



IS-BWYLLGOR DEDDFAU TRWYDDEDU A GAMBLO

10.00 AM - DYDD LLUN, 15 AWST 2022

AML-LEOLIAD/HYBRID - MICOSOFT TEAMS/SIAMBR Y CYNGOR

**RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR
GYFER PARHAD Y CYFARFOD**

Gweddarlledu/Cyfarfodydd Hybrid:

Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy gymryd rhan, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib

1. Cyhoeddiad y Cadeirydd
2. Datganiadau o fuddiannau

Adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol

3. Cais i amrywio Trwydded Mangre - The Burger Boyz, Taibach Port Talbot (*Tudalennau 3 - 16*)
4. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ol disgresiwn y Cadeirydd yn unol ag Adran 100B (4) (b) o Ddeddf Llywodraeth Leol 1972.

K.Jones
Prif Weithredwr

Aelodaeth y Pwyllgor:

Cadeirydd: Y Cynghorydd A.J.Richards

Is-gadeirydd: Y Cynghorydd J.Henton

Aelodau: S.Paddison

Rhodder: Cynghorwyr

c.c. Uwch-arolygydd yr Heddlu, Castell-nedd
Prif Swyddog Tân, Castell-nedd

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

15th August 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Margam and Taibach

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 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 |

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Burger Boyzzz Limited. 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 made by the police.
5. One representation has been received from a local resident.
6. An attempt to negotiate an agreed position has been made, however no agreement has been established.

Background

7. The Licensing Act 2003 requires that any person wishing to provide licensable activities obtains a premises licence from the Legal Regulatory Section.
8. 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.
9. 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.
10. Where representations are received (and not withdrawn) the Licensing Authority must hold a hearing to consider the representations before determining the application

Licence Application

11. 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

12. Monday - Sunday 08.00 - 22.00

Supply of Alcohol (On the premises only)

13. Monday - Sunday 08.00 - 22.00

Recorded Music (Indoors)

14. Monday - Sunday 08.00 - 22.00

Licensing Objectives

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

General

16. N/A

The Prevention of Crime and Disorder

17. CCTV

18. Anti-drug policy

19. Refusing alcohol to anyone drunk

Public safety

20. All First aid equipment

21. Trained first aiders

22. Taxi numbers

The prevention of public nuisance

23. Background music only

24. Waste disposal and recycling

The protection of children from harm

25. Challenge 21
26. Staff trained in challenging anyone who looks under 25

Relevant Representations

27. Nick Bailey - South Wales Police
28. The above representation is reproduced at Appendix 1

Other Persons

29. Juned Miah - 44 Commercial Road, Taibach
30. The above representation is reproduced at Appendix 2

Officer Report

31. The application is to authorise the sale of alcohol and regulated entertainment.
32. Representations have been received from South Wales Police who requested additional conditions be attached to the licence.
33. The applicant has agreed to all the conditions requested.
34. One representation remains outstanding as an overall agreement cannot be reached.
35. A response from the applicant following the representations being received is attached as appendix 3.

Legal Impacts

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

Risk Management

37. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

41. The decision is for immediate implementation

Appendices

42. Appendix 1 - South Wales Police Representations
43. Appendix 2 - Juned Miah
44. Appendix 3 - Applicant Response to Representation

List of Background Papers

45. Application for the grant of a premises licence
46. Neath Port Talbot Licensing Policy
47. <https://www.npt.gov.uk/media/14952/licensing-act-2003-draft-licensing-policy-2021.pdf?v=20210923150929>
48. 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

49. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763056
Email n.chapple@npt.gov.uk

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**

Gwefan: www.heddlu-de-cymru.police.uk

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU


In an emergency always dial **999**
for non-emergencies dial **101**


Website: www.south-wales.police.uk

Nick Bailey

Police Licensing Officer,
Neath Police Station.

 : 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.

6th 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: Burger Boyz

Address: Ty Dewin, 16 Station Road, Port Talbot, SA13 1JB

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

Supply of Alcohol (On sales only): 08.00hrs to 22.00hrs Daily

Hours open to the public: 08.00hrs to 22.00hrs Daily

This application is submitted by Marcin SADLOS, a director of Burger Boyzzz Ltd for
the grant of a premises licence to enable the applicant to sell alcohol for
consumption on the premises, as part of a restaurant/takeaway. The premises is a
located on Station Road in Port Talbot, which is the main pedestrian thoroughfare in
the town.

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 application is seeking licensable activities consistent with running a café/restaurant and the terminal hour requested will not, I believe, impact negatively on the wider night time economy, and appear to have been considered in line with sect 5.4 of the NPT Licensing Policy 2021 in that the hours are “appropriate to their particular local environment”.

The hours applied for licensable activities mirror those for the hours then premises is open to the public and has no drinking up time. Sect 5.8 of the same licensing policy deals with a drinking up time and states that “The Council considers that a 30-minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area” so I would request a reduction in the hours for the supply of alcohol so that the terminal hour becomes 21:30hrs so that it reads 08.00hrs to 21.30hrs Daily.

