

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Decision Notice

LICENSING AND GAMBLING ACTS - URGENCY ACTION , WEDNESDAY, 4TH MAY, 2022

Please see below approval of decision as follows:

1. **Premises Licence Application - Atlantic Rum - 004NJ (Pages 3 - 12)**

Determination of an application for a new premises licence in accordance with the Licensing Act 2003. Representations were received in respect of the application requesting additional conditions be attached to the licence. All parties have agreed to the imposition of the conditions and consequently no outstanding matter remain.

That approval be granted that the members determine the application after considering all relevant representations.

For Immediate Implementation

Yours sincerely

N.Jones

p.p Chief Executive

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

May 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Coedffranc West

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	Atlantic Rum
Premises Address	The Office, Dainton Self Storage, Amazon Way, Llys Kearns, Swansea, SA1 8QL
Applicant Name's	Benjamin's Atlantic Spiced Rum Ltd
Applicant Address	Druslyn House, De La Beche Street, Swansea, SA1 3HJ
DPS Name	William Benjamin Lee Evans

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Benjamin's Atlantic Spiced Rum Ltd. The premises licence will authorise the sale of alcohol off the premises only.
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.
9. Opening Hours
Monday – Sunday 08.00 hours – 22.00 hours
10. Supply of Alcohol (Off Sales)
Monday – Sunday 08.00 hours – 22.00 hours

Licensing Objectives

The following information has been provided by the applicant.

General

11. This is a newly formed company producing specialty rum products for the retail and pub trade with pure off-sales via couriers.

The prevention of crime and disorder

12. The Unit is within a security-gated industrial site which benefits from site CCTV and security patrols and an intruder alarm.

Public safety

13. Although there is no public access: Fire Exits will be kept free of obstruction and checked regularly to ensure that they are kept clear.

The prevention of public nuisance

14. No deliveries will be permitted on site between 00:00 and 06:00hrs daily.

The protection of children from harm

15. INTERNET SALES:
16. The Premises Licence Holder shall ensure that any person who purchases from the site shall register with the site. Such registration details shall include the person's full name, full address, date of birth and phone number. A clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection and records shall be kept for a period of 12 months and shall be produced on demand of the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Council.
17. The terms and conditions of the company website will contain the following: -
18. a) The company will not sell alcohol to any person until it has been verified that the person is over 18 years of age.

19. b) An age confirmation requirement when registering to purchase.
20. c) Reference to the operating of a Challenge 25 policy.
21. d) That no parcels will be left by the courier if the person at the delivery address is under 18 years of age.
22. DELIVERIES:
23. The person delivering the alcohol to the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under
24. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

Relevant Representations

25. Nick Bailey - South Wales Police

The above representation is reproduced at Appendix 1

Officer Report

26. The application is to authorise the sale of alcohol off the premises.
27. Representations have been received from the Police requesting additional conditions be attached to the licence.
28. The applicant has agreed to the conditions requested.

Legal Impacts

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

Risk Management

30. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

34. The decision is for immediate implementation

Appendices

35. Appendix 1 - South Wales Police Representations

List of Background Papers

36. Application for the grant of a premises licence

37. Neath Port Talbot Licensing Policy

https://www.npt.gov.uk/media/4290/licensing_licensingact_policy2016.pdf

38. 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

39. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.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 623816

Mr N. Chapple,
Legal Regulatory Services Manager,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

21st April 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: Benjamin's Atlantic Spiced Rum Ltd

Address: The Office, Dainton Self Storage, Amazon Way, Llys Kearns, Swansea, SA1 8QL

I wish to submit the below representations regarding the above application. This Application is for a premises licence for the following Licensable activity;

Supply of Alcohol: 08.00hrs to 20.00hrs Daily

Opening Hours: 08.00hrs to 20.00hrs Daily

This application is for the grant of a new premises licence for Benjamin's Atlantic Spiced Rum Ltd at the above address. The premises is described as being a single small unit on a secure industrial site where small businesses start up is located, and will be offering spiced rum for retail sales.

The applicant is seeking to licence an office from where they intend to sell spiced gin, online to trade and individual customers directly from the unit.

Mae Heddlu De Cymru yn croesawu derbyn ganeblaeth yn Gymraeg a Saesneg. South Wales Police welcomes receiving correspondence in Welsh and English.
Bydd gwybodaeth a gohebu yn Gymraeg yn arwain at oedi. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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 states 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, however no such contact or advice about the operating schedule has been sought from the Police on this occasion.

The application was submitted by an agent, on behalf of Mr William Benjamin Evans. Having read the operating schedule contained within the application it appears that they concentrate on the on-line sales and it appears that the business model will be to market and sell the gin produced via an on-line retail shop with deliveries made by a courier.

I would request clarification on the following points;

Can the applicant clarify whether members of the public will be allowed access to the site as the basis of the business model is as an on-line sales business, with deliveries by courier. At no point in the application does it say that members of the public are not allowed to visit the site to collect purchases made on-line.

I believe this confusion can be clarified by the addition of the following condition;

1. No members of the public shall be permitted in the premises in order to collect alcohol they have purchased on-line.

If no members of the public are going to attend the premises does it actually need any opening hours detailed?

If no members of the public are attending the premises, and the site on which the premises is situated is covered by CCTV I do not see the need for additional CCTV inside the premises. If, however, it is the intention to allow the public to attend the premises then I would request that there be a requirement for CCTV coverage.

Can the applicant clarify whether the courier service mentioned will be operated by members of his staff, or an outside contractor, as the level of control over deliveries varies greatly between the two options and if operated by an outside contractor the Applicant will have little control over whether they adhere to the condition mentioned as condition 5.1. in the operating schedule.

The business is located in 'The Office, Dainton Self Storage' Can the applicant confirm whether, if he is not the owner of Dainton Self Storage, he has permission from the owner to licence part of their premises?

Should this application be viewed favourably I would ask that following additions & amendments be made to the wording of the proposed conditions suggested;

Crime & Disorder:

That the following conditions, relating to on-line sales, be added;

2. The sale of alcohol must only be by way of on-line orders which are to be delivered to separate premises.

In terms of how the alcohol is delivered I would ask that the following be adopted;

3. 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.
4. 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.

The Protection of Children from Harm:

In relation to the age verification policy mention in section e) point 5.1. I would request it is amended to read as below;

5. If alcohol is delivered by a member of staff of the company 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.

I believe this will limit the liability of the business to staff that they employ, and by virtue of that employment, have a measure of control over as they will have little control over employees of other companies or courier services.

6. 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

The application makes no mention numbers of staff but I would request that the below be added;

7. Premises to keep up to date records of staff training and refresher training in respect of alcohol sales and the refusals of sales, in written or electronic format, available for inspection on request by an authorised officer.

I believe this will cover existing and future staff which, if they operate the delivery service, will ensure that any staff employed receive adequate training in the delivery of alcohol and of any refusal process, should it become necessary.

I believe that the above proposals are proportionate to this premises and its location, are not too onerous in terms of application or cost and are appropriate to the promotion of the licensing objectives and will ensure the applicant fully understands their responsibilities to promote these objectives.

Yours sincerely,

Nick Bailey

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