



## ***IS-BWYLLGOR DEDDFAU TRWYDDEDU A GAMBLO***

***10.00 AM - DYDD LLUN, 25 GORFFENNAF 2022***

***HYBRID DRWY MICROSOFT TEAMS/SIAMBR Y CYNGOR –  
CANOLFAN DDINESIG PORT TALBOT***

1. Cyhoeddiadau'r Cadeirydd
2. Datganiadau o fuddiannau

### **Adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol**

3. Cais am roi trwydded mangre - Kyes Kitchen, Neath Road, Llansawel (*Tudalennau 3 - 16*)
4. Cais am roi trwydded mangre - The Orchard, Neath Road, Pontardawe. (*Tudalennau 17 - 28*)
5. Eitemau brys  
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ol disgrisiwn y Cadeirydd yn unol ag Adran 100B (4) (b) o Ddeddf Llywodraeth Leol 1972.

**K.Jones**  
**Prif Weithredwr**

**Canolfan Ddnesig  
Port Talbot**

**Dydd Mawrth, 19 Gorffennaf 2022**

**Aelodaeth y Pwyllgor:**

**Cadeirydd:** A.J.Richards

**Is-gadeirydd:** Y Cyngorydd J.Henton

**Aelodau:** S.Paddison

**Rhodder:** Cynghorwyr

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

## NEATH PORT TALBOT COUNCIL

### Licensing and Gambling Acts Sub Committee

25th July 2022

### Report of the Head of Legal Services – Craig Griffiths

#### Matter for Decision

**Wards Affected:** Briton Ferry East

### Application for the Grant of a Premises Licence

#### Purpose of the Report

1. To consider representations received in respect of the following application made under the Licensing Act 2003.

Premises Name	Kyes Kitchen
Premises Address	224 Neath Road, Briton Ferry, Neath, SA11 2AX
Applicant Name's	Keinwyn Vickress
Applicant Address	4 Jersey Terrace, Briton Ferry, Neath SA11 2RD
DPS Name	Keinwyn Vickress

## **Executive Summary**

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Keinwyn Vickress. The premises licence will authorise sale of alcohol both on and off the premises and late night refreshment.
3. Representations were received in respect of the application from South Wales Police requesting that additional conditions be attached to the licence.
4. The applicant has agreed to the imposition of the additional conditions and consequently all parties agree that a hearing is unnecessary; final determination of the application needs to be made by the Licensing and Gambling Acts Sub Committee.

## **Background**

5. The Licensing Act 2003 requires that any person wishing to provide licensable activities obtains a premises licence from the Licensing Section.
6. An application for the grant of a premises licence must be advertised in the prescribed manner and allows "Responsible Authorities" or "Other Persons" to submit representations in respect of the application.
7. Where all parties have reached an agreement and amendments have been made to the original application, the Licensing Authority can dispense with the need for a formal hearing; a meeting of the Sub-Committee is still required to consider the amendments.

## **Licence Application**

8. The applicant has included the following information in the application outlining the requested hours of operation and details on how the applicant proposes to promote the 4 licensing objectives.

## **Opening Hours**

9. Sunday – Thursday 07.00 – 23.00
10. Friday - Saturday 07.00 - 01.00

11. Non Standard Timings
12. New Year's Eve 07.00 - 01.00

### **Supply of Alcohol (On and Off Sales)**

13. Sunday – Thursday 09.00 – 23.00
14. Friday - Saturday 09.00 - 01.00
15. Non Standard Timings
16. New Year's Eve 09.00 - 01.00

### **Late Night Refreshment**

17. Friday and Saturday 23.00 - 01.00

### **Licensing Objectives**

18. The following information has been provided by the applicant.

#### **General**

19. These are the intended steps I will take to promote the four licensing objectives in respect to the application for Kye's kitchen, 224 Neath Road, Briton Ferry, Neath, SAU 2AX.

#### **Prevention of Crime and Disorder**

20. CCTV cameras will be visible to customers.
21. A visible sign stating CCTV cameras are on the premises to act as a deterrent.
22. Empty bottles and glasses will be removed from public spaces swiftly.
23. When hanging coats customers will be encouraged to remove valuables and keep it on their persons.
24. Crime will be reported to the police promptly.
25. Staff training will be provided so they recognise cut off points for drunken customers.

