

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: Pontardawe

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	Rum and Co
Premises Address	12 High Street, Pontardawe, SA8 4HU
Applicant Name's	Gourmet Catering Solutions Ltd
Applicant Address	85 Cilmaengwyn Rd, Pontardawe, SA8 4QN
DPS Name	Daniel Dyer

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Gourmet Catering Solutions Limited. The premises licence will authorise the sale of alcohol, regulated entertainment and late night refreshment.
3. Representations have been received in respect of the application from South Wales Police, Neath Port Talbot Council's Environmental Health Section and Legal Regulatory Services Section.
4. Five representations have been received from other persons who are residents living in the area and a local community councillor.
5. There have been various discussions between the applicant and responsible authorities in an attempt to negotiate an agreed position, but there are still areas where an agreement has not been established.
6. The application therefore needs to be determined by the Licensing and Gambling Acts Sub Committee.

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 from Gourmet Catering Solutions Ltd for the grant of a premises licence was received on 10th May 2022. The application seeks to permit licensable activities to take place, including the sale by retail of alcohol, regulated entertainment and late night refreshment.
9. 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.
10. During the 28 day consultation period 'Responsible Authorities' and/or 'Other Persons' are invited to submit representations in respect of the application.
11. Where representations are received (and not withdrawn) the Licensing Authority must hold a hearing to consider the representations before determining the application.

Licence Application

12. 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

13. Monday to Sunday 09:00hrs to 02:30hrs

Films (Indoors)

14. Monday to Sunday 09:00hrs to 02:00hrs

Live Music (Indoors)

15. Sunday to Thursday 12:00hrs to 00:00hrs
16. Friday and Saturday 12:00hrs to 02:30hrs
17. Seasonal Variation Christmas Eve, New Year's Eve and Bank Holiday
Sunday 12.00 - 02.30hrs

Recorded Music (Both indoors/outdoors)

18. Sunday to Thursday 12:00hrs to 00:00hrs
19. Friday and Saturday 12:00hrs to 02:30hrs
20. Seasonal Variation Christmas Eve, New Year's Eve and Bank Holiday
Sunday 12.00 - 02.30hrs
21. Non Standard Timings outdoor recorded music 7 days a week from 12.00 - 00.00. This will be background volume only

Late Night Refreshment

22. Sunday to Thursday 23.00 - 02.00
23. Friday and Saturday 23.00 - 02.30

Supply of Alcohol (Both On/Off Sales)

24. Monday to Sunday 09.00 - 02.00

Licensing Objectives

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

General

26. N/A.

The prevention of crime and disorder

27. A Digital CCTV system shall be installed at the premises which will be operational at all times when the premises is open to the public. The system must provide coverage of the following areas

The entrances and exits to the premises;

The interior public areas of the premises;

The exterior seating area of the premises

28. The CCTV recordings must be 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.

29. A refusal book shall be maintained recording the date and time of all attempts by persons under the age of 18 to purchase alcohol. The book shall be made available for viewing by the Police and / or authorised officer of the Licensing Authority on request.

30. 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

31. A written record of staff training will be kept at the premises and will be produced on request of the Police Licensing Officer or an officer of the Licensing Section of the Neath Port Talbot County Borough Council.

Public safety

32. N/A.

The prevention of public nuisance

33. Access to the external seating area shall be via the restaurant only. The side gate leading onto Dynevor Terrace shall be used as an emergency exit only.
34. The external seating area is to only be used between 09.00 and 00.00 seven days a week.
35. Provide prominent signs in the external seating area requesting patrons to keep noise levels to a minimum as to minimise impact on local residents.
36. After 00.00 the rear external seating area will only be used as a smoking area.
37. A noise management plan to be produced and implemented; with particular attention to controlling noise from the external area

The protection of children from harm

38. 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 restricted to:-

P.A.S.S Accredited Proof of Age Schemes e.g,Citizen Card, Validate

GB Photocard driving licence or Passport

Relevant Representations

39. Neath Port Talbot Council - Environmental Health
40. Neath Port Talbot Council - Legal Regulatory Services
41. South Wales Police
42. The above representations are reproduced at Appendix 1, 2 and 3 respectively.

Other Persons

43. Mr I and Mrs S Roberts - 6 Dynevor Terrace, Pontardawe
44. Resident - Wesley Terrace, Pontardawe
45. Mr Evans - 21 Orchard Street, Pontardawe
46. Mr Hopkins - not provided
47. Cllr S Todd - 4 Uplands Road, Pontardawe
48. The above representations are reproduced at Appendix 4, 5, 6, 7 and 8 respectively.

Officer Report

49. This premises has previously held a licence, however information was received that confirmed a previous licence holder had become insolvent. Consequently, in accordance with the Licensing Act 2003, the licence lapsed and a new application had to be submitted.
50. The new application seeks to licence the premises for the sale of alcohol, regulated entertainment and late night refreshment.
51. There have been some discussions between the applicant and responsible authorities in an attempt to reach a mutually agreeable position in respect of operating hours and conditions. As a result of these discussions, some agreements have been made in respect of attaching various conditions, however an overall agreement has not been reached.
52. It is proposed that any agreements reached between the applicant and the responsible authorities be outlined at the start of the committee hearing.

Legal Impacts

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

Risk Management

54. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

58. The decision is for immediate implementation

Appendices

59. Appendix 1 - Environmental Health Representations
60. Appendix 2 - Legal Regulatory Services Representations
61. Appendix 3 - South Wales Police Representations
62. Appendix 4 - Mr and Mrs Roberts Representations
63. Appendix 5 - Ms Bromfield Representations
64. Appendix 6 - Mr Evans Representations
65. Appendix 7 - Mr Hopkins Representations
66. Appendix 8 - Cllr Todd Representations
67. Appendix 9 - Applicant's Noise Management Plan
68. List of Background Papers
69. Application for the grant of a premises licence
70. Neath Port Talbot Licensing Policy

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

72. 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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