being asked to consider whether conditions attached to premises licences and club premises certificates in respect of SIA registered door supervisors, should be removed utilising the minor variation process.
3. It is proposed that such removals are only carried out, where there are no objections received in relation to the application.

Background

4. The Licensing Act 2003 requires that any person wishing to vary their premises licence, submits an application to the Licensing Authority.

5. There are two processes whereby an applicant can vary a licence; the full variation process and the minor variation process.
6. Both types of variation must be advertised in the prescribed manner and allows "Responsible Authorities" or "Other Persons" to submit representations in respect of the application.
7. A full variation must be advertised in the local newspaper, attach a notice to the premises for 28 days, and submit the application to all the responsible authorities. Where representations are received in respect of the application, the Licensing Authority must hold a hearing to consider the representations before determining the application.
8. A minor variation allows variations to a premises licence through a simplified procedure. Advertising of the application is only by way of a notice on the premises for 10 working days and the Licensing Authority determines which responsible authorities to consult with. Where there are representations in respect of the application, there is no provision for a hearing, the application is determined by officers.
9. Where an application for a minor variation is refused and the applicant still wishes to pursue the variation, then this must be done through the full variation process.

Officer Report

10. The night-time economy restarted following the end of the pandemic, however, there has been many reports of shortages of staff in certain industries; one sector particularly affected has been the availability of SIA registered door supervisors.
11. Most alcohol licensed premises with late operating hours, will have a condition attached to the licence requiring that the premises provides SIA registered door supervisors between certain times.
12. SIA registered door supervisor conditions are usually requested by the Police during the application period and then either agreed with the applicant or imposed by the Licensing and Gambling Acts Committee at a hearing.
13. Ordinarily, officers would not remove conditions from a licence under the minor variation process where the conditions have been imposed by

members; licence holders would usually be directed to use the full variation process.

14. It is considered however, that due to the difficulties being experienced by the trade in obtaining the services of SIA registered door supervisors and consequently their compliance with licence conditions, the minor variation process should be used to amend the wording of door supervisor conditions.
15. In addition, information from the Police Licensing Officer supports the move towards a risk assessed system of when SIA registered door supervisors are required at premises. A letter containing the information received from the Police is attached at appendix 1.
16. It is proposed therefore that officers will determine minor variation applications to remove / amend SIA registered door supervisor conditions, currently attached to premises licences and club premises certificates. This would be the case whether such conditions were attached voluntarily by the applicant during the application process or imposed by the Licensing Committee at a hearing.
17. Officers will however only make such determinations where there are no representations in respect of the application from any of the responsible authorities.

Legal Impacts

18. There is no right of appeal against the decision to approve or refuse a minor variation application. Where a minor variation application is refused, the applicant must submit a new application, using the full variation process.
19. There is a right of appeal to the Magistrates' Court against a decision made in respect of a full variation.

Risk Management

20. Not Applicable

Consultation

21. Consultation for specific applications is carried out in accordance with the Licensing Act 2003.

Recommendation

22. That members support the proposal for officers to determine minor variation applications to remove / amend SIA registered door supervisor conditions attached to premises licences and club premises certificates.
23. That officers only make such determinations where there are no representations in respect of the application from any of the responsible authorities.

Reasons for Proposed Decision

24. To assist the licensed trade to comply with licence conditions and to ensure that the licensing objectives are not undermined.

Implementation of Decision

25. The decision is for immediate implementation

Appendices

26. Appendix 1 - Letter from Police

List of Background Papers

27. Neath Port Talbot Licensing Policy

<https://www.npt.gov.uk/media/14952/licensing-act-2003-draft-licensing-policy-2021.pdf?v=20210923150929>

28. Secretary of State's Guidance

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

Officer Contact

29. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.uk

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From: [Nick.Bailey](#)
Sent: 15 September 2022 10:56
To: Neil Chapple
Subject: SIA Door Staff Conditions

Good Morning Neil,

I have a query regarding the current conditions on premises licences relating to door staff requirements and would, if possible ask for some guidance about the method of dealing with request to vary premises licence conditions as I have been asked for advice by a number of premises and cannot, at this stage, give them a definitive answer.

Since the NTE re-start there have been some well documented request from the industry highlighting the issues of loss of numbers withing the SIA sector due to the Covid lockdown and asking whether a light touch approach could be adopted should premises not be able to get the level of SIA cover required by their licence conditions. Clearly, as the response to that request from both Govt & responsible authorities showed, we cannot pick and choose which licence conditions we enforce and which we don't. As a result I have already had a number of enquires from premises operators about removing the more prescriptive specifying days and numbers of SIA door staff. Their reasoning appears to be that since Covid there are not as many SIA available, the companies are demanding longer fixed hours booking before accepting premises and the cost per hour has increased dramatically.

We as a responsible authority are looking to move more towards the use of a licence condition for new applications requiring the DPS to take more responsibility for their premises and risk assess the occasions and numbers of staff required and be held to account for these decisions should they be widely inaccurate, rather than dictate the occasions and numbers of SIA required. As this appears to be the way forward with new applications the question of how to deal with requests to remove prescriptive conditions and replace them with the risk assessment requirement for existing licences become very real as I have faced this question on a number of occasions recently.

My start point would be that each application from a premises would still be judged on its own merits considering impact factors for those premises but on a technical basis how would these applications be dealt with? These conditions mainly appear in Annex 3 as having been imposed by committee. The difficulty is that there is no easy way of differentiating between conditions agreed following negotiations during the application process from those imposed following reviews or those imposed by committee because they felt it necessary at the time of the hearing, all of which would appear in Annex 3.

Are you in a position to advise whether, if premises are to apply for changes in the conditions relating to door staff, the request would these be dealt with by way of a minor variation or would it require a full variation?

I would be grateful for your views in this matter so that I am able to give a more informed response to premises in the future.

Regards

Nick Bailey

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