26. Toilets will be monitored for signs of drug use.
27. Doors will be locked and the building secured on closing.
28. Suspicious packages left unattended will be reported to the police

### **Public safety**

29. The restaurant will have adequate lighting.
30. Bathroom facilities with hand rails will be available for disabled persons.
31. Emergency exits will be kept clear, with clear signage and emergency lighting.
32. Fire safety equipment will be maintained and available to use. A fire evacuation plan will be visible to customers.
33. The staff will be trained in fire safety.
34. Prams and pushchairs will be kept clear of escape routes and exits.
35. Taxi phone numbers will be available to customers.
36. Female customers will be informed about the code word "Angela" to get help from staff if they feel unsafe with their date.
37. The restaurant will be FSA registered and maintain food safety regulations.
38. The restaurant will have a rigorous cleaning regime and will follow government guidelines in relation to Covid 19.
39. Staff will be trained in health and safety and health and safety equipment will be available e.g. A yellow slip warning sign will be placed when spillages or cleaning the floor occurs.
40. Spillages and broken glass will be removed promptly.
41. A first aid kit will be available to customers and an accident book in situ.
42. Staff will receive training in first aid.
43. Public liability insurance is in situ.

44. Risk assessments will be conducted and copies kept on the premises.
45. Policies will be created and implemented.

### **The prevention of public nuisance**

46. Only background music will be played at the restaurant.
47. The restaurant has double glazing to doors and windows to minimize noise.
48. A designated outside smoking area will be placed away from neighbours.
49. Rubbish will be cleared away promptly and checked nightly, outside space will be maintained.
50. Bins will be stored at the back of the building and be cleaned and disinfected weekly.
51. Refuse will be collected weekly as per a contract with NPT.
52. Packaging will be recycled.
53. The restaurant has an extraction system with low noise and grease filters to minimise noise and odour.
54. Drains will be kept free of debris and cleaned regularly to prevent blockages and odours.
55. The premises will be monitored for pest activity and if any pest control contractors will be sought.
56. Lighting will be turned off at the end of the day. Customers and staff will be encouraged to leave the restaurant with minimal noise and be respectful to neighbours.

### **The protection of children from harm**

57. The restaurant will operate a challenge 25 policy and this will be displayed.
58. Staff will be trained in challenging for and checking photographic ID's.

59. Children will not be allowed in the restaurant unless accompanied by an adult.
60. A children's risk assessment and policy will be implemented whereby children will not be allowed in the restaurant after 9pm.
61. Care will be taken that background music will not contain explicit lyrics

### **Relevant Representations**

62. Nick Bailey - South Wales Police
63. The above representation is reproduced at Appendix 1

### **Officer Report**

64. The application is to authorise the sale of alcohol and late night refreshment.
65. Representations have been received from South Wales Police who requested additional conditions be attached to the licence.
66. The applicant has agreed to all the conditions requested.

### **Legal Impacts**

67. There is a right of appeal against the decision to the Magistrates' Court

### **Risk Management**

68. Not Applicable

### **Consultation**

69. Consultation has been undertaken in accordance with the Licensing Act 2003.

### **Recommendation**

70. The members determine the application after considering all relevant representations.



## **Reasons for Proposed Decision**

71. To ensure the licensing objectives as set out in the Licensing Act 2003 are promoted.

## **Implementation of Decision**

72. The decision is for immediate implementation

## **Appendices**

73. Appendix 1 - South Wales Police Representations

## **List of Background Papers**

74. Application for the grant of a premises licence
75. Neath Port Talbot Licensing Policy
76. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
77. 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](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**

78. Neil Chapple  
Legal Regulatory Manager  
Tel (01639) 763050  
Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)

Mae'r dudalen hon yn fwriadol wag

**Pencadlys Heddlu**Heol y Bont-faen  
Penybont  
CF31 3SUMewn argyfwng ffoniwch **999**  
fel arall, ffoniwch **101**Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)**Police Headquarters**Cowbridge Road  
Bridgend  
CF31 3SUIn an emergency always dial **999**  
for non-emergencies dial **101**Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)

