

NEATH PORT TALBOT COUNCIL

Licensing and Gambling Acts Sub Committee

22nd September 2023

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Port Talbot

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	Surge Café Bar
Premises Address	74 Commercial Road, Port Talbot, SA13 1LR
Applicant Name	Stephen Carl Lewis
Applicant Address	29 Jersey Street, Velindre, Port Talbot, SA13 1YR
DPS Name	Stephen Carl Lewis

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Stephen Carl Lewis. The premises licence will authorise the sale of alcohol, both on and off the premises.
3. Representations were received in respect of the application from South Wales Police, requesting that additional conditions be attached to the licence.
4. Representations were also received from Neath Port Talbot Council's Environmental Health Section and a local resident.
5. The applicant has agreed to the additional conditions raised by South Wales Police. However, representations received from Environmental Health and the resident are unresolved, therefore, final determination of the application needs to be made by the Licensing and Gambling Acts Sub Committee.

Background

6. The Licensing Act 2003 requires that any person wishing to provide licensable activities obtains a premises licence from the Licensing Authority.
7. 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.
8. 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 hearing. However, where a negotiated position cannot be achieved, the Sub-Committee are required to determine the application at a formal hearing.

Licence Application

9. 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 four licensing objectives.

Opening Hours

10. Monday – Sunday 08.00 – 23.00

Supply of Alcohol (On and Off Sales)

11. Monday - Sunday 11.00- 22.30

Licensing Objectives

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

General

13. The prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from harm.

Prevention of Crime and Disorder

14. Work with local Police, Monitor consumption of alcohol, Security if required

Public Safety

15. CCTV throughout (inside and out), 4 Emergency exits, easy access and egress, Main entrance and exit with side of premises away from main road

The prevention of public nuisance

16. Early closing, Monitor alcohol consumption

The protection of children from harm

17. Challenge 25, Proof of ID pass, All children under 18 to be supervised

Relevant Representations

18. Nick Bailey - South Wales Police
19. The above representation is reproduced at Appendix 1

20. Calum Lewis - Environmental Health
21. The above representation is reproduced at Appendix 2
22. Valarie & David Woolcock, The Old Surgery House, St Albans Terrace, Taibach, Port Talbot, SA13 1LW - Local Resident
23. The above representation is reproduced in Appendix 3

Officer Report

24. The application is to authorise the sale of alcohol, both on and off the premises.
25. Representations were received in respect of the application from South Wales Police, requesting that additional conditions be attached to the licence which have been agreed and are attached as Appendix 1.
26. The representations from Environmental Health and the local resident are required to be considered at a formal hearing; final determination of the application needs to be made by the Licensing and Gambling Acts Sub-Committee.

Legal Impacts

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

Risk Management

28. Not Applicable.

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

32. The decision is for immediate implementation

Appendices

33. Appendix 1 - South Wales Police Representations
34. Appendix 2 - Environmental Health Representations
35. Appendix 3 - Valerie & David Woolcock Representation

List of Background Papers

36. Application for the grant of a premises licence
37. Neath Port Talbot Licensing Policy
38. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
39. 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

40. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.uk