

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

7th March 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Dyffryn Cellwen

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	Banwen R.F.C. Sports and Social Club
Premises Address	Banwen Park, Main Road, Dyffryn Cellwen, Neath, SA10 9HW
Applicant Name's	Banwen R.F.C. Sports and Social Club
Applicant Address	Banwen Park, Main Road, Dyffryn Cellwen, Neath, SA10 9HW
DPS Name	Leighton Philip John Thomas

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Banwen RFC Sports and Social Club. The premises licence will authorise regulated entertainment, late night refreshment and the sale of alcohol both on and off the premises.
3. Representations were received in respect of the application from South Wales Police, Environmental Health and Legal Regulatory Services Section requesting a reduction on the operating hours and additional conditions to be attached the licence.
4. The applicant has agreed to the change in operating hours and the imposition of additional conditions proposed by the responsible authorities; 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.

Licence Application

7. 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

Sunday – Thursday 07.00 – 00:30

Friday and Saturday 07.00 - 01.30

Bank Holiday Mondays & Christmas Eve from end of permitted hours to 01:30.

In the event of a match involving the home nation rugby union sides playing in the Rugby World Cup / British Lions tours / Welsh international representative rugby and football sides playing a match outside permitted hours the premises may open for licensing activities indoors only for 1 hour before the kick off and may remain open through to normal opening hours or in the event of a late kick off, remain open for licensable activities 1 hour after final whistle.

On Christmas Eve from the end of permitted hours to 01:30.

Plays

Monday - Sunday 08:00 - 00:00

On Christmas Eve licensable activity to extend to 01:00 hours for Christmas Nativity / Community Pantomime performance.

Film

Monday - Sunday 08:00 - 00:00

Indoor Sporting Events

Monday - Sunday 08:00 - 00:00

Boxing or Wrestling Entertainments

Monday - Sunday 08:00 - 00:00

Live Music

Sunday - Thursday 08:00 - 00:00

Friday and Saturday 08:00 - 01:00

On Christmas Eve licensable activity to extend to 01:00 for Christmas nativity play or community pantomime.

On New Year's Eve from end of permitted hours to 01:00

On bank Holiday Monday's end of permitted hours to 00:30

Recorded Music

Monday - Thursday 08:00 - 00:00

Friday and Saturday 08:00 - 01:00

On Christmas Eve licensable activity to extend to 01:00 for Christmas nativity play or community pantomime.

On New Year's Eve from end of permitted hours to 01:00.

On bank Holiday Monday's end of permitted hours to 00:30.

Performance of Dance

Monday - Sunday 08:00 - 00:00

Anything of a similar description

Monday - Sunday 08:00 - 00:00

Late Night Refreshment

Sunday - Thursday 23:00 - 00:00

Friday and Saturday 23:00 - 00:00

Supply of Alcohol (On and Off Sales)

Sunday - Thursday 08:00 - 00:00

Friday and Saturday 08:00 - 01:00

Licensing Objectives

The following information has been provided by the applicant.

General

The premises licence holder / designated premises supervisor and club's committee members will promote all four of the licensing objectives and statutory requirements to comply with all relevant provisions of the Licensing and Health and Safety legislations

The prevention of crime and disorder

8. Drunk and disorderly persons will not be served or allowed to remain on the premises.
9. An incident recording book shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections. The book will be kept available for inspection by the Police and authorised officers of the Local Authority.

Public Safety

10. Staff will be trained and aware of health and safety and fire precautions and emergency evacuation procedures.
11. All exits to be kept clear of obstructions.
12. Adequate lighting will be provided when premises is open.
13. Fire extinguishers and first aid facilities will be available.

The prevention of public nuisance

14. No outdoor music or amplified sound to be played before 10:00 or after 21:00 hours.
15. Windows and doors will be kept closed during playing of amplified music.
16. Provide prominent signs at all exists requesting patrons to leave in a quiet and orderly manner so as to minimise impact on the local residents.

The protection of children from harm

17. Staff shall be trained on challenge 25 any person under the age of 25 wishing to purchase alcohol will be asked to produce ID before such a sale is made.
18. A refusal book will be maintained recording the date and time of all attempts by persons under the age of 18 to purchase alcohol and will be kept available for inspection by the Police and authorised offices of the Local Authority

19. If a designated under 18 events is held at the main hall of the premises no alcohol will be allowed to be brought into or sold or consumed in that room of the premises during the event.
20. Committee members will supervise the external car park area of the club during such under 18 events and any persons found in possession of alcohol or other prohibited items will be prevented from entering the event.
21. Designated under 18 events will cease at 22:00.
22. No person over the age of 18 will be allowed to enter a designated under 18's event unless they are employed at the premises or are attending in a supervisory role i.e. designated premises supervisor / committee member / parent of guardian.

Relevant Representations

23. Nick Bailey - South Wales Police
24. Peter Malough - Legal Regulatory Services
25. Rachel Matthews - Environmental Health
26. The above representations are reproduced at Appendix 1, 2 and 3.

Officer Report

27. The application is for the grant of a premises licence for Banwen RFC. There is already an existing Club Premises Certificate in force for this premises.
28. Representations have been received from the Police, Legal Regulatory Services and Environmental Health
29. The Police and Legal Regulatory Services have requested additional conditions be attached to the licence and the representation from Environmental Health requested a reduction on the operating hours to 23:00 hours.
30. Negotiations between the applicant and Environmental Health resulted in an agreement for the hours to be reduced until midnight on weekends.

The applicant has also agreed to the conditions requested by the Police and Legal Regulatory Services.

Legal Impacts

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

Risk Management

32. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

36. The decision is for immediate implementation

Appendices

37. Appendix 1 - South Wales Police Representations
38. Appendix 2 - Legal Regulatory Services Section Representations
39. Appendix 3 - Environmental Health Representations

List of Background Papers

40. Application for the grant of a premises licence

41. Neath Port Talbot Licensing Policy

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

42. 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

43. Neil Chapple

Legal Regulatory Manager

Tel (01639) 763056

Email n.chapple@npt.gov.uk