Nick Bailey

Police Licensing Officer,  
Neath Police Station. : [nick.bailey2@south-wales.police.uk](mailto:nick.bailey2@south-wales.police.uk) : 01639 640207 : 07971 623816Mr N. Chapple,  
Legal Regulatory Services Manager,  
Neath Port Talbot Council.  
Civic Centre,  
Port Talbot.4<sup>th</sup> July 2022.**Police Observations to application for the Grant of a premises licence  
under the Licensing Act 2003.**In relation to the application for a premises licence under the Licensing Act 2003 at  
the below-referred licensed premises:

Name: Kye's Kitchen

Address: 224 Neath Road, Briton Ferry, Neath, SA11 2AX

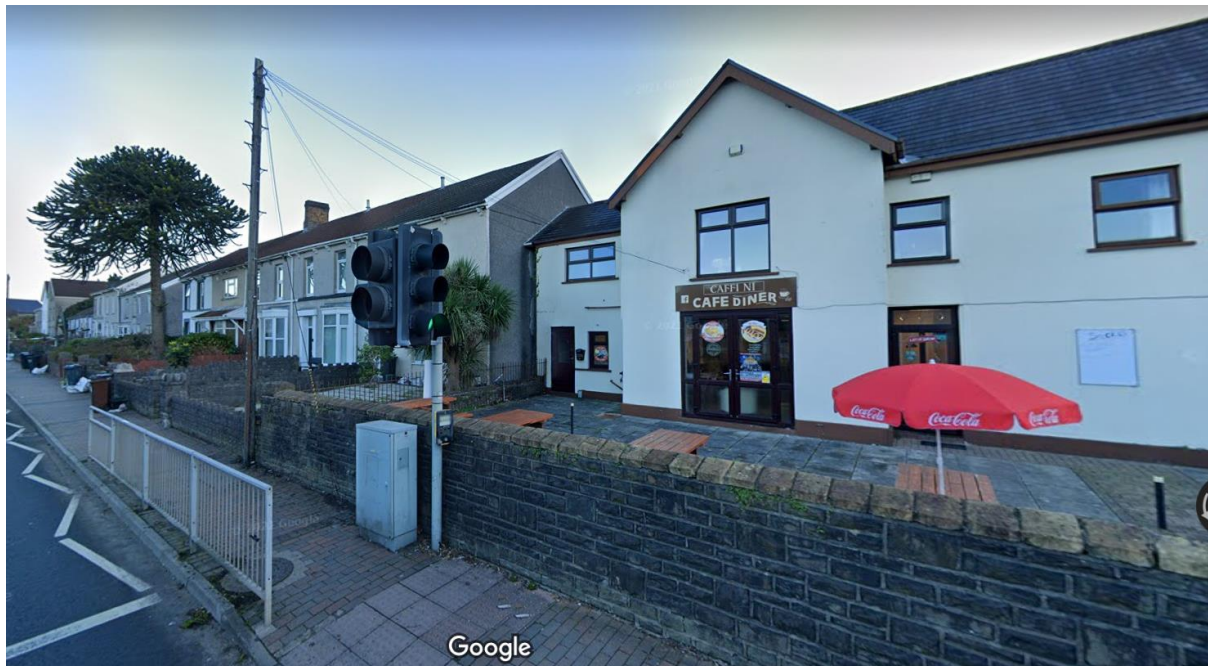
The Application is for a premises licence for the following Licensable activity;

Late Night Refreshment: 07:00hrs to 23:00hrs Mon – Thurs  
07:00hrs to 01.00hrs Fri & Sat  
07:00hrs to 22:30hrs SunSupply of Alcohol: 09:00hrs to 23:00hrs Mon – Thurs  
09:00hrs to 01.00hrs Fri & Sat  
07:00hrs to 22:30hrs SunHours open to the public: 07:00hrs to 23:00hrs Mon – Thurs  
07:00hrs to 01.00hrs Fri & Sat  
07:00hrs to 22:30hrs SunThis application is submitted by Ms Keinwyn VICKRESS and is for a premises that  
has previously been operated as a café under the name of 'Cafi NI'.Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb  
gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.

Any correspondence received in Welsh will be answered in Welsh and corresponding  
in Welsh will not lead to a delay in responding.

The applicant now intends to operate the premises as a restaurant with the ability to serve alcohol to customers both on and off the premises by offering alcohol with table meals & takeaway food and alcohol.



As can be seen from the above photo the premises is part of a group of linked residential terraced properties.

I draw your attention to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Paragraph 1.4 of the Guidance stated the promotion of the statutory objectives is a paramount consideration at all times.

