

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

28th June 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Neath North

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	A&K Catering Ltd
Premises Address	7A The Parade, Neath, SA11 1RB
Applicant Name's	A&K Catering Ltd
Applicant Address	7a the Parade Neath SA11 1RB
DPS Name	Bettina Kacziba

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by A&K Catering Ltd. The premises licence will authorise the sale of alcohol off the premises only.
3. Representations were received in respect of the application from the 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.

Opening Hours

Monday – Saturday 09.00 – 19.00

Sunday 09.00 - 16.00

Supply of Alcohol (Off Sales)

Monday – Saturday 09.00 – 19.00

Sunday 09.00 - 16.00

Licensing Objectives

The following information has been provided by the applicant.

General

9. The company intends to carry out one licensable activity, which is the sale of alcohol by retail. Alcohol will be sold for consumption away from the premises. The company will implement a number of measures to support all four licensing objectives. The consumption of alcohol will not be permitted on the premises, and alcoholic beverages will also not be permitted. The staff will receive regular training on age verification, refusals and dealing with disorderly behaviour. CCTV is equipped to ensure security of the staff and the public, as well as serving as a measure to discourage crime

The prevention of crime and disorder

10. The company will sell alcohol for consumption away from the premises, therefore crimes such as the consumption of drugs or disorderly behaviour, violence and vandalism should not be a threat to the public or staff. Open alcoholic beverages will not be permitted on the premises either. Staff will still receive training on how to handle and deal with disorderly behaviour, and the premises is already CCTV protected to prevent theft, and to ensure the security of staff. To avoid conflict, staff will be trained to personalize refusals.

Public safety

11. The company complies with Fire Safety Regulations and does not allow smoking inside the premises, therefore there is no threat posed to public safety by fire from the shop. Alcohol will be sold in glass bottles, but those bottles will be kept securely on stable shelves, and the alcohol will not be consumed on the premises, therefore the only threat from broken glass could come from accidentally broken bottles that will be cleaned up immediately by staff. The premises will be maintained on the regular

basis by staff to keep it clean, tidy and safe. There are security cameras in place for additional protection of the public and staff.

The prevention of public nuisance

12. As it is a non-residential area, and the shop will operate between 9am to 7pm Mondays to Saturdays, and 9am to 4pm on Sundays, nuisance from lighting or noise will not be an issue. Alcohol will not be consumed on the premises, therefore loud and disorderly behaviour will not be an issue. Hygiene is of high priority for the company, and staff will ensure the daily maintenance of the premises, therefore public nuisance from litter will not be a threat

The protection of children from harm

13. The company will take all necessary measures to ensure that children are protected from harm. Staff will be provided with regular training on how and when to ask for proof of age, what evidence to accept, and how to check its validity, as well as how to refuse service and depersonalize refusals. The Challenge 25 policy will be adapted and implemented by all staff, and a clear indication by signage will be provided by all sale points as well to make customers aware of the policy. The premises is already equipped with CCTV for additional security, which will support increased supervision of staff once alcohol is sold at the premises.

Relevant Representations

14. South Wales Police
15. The above representation is reproduced at Appendix 1

Officer Report

16. The application is to authorise the sale of alcohol off the premises.
17. A representation was received South Wales Police who requested additional conditions be attached to the licence.
18. The applicant has agreed to all the conditions requested.

Legal Impacts

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

Risk Management

20. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

24. The decision is for immediate implementation

Appendices

25. Appendix 1 - South Wales Police Representations

List of Background Papers

26. Application for the grant of a premises licence
27. Neath Port Talbot Licensing Policy

<https://www.npt.gov.uk/media/14952/licensing-act-2003-draft-licensing-policy-2021.pdf?v=20210923150929>

28. 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

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