Having looked at the operating schedule submitted I notice that the conditions mentioned are in the form of bullet points so I would request the following amendments and additions outlined below prior to the grant of this licence should this application be successful;

The Prevention of Crime & Disorder:

The operating schedule does refer to the provision of CCTV, so I would ask that the condition reads as follows;

1. 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 exterior frontage of the premises
- The entrances and exits to the premises;
- The interior public areas of the premises;

I would also request that the following condition be added;

2. 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.

There is no mention of an incident book so I would request the following condition be added;

3. 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 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 a Challenge 21 age verification policy and staff training to challenge anyone whom looks under 25. This appear to be contradictory, so I would ask that the following be added in relation to the age verification policy;

4. 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.

And that the following be added in relation to staff training;

5. 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.

I would also ask that the following conditions be added;

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

There is no mention of any method of recording any refused sales, whether to customers who cannot prove their age or for any other reason, such as their being drunk so I would request that the following also be added;

6. 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.

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 Marcin SADLOS become the DPS of the premises but adds that he is awaiting his personal licence number. Can he confirm whether he has been issued a personal licence yet, and if not, who will be the DPS? If he does hold a personal licence nothing relevant 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.
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.



From: Verified

Sent: 18 July 2022 12:25

To: Legal Regulatory Services <lrs@npt.gov.uk>

Subject: Complaint about Burger Boyz alcohol and music licencing.

Hello,

I want to inform you about the recent application from Burger Boyz about their alcohol and music licencing. Here are the necessary parts that need to be discussed and reviewed:

1. Not enough toilets ,disabled toilets lady and gents' toilets?
2. There is no disabled access front and back
3. The highway and how the store is in front of the bus stop, no parking spaces which can affect customer parking
4. Do you know that there are residents upstairs. How can they use loud music? Have they cancelled the residence permit and do you know the back of the shop has a residence area plus a care home which can pose a risk with drunk people around the area.
5. Does he have a personal licence?
6. Do you know they tried to use 29 Commerical Road to get the alcohol licence but you have refused.
7. Does it have a fire safety licence or fire-related safety measures? Does it have a sprinkler? Does it even have sound proof insulation certificate?
8. In front of the property, this part is for the community to sit however, having this approved can make it more dangerous for them thus harming children and other residents.

Before this licence is issued if the application is successful I would forward this complaint to the higher authority so, please review the application carefully and understand that today, an alcohol and music licence, if granted, could transform this business into a pub and then a nightclub, which could be detrimental because this is a residential area with a care home. Therefore, I would like you to reconsider before making the final decision.

Thank you

Mae'r dudalen hon yn fwriadol wag

Appendix 3

From: Burger Boyz <>
Sent: 19 July 2022 14:38
To: Sarah Bartle <s.bartle@npt.gov.uk>
Subject: Re: Representation from local

Hi Sarah,

Hope you are well.

Thank you for this, absolutely devastated about this.
Here are my responses in regards to the below representation.

1. We do have just the one toilet, but only a max capacity of 31 seated customers, we are only a small business with a small premises.
2. There is indeed disabled access at the front.
3. There is a Huge free carpark at Aldi, which is broadly used by customers for surrounding business' including the gym, barbers and shops...
4. The upstairs flat is going to be occupied by our chef. The ceiling is fire proofed, sound insulated and sound proofed. We had to pull the floor up in the upstairs flat to install some electrics, we were not able to do this due to 4 layers of safety/sound boarding between us and the upstairs accommodation, so we had to do a different install. Our shop is not a place for customers to get drunk. It is purely for people to come and enjoy a meal with a pint of craft beer. We stock expensive premium craft beer and lager which will definitely filter out people that want to get 'drunk' as £5.50 a pint is a premium price for a premium craft beer to enjoy with food not to get drunk on. We will not be serving any spirits on our premises and definitely will not promote our restaurant/takeaway as any sort of pub or nightclub.. We have a music licence to play background music only, definitely no loud music, we understand the setting we are in and wouldn't want to disturb any peace in the area. The music will purely be used for our customers and employees to enjoy the atmosphere not to party. The back entrance will not be used for any customers only for us to take deliveries.
5. I do have a personal licence as provided to the council along with my qualification.
6. This application was for a totally different setting, not a sit down restaurant with gourmet food and a good reputation.
7. Yes we have a security intruder alarm along with 6 cameras covering every inch of our premises. Along with a top of the range fire safety system linked to Davies security, which is maintained and monitored by them 24/7 if any issued arise.

To the last comment about transforming this place into a pub or nightclub, this could really not be any further to what we want for our reputable food business. We want to keep our business in its own bracket and definitely do not want to be in competition with any surrounding pubs in the area. We purely just want people to enjoy a premium craft beer with our food as it goes hand in hand.

I hope you guys take these points into consideration when reviewing this representation.

Let me know if there is anything else you would like to discuss please?

Hope you have a good evening and speak soon Sarah.

Kind Regards,

Marcin
Burger Boyz