Section 1.15 of the guidance recommends that licence applicants contact responsible authorities when preparing their operating schedules. South Wales Police actively encourages early engagement and consultation in order to assist applicants, to work in a partnership approach, and in this case no contact was received prior to the submission of the application, but I have subsequently met with the applicant on 1<sup>st</sup> July 2022 regarding the content of the application and how they planned to operate the premises.

The applicant explained that they intended to operate the premises as a food led business, providing a dining experience for their customers with alcohol available with their food. Although the application does not provide space to differentiate between on & off sales hours, the applicant has a clear vision of what she intends for the premises.

One of the initial fears when reading through the application was that this premises could become another premises that morph's from a restaurant to a vertical drinking establishment after the kitchens close.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.

Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The applicant is adamant that she only intends selling alcohol to on site customers until 23:00hrs and then continue with off sales and deliveries until 01:00hrs if customer numbers dictate. This fact alone goes a long way to allaying fears about late drinking at the premises.

The terminal hour on Fridays and Saturdays for a venue so closely situated to residential properties is quite late which gives rise to legitimate concerns about the possible impact of customers leaving the venue at these times both in terms of noise and in terms of alcohol related problems.

The applicant has requested to supply alcohol from 09:00hrs to 23:00hrs Mon – Thurs, 09:00hrs to 01.00hrs Fri & Sat and 22:30hrs on Sundays but is happy for the terminal hour for on-sale alcohol to be reduced further to include a 30min drinking up time (to include the New Year’s Eve seasonal variation) and a terminal hour on Fri & Sat of 23:00hrs so the full timings for the supply of alcohol, including a drinking up time, would read as follows;

Supply of Alcohol:	09:00hrs to 22:30hrs Mon – Thurs
	09:00hrs to 23.00hrs Fri & Sat
	09:00hrs to 22:00hrs Sun

Seasonal variation:	New Year’s Eve	09:00hrs to 00:30hrs
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Hours open to the public:	07:00hrs to 23:00hrs Mon – Thurs
	07:00hrs to 01.00hrs Fri & Sat
	07:00hrs to 22:30hrs Sun

Seasonal variation:	New Year’s Eve	09:00hrs to 01:00hrs
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To clearly differentiate between the on & off sales on a weekend I would ask that the following condition be added;

1. The supply of alcohol to on-sale customers on a Friday & Saturday shall cease at 23:00hrs with off-sales permitted to continue until 01:00hrs.

The applicant wishes also to use the outside drinking area at the front of the premises but once again, the proximity to other residential properties means that it is only fair for this area to close earlier than the rest of the premises to mitigate the risk of noise nuisance to neighbours. When a closure time of 22:30hrs was mentioned the applicant suggested that she would close the outside area at 21:00hrs.

I would request that, in order to give the applicant the opportunity to fully utilise this area while still minimising the risk to neighbours that a closure time that matches the terminal hour for on-sales be imposed.



If the applicant chooses to close the outside area at 21:00hrs that is their choice but the following would, I believe, ensure it does close at a reasonable hour.

### **The Prevention of Public Nuisance;**

2. The beer garden and any other outside area shall not be used after 22:30

I would also ask that the following condition be added;

3. Prominent signs are displayed in the beer garden and any other outside area requesting patrons to keep noise levels to a minimum as to minimise impact on local residents

### **The Prevention of Crime & Disorder:**

The operating schedule does refer to the provision of CCTV, but appears to concentrate on it being visible only so I would ask that the following conditions be added;

4. 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:-

- The entrances and exits to the premises;
- The interior public areas of the premises;

I would also request the following be added;

Relating to CCTV;

5. 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.

Relating to accidents/incidents;

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



- An incident recording book shall be maintained at the premises showing details of the date and time of any assaults, injuries, accidents, interventions by staff or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Local Authority.

### **The Protection of Children from Harm:**

There is mention of staff training around recognising drunk customers so I would ask that this be re-worded to read as follows;

- Premises to keep up to date records of staff training in respect of age related sales, in written or electronic format, available for inspection on request by an authorised officer of the Police or Local Authority.

There is mention of a Challenge 25 policy but with no further detail so I would ask that the following be added;

- A Challenge 25 policy will apply and Proof of age will be required from any person who appears to be under the age of 25 years who attempts to purchase or consume alcohol. The means of verification should be a form of identification which bears their photograph, date of birth and a holographic mark and should be restricted to:-

- P.A.S.S Accredited Proof of Age Schemes e.g,Citizen Card,
- Proof GB
- Photocard driving licence or passport.

