

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

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