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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.
Byddon ni'n ateb cerbydau post yn Gymraeg neu'n Saesneg os ydych chi'n cerbydau post
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
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)