There is mention of a refusals book but, as it only refers to refusals to persons under 18 I would ask that it be amended to read;

- A refusals record shall be maintained recording the date and the time of all attempts by persons under the age of 18 to purchase alcohol and any other refused sales. The record shall be made available for the viewing by the Police and/or authorised officer of the Local Authority on request and shall contain the reasons for the refused sale.

I would also ask that the following condition be added;

- Signage shall be displayed in a prominent position within the premises informing of the Challenge 25 policy.



I believe that the conditions suggested are proportionate, are in line with this type of premises and will help promote the Licensing Objectives.

The application also proposes that Keinwyn VICKRESS become the DPS of the premises nothing is known to their detriment so there are no objections to this appointment.

The above information is submitted for your information and consideration.

Yours sincerely,

*Nick Bailey*

Police Licensing Officer  
(On behalf of the Chief Officer of Police)

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.  
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## NEATH PORT TALBOT COUNCIL

### Licensing and Gambling Acts Sub Committee

25th July 2022

### Report of the Head of Legal Services – Craig Griffiths

#### Matter for Decision

**Wards Affected:** Rhos

### Application for the Grant of a Premises Licence

#### Purpose of the Report

1. To consider representations received in respect of the following application made under the Licensing Act 2003.

Premises Name	The Orchard
Premises Address	The Orchard, Neath Road, Fforest Goch, Pontardawe, Neath SA8 3JB.
Applicant Name's	Emma O Mahoney
Applicant Address	The Flat The British Legion Eastland road Neath, SA11 1LA
DPS Name	Emma O Mahoney

## **Executive Summary**

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Emma O Mahoney. The premises licence will authorise sale of alcohol and regulated entertainment
3. Representations were received in respect of the application from South Wales Police requesting that additional conditions be attached to the licence.
4. The applicant has agreed to the imposition of the additional conditions and consequently all parties agree that a hearing is unnecessary; final determination of the application needs to be made by the Licensing and Gambling Acts Sub Committee.

## **Background**

5. The Licensing Act 2003 requires that any person wishing to provide licensable activities obtains a premises licence from the Licensing Section.
6. An application for the grant of a premises licence must be advertised in the prescribed manner and allows "Responsible Authorities" or "Other Persons" to submit representations in respect of the application.
7. Where all parties have reached an agreement and amendments have been made to the original application, the Licensing Authority can dispense with the need for a formal hearing; a meeting of the Sub-Committee is still required to consider the amendments.

## **Licence Application**

8. The applicant has included the following information in the application outlining the requested hours of operation and details on how the applicant proposes to promote the 4 licensing objectives.

## **Opening Hours**

9. Monday - Sunday 08.00 - 23.30

Non Standard Timings

10. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:30 hours.
11. The police will have an absolute veto as to whether consent to any application.
12. Extension on Christmas Eve until 01:30 hours.
13. Extension on New Year's Eve until 02:30 hours.

### **Supply of Alcohol (On and Off Sales)**

14. Monday - Sunday 08.00 - 23.00
15. Non Standard Timings
16. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.
17. The police will have an absolute veto as to whether consent to any application.
18. Extension on Christmas Eve until 01:00 hours.
19. Extension on New Year's Eve until 02:00 hours.

### **Live Music**

20. Non Standard Timings
21. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.
22. The police will have an absolute veto as to whether consent to any application.
23. Extension on Christmas Eve until 01:00 hours.

24. Extension on New Year's Eve until 02:00 hours

### **Recorded Music**

25. Non Standard Timings

26. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.

27. The police will have an absolute veto as to whether consent to any application.

28. Extension on Christmas Eve until 01:00 hours.

29. Extension on New Year's Eve until 02:00 hours

### **Licensing Objectives**

30. The following information has been provided by the applicant.

#### **General**

31. The applicant / designated premises supervisor will ensure all staff will be trained to promote the four licensing objectives.

#### **The Prevention of Crime and Disorder**

32. The designated premises supervisor, or nominated responsible person will ensure that drunk or disorderly persons are not allowed access or are removed from the premises.

33. An incident recording book shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action / outcome. The book will be kept available for inspection by police and authorised officers of the local authority.

