

NEATH PORT TALBOT COUNCIL

Licensing and Gambling Acts Sub Committee

25th July 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Rhos

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	The Orchard
Premises Address	The Orchard, Neath Road, Fforest Goch, Pontardawe, Neath SA8 3JB.
Applicant Name's	Emma O Mahoney
Applicant Address	The Flat The British Legion Eastland road Neath, SA11 1LA
DPS Name	Emma O Mahoney

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Emma O Mahoney. The premises licence will authorise sale of alcohol and regulated entertainment
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.

Opening Hours

9. Monday - Sunday 08.00 - 23.30

Non Standard Timings

10. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:30 hours.
11. The police will have an absolute veto as to whether consent to any application.
12. Extension on Christmas Eve until 01:30 hours.
13. Extension on New Year's Eve until 02:30 hours.

Supply of Alcohol (On and Off Sales)

14. Monday - Sunday 08.00 - 23.00
15. Non Standard Timings
16. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.
17. The police will have an absolute veto as to whether consent to any application.
18. Extension on Christmas Eve until 01:00 hours.
19. Extension on New Year's Eve until 02:00 hours.

Live Music

20. Non Standard Timings
21. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.
22. The police will have an absolute veto as to whether consent to any application.
23. Extension on Christmas Eve until 01:00 hours.

24. Extension on New Year's Eve until 02:00 hours

Recorded Music

25. Non Standard Timings

26. Five event days only per calendar year. 1 month notice to be given to the Police, Legal Regulatory Services and Environmental Health prior to the event. To supply alcohol and the provision of regulated entertainment between 23:00 & 00:00 hours.

27. The police will have an absolute veto as to whether consent to any application.

28. Extension on Christmas Eve until 01:00 hours.

29. Extension on New Year's Eve until 02:00 hours

Licensing Objectives

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

General

31. The applicant / designated premises supervisor will ensure all staff will be trained to promote the four licensing objectives.

The Prevention of Crime and Disorder

32. The designated premises supervisor, or nominated responsible person will ensure that drunk or disorderly persons are not allowed access or are removed from the premises.

33. 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 will be kept available for inspection by police and authorised officers of the local authority.

Public safety

34. All staff will be trained and aware of health and safety and fire precautions and emergency evacuation procedures.

35. First Aid Kit will be available on the premises.
36. Prominent signs showing the exits of the premises.
37. Alcohol to be consumed on the premises will be served in plastic glasses

The prevention of public nuisance

38. Background music only will be played on the premises.
39. Any Rubbish will be cleared away promptly.
40. Customers and staff will be encouraged to leave the area quietly

The protection of children from harm

41. The company website will operate an age verification process for all on-line orders of alcohol.
42. 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.
43. Challenge 25 policy will apply and proof of age will be required, for all alcohol served or delivered and 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.
44. Premises to keep up to date records of staff training and refresher training in respect of age related sales and the refusals of sales, in written or electronic format, available for inspection on request by an authorised officer.
45. The admission of children aged under 18 years to the exhibition of films is to be restricted in accordance with any recommendation made by:
46. The company website will operate an age verification process for all on-line orders of alcohol.
47. 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.

48. Challenge 25 policy will apply and proof of age will be required, for all alcohol served or delivered and 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.
49. Premises to keep up to date records of staff training and refresher training in respect of age related sales and the refusals of sales, in written or electronic format, available for inspection on request by an authorised officer.
50. The admission of children aged under 18 years to the exhibition of films is to be restricted in accordance with any recommendation made by:
51. a) The British Board of Film Classifications (BBFC) designated as the authority under Section 4 of the video Recordings Act 1984 or
52. b) The relevant Licensing Authority

Relevant Representations

53. Nick Bailey - South Wales Police
54. The above representation is reproduced at Appendix 1

Officer Report

55. The application is to authorise the sale of alcohol and regulated entertainment.
56. Representations have been received from South Wales Police who requested additional conditions be attached to the licence.
57. The applicant has agreed to all the conditions requested.

Legal Impacts

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

Risk Management

59. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

63. The decision is for immediate implementation

Appendices

64. Appendix 1 - South Wales Police Representations

List of Background Papers

65. Application for the grant of a premises licence
66. Neath Port Talbot Licensing Policy
67. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
68. 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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