

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**

Gwefan: www.heddlu-de-cymru.police.uk

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU

In an emergency always dial **999**
for non-emergencies dial **101**

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Nick Bailey

Police Licensing Officer,
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Mr N. Chapple,
Legal Regulatory Services Manager,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

4th July 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: Kye's Kitchen

Address: 224 Neath Road, Briton Ferry, Neath, SA11 2AX

The Application is for a premises licence for the following Licensable activity;

Late Night Refreshment: 07:00hrs to 23:00hrs Mon – Thurs
07:00hrs to 01.00hrs Fri & Sat
07:00hrs to 22:30hrs Sun

Supply of Alcohol: 09:00hrs to 23:00hrs Mon – Thurs
09:00hrs to 01.00hrs Fri & Sat
07:00hrs to 22:30hrs Sun

Hours open to the public: 07:00hrs to 23:00hrs Mon – Thurs
07:00hrs to 01.00hrs Fri & Sat
07:00hrs to 22:30hrs Sun

This application is submitted by Ms Keinwyn VICKRESS and is for a premises that has previously been operated as a café under the name of 'Cafi NI'.

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The applicant now intends to operate the premises as a restaurant with the ability to serve alcohol to customers both on and off the premises by offering alcohol with table meals & takeaway food and alcohol.



As can be seen from the above photo the premises is part of a group of linked residential terraced properties.

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 stated 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, and in this case no contact was received prior to the submission of the application, but I have subsequently met with the applicant on 1st July 2022 regarding the content of the application and how they planned to operate the premises.

The applicant explained that they intended to operate the premises as a food led business, providing a dining experience for their customers with alcohol available with their food. Although the application does not provide space to differentiate between on & off sales hours, the applicant has a clear vision of what she intends for the premises.

One of the initial fears when reading through the application was that this premises could become another premises that morph's from a restaurant to a vertical drinking establishment after the kitchens close.

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The applicant is adamant that she only intends selling alcohol to on site customers until 23:00hrs and then continue with off sales and deliveries until 01:00hrs if customer numbers dictate. This fact alone goes a long way to allaying fears about late drinking at the premises.

The terminal hour on Fridays and Saturdays for a venue so closely situated to residential properties is quite late which gives rise to legitimate concerns about the possible impact of customers leaving the venue at these times both in terms of noise and in terms of alcohol related problems.

The applicant has requested to supply alcohol from 09:00hrs to 23:00hrs Mon – Thurs, 09:00hrs to 01.00hrs Fri & Sat and 22:30hrs on Sundays but is happy for the terminal hour for on-sale alcohol to be reduced further to include a 30min drinking up time (to include the New Year’s Eve seasonal variation) and a terminal hour on Fri & Sat of 23:00hrs so the full timings for the supply of alcohol, including a drinking up time, would read as follows;

Supply of Alcohol:	09:00hrs to 22:30hrs Mon – Thurs
	09:00hrs to 23.00hrs Fri & Sat
	09:00hrs to 22:00hrs Sun

Seasonal variation:	New Year’s Eve	09:00hrs to 00:30hrs
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Hours open to the public:	07:00hrs to 23:00hrs Mon – Thurs
	07:00hrs to 01.00hrs Fri & Sat
	07:00hrs to 22:30hrs Sun

Seasonal variation:	New Year’s Eve	09:00hrs to 01:00hrs
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To clearly differentiate between the on & off sales on a weekend I would ask that the following condition be added;

1. The supply of alcohol to on-sale customers on a Friday & Saturday shall cease at 23:00hrs with off-sales permitted to continue until 01:00hrs.

The applicant wishes also to use the outside drinking area at the front of the premises but once again, the proximity to other residential properties means that it is only fair for this area to close earlier than the rest of the premises to mitigate the risk of noise nuisance to neighbours. When a closure time of 22:30hrs was mentioned the applicant suggested that she would close the outside area at 21:00hrs.

I would request that, in order to give the applicant the opportunity to fully utilise this area while still minimising the risk to neighbours that a closure time that matches the terminal hour for on-sales be imposed.

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If the applicant chooses to close the outside area at 21:00hrs that is their choice but the following would, I believe, ensure it does close at a reasonable hour.

The Prevention of Public Nuisance;

2. The beer garden and any other outside area shall not be used after 22:30

I would also ask that the following condition be added;

3. Prominent signs are displayed in the beer garden and any other outside area requesting patrons to keep noise levels to a minimum as to minimise impact on local residents

The Prevention of Crime & Disorder:

The operating schedule does refer to the provision of CCTV, but appears to concentrate on it being visible only so I would ask that the following conditions be added;

4. A Digital CCTV system shall be installed, or existing system maintained, at the premises which will be operational at all times when the premises is open to the public & be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be correctly timed and date stamped & 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.

The system must provide coverage of the following areas:-

- The entrances and exits to the premises;
- The interior public areas of the premises;

I would also request the following be added;

Relating to CCTV;

5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show and provide Police or authorised officer recent data or footage with the absolute minimum of delay following a lawful request.

Relating to accidents/incidents;

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6. An incident recording book shall be maintained at the premises showing details of the date and time of any assaults, injuries, accidents, interventions by staff 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.

The Protection of Children from Harm:

There is mention of staff training around recognising drunk customers so I would ask that this be re-worded to read as follows;

7. Premises to keep up to date records of staff training in respect of age related sales, in written or electronic format, available for inspection on request by an authorised officer of the Police or Local Authority.

There is mention of a Challenge 25 policy but with no further detail so I would ask that the following be added;

8. 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 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.

There is mention of a refusals book but, as it only refers to refusals to persons under 18 I would ask that it be amended to read;

9. A refusals record shall be maintained recording the date and the time of all attempts by persons under the age of 18 to purchase alcohol and any other refused sales. The record shall be made available for the viewing by the Police and/or authorised officer of the Local Authority on request and shall contain the reasons for the refused sale.

I would also ask that the following condition be added;

10. Signage shall be displayed in a prominent position within the premises informing of the Challenge 25 policy.



I believe that the conditions suggested are proportionate, are in line with this type of premises and will help promote the Licensing Objectives.

The application also proposes that Keinwyn VICKRESS become the DPS of the premises nothing is known to their detriment so there are no objections to this appointment.

The above information is submitted for your information and consideration.

Yours sincerely,

Nick Bailey

Police Licensing Officer
(On behalf of the Chief Officer of Police)

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