#### **Public safety**

34. All staff will be trained and aware of health and safety and fire precautions and emergency evacuation procedures.

35. First Aid Kit will be available on the premises.
36. Prominent signs showing the exits of the premises.
37. Alcohol to be consumed on the premises will be served in plastic glasses

### **The prevention of public nuisance**

38. Background music only will be played on the premises.
39. Any Rubbish will be cleared away promptly.
40. Customers and staff will be encouraged to leave the area quietly

### **The protection of children from harm**

41. The company website will operate an age verification process for all on-line orders of alcohol.
42. The only alcohol permitted in the delivery vehicle is either alcohol that has been pre-purchased or retained by the driver following a refused delivery, the details of which are to be recorded in the refusals log.
43. Challenge 25 policy will apply and proof of age will be required, for all alcohol served or delivered and at the point of delivery, from any person who appears to be under the age of 25 years who attempts to accept delivery of any alcohol.
44. Premises to keep up to date records of staff training and refresher training in respect of age related sales and the refusals of sales, in written or electronic format, available for inspection on request by an authorised officer.
45. The admission of children aged under 18 years to the exhibition of films is to be restricted in accordance with any recommendation made by:
46. The company website will operate an age verification process for all on-line orders of alcohol.
47. The only alcohol permitted in the delivery vehicle is either alcohol that has been pre-purchased or retained by the driver following a refused delivery, the details of which are to be recorded in the refusals log.

48. Challenge 25 policy will apply and proof of age will be required, for all alcohol served or delivered and at the point of delivery, from any person who appears to be under the age of 25 years who attempts to accept delivery of any alcohol.
49. Premises to keep up to date records of staff training and refresher training in respect of age related sales and the refusals of sales, in written or electronic format, available for inspection on request by an authorised officer.
50. The admission of children aged under 18 years to the exhibition of films is to be restricted in accordance with any recommendation made by:
51. a) The British Board of Film Classifications (BBFC) designated as the authority under Section 4 of the video Recordings Act 1984 or
52. b) The relevant Licensing Authority

### **Relevant Representations**

53. Nick Bailey - South Wales Police
54. The above representation is reproduced at Appendix 1

### **Officer Report**

55. The application is to authorise the sale of alcohol and regulated entertainment.
56. Representations have been received from South Wales Police who requested additional conditions be attached to the licence.
57. The applicant has agreed to all the conditions requested.

### **Legal Impacts**

58. There is a right of appeal against the decision to the Magistrates' Court

### **Risk Management**

59. Not Applicable

## **Consultation**

60. Consultation has been undertaken in accordance with the Licensing Act 2003.

## **Recommendation**

61. The members determine the application after considering all relevant representations.

## **Reasons for Proposed Decision**

62. To ensure the licensing objectives as set out in the Licensing Act 2003 are promoted.

## **Implementation of Decision**

63. The decision is for immediate implementation

## **Appendices**

64. Appendix 1 - South Wales Police Representations

## **List of Background Papers**

65. Application for the grant of a premises licence
66. Neath Port Talbot Licensing Policy
67. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
68. 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](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**

69. Neil Chapple  
Legal Regulatory Manager

Tel (01639) 763050

Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)



**Pencadlys Heddlu**Heol y Bont-faen  
Penybont  
CF31 3SUMewn argyfwng ffoniwch **999**  
fel arall, ffoniwch **101**  
Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)**Police Headquarters**Cowbridge Road  
Bridgend  
CF31 3SUIn an emergency always dial **999**  
for non-emergencies dial **101**  
Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)Nick Bailey  
Police Licensing Officer,  
Neath Police Station. : [nick.bailey2@south-wales.police.uk](mailto:nick.bailey2@south-wales.police.uk) : 01639 640207 : 07971 623816Mr N. Chapple,  
Legal Regulatory Services Manager,  
Neath Port Talbot Council.  
Civic Centre,  
Port Talbot.5<sup>th</sup> July 2022.**Police Observations to application for the Grant of a premises licence  
under the Licensing Act 2003.**In relation to the application for a premises licence under the Licensing Act 2003 at  
the below-referred licensed premises:

Name: The Orchard

Address: Fforest Goch, Rhos, Pontardawe, SA8 3JB

The Application is for a premises licence for the following Licensable activity;

Films: 08:00hrs to 23:00hrs daily

Supply of Alcohol: 08:00hrs to 23:00hrs daily

Hours open to the public: 08:00hrs to 23:30hrs daily

This application is submitted by Ms Emma O'Mahoney and is for 3 acre parcel of  
land adjacent to the A474 Neath Road in Fforest Goch, Pontardawe. The land  
comprises of open land and trees planted as an orchard with a large agricultural  
shed at the southern end of the property, as per the plan submitted with the  
application.



The applicant intends to operate the premises as a production facility for their cider with the ability to supply alcohol to customers both on and off the premises to customers visiting the facility on tours, visits or as part an organised event held there.

The applicant has also applied, in the seasonal variations, for 5 event days per calendar year with 1 months prior notice to Police, to provide the licensable activities of supply of regulated entertainment and the supply of alcohol from 23:00hrs to 00:00hrs with the Police having a veto on any event taking place.

I draw your attention to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Paragraph 1.4 of the Guidance stated the promotion of the statutory objectives is a paramount consideration at all times.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.  
South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



The applicant has requested to supply alcohol from 08:00hrs to 23:00hrs daily (to include a Christmas Eve & New Year's Eve seasonal variation) and a terminal hour of 23:30hrs so the full timings for the supply of alcohol, including a drinking up time, would read as follows;

Films:		08:00hrs to 23:00hrs daily
Seasonal variation:	Christmas Eve	08:00hrs to 01:00hrs
	New Year's Eve	08:00hrs to 01:00hrs

Non-Standard timings:		
Live & Recorded Music:	Christmas Eve	08:00hrs to 01:00hrs
	New Year's Eve	08:00hrs to 01:00hrs

Supply of Alcohol:		08:00hrs to 23:00hrs daily
Seasonal variation:	Christmas Eve	08:00hrs to 01:00hrs
	New Year's Eve	08:00hrs to 02:00hrs

Hours open to the public:		08:00hrs to 23:30hrs daily
Seasonal variation:	Christmas Eve	08:00hrs to 01:00hrs
	New Year's Eve	08:00hrs to 01:00hrs

In the operating schedule submitted with the application there are a number of conditions proposed relating to areas such as an incident book, the use of plastic glasses, encouraging customers to leave the area quietly and what control measures the company website will use to prevent underage sales.

It is clear that some thought has gone into what measures would help the premises operate smoothly which means that there only a few areas that I would like to address.

### **The Protection of Children from Harm:**

In terms of on-line sales and delivery the delivery methods and vehicle logs are mentioned but I would request the following be added;

1. If alcohol is delivered by an employee, or partner delivering on behalf of the business, a vehicle delivery log must be kept specifying the following;
  - a) The quantity of alcohol purchased,
  - b) The description of alcohol purchased,
  - c) The price of the alcohol purchased,
  - d) Name and address of the person placing the order,
  - e) The name and address of the person to whom and where the delivery is made if different from d. above.

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In relation to the age verification policy mention in section e). I would request it is amended to read as below;

2. If alcohol is supplied as an on-sale or delivered a Challenge 25 policy will apply and proof of age will be required, at the point of delivery, from any person who appears to be under the age of 25 years who attempts to accept delivery of any alcohol. The means of verification should be a form of identification which bears their photograph, date of birth and a holographic mark and should be restricted to:-

- P.A.S.S Accredited Proof of Age Schemes e.g,Citizen Card,
- Proof GB
- Photocard driving licence or passport.

A refusals log is mentioned and I would request this condition be amended to read as follows;

3. A refusal book shall be maintained recording the date and time of all refusals to requests to purchase alcohol. The book shall be made available to for viewing by the Police and / or authorised officer of the Licensing Authority on request and shall contain the following details;

- The member of staff refusing the sale
- The reason for the refusal
- The alcohol refused

I would also ask that the following condition be added;

4. Signage shall be displayed in a prominent position within the premises informing of the Challenge 25 policy.

I believe that the conditions suggested are proportionate, are in line with this type of premises and will help promote the Licensing Objectives.

The application also proposes that Emma O'MAHONEY become the DPS of the premises nothing is known to their detriment so there are no objections to this appointment.

The above information is submitted for your information and consideration.

Yours sincerely,

*Nick Bailey*

Police Licensing Officer  
(On behalf of the Chief Officer of Police)

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