

LICENSING SUB COMMITTEE

26 FEBRUARY 2016

Present: County Councillor Goddard(Chairperson)
County Councillors Murphy and Walsh

40 : DECLARATIONS OF INTEREST

41 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - PORRO,
WELLFIELD ROAD

Applicants: Represented by John Walsgrove and
Cerys Furlong, DPS

Interested Others: Residents of 32, 34, 63, 69, 75, 77 Bangor Street.
Councillor Sue Lent Ward Member Plasnewydd

The Application

An application for the grant of a Premises Licence, has been received from Porro Restaurants Limited in respect of Porro, 57 Wellfield Road, Roath, Cardiff CF24 3PA.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on and off the premises.
2. The provision of regulated entertainment in the form of live music and recorded music.
3. The provision of late night refreshment.

(2) Description of Premises (as stated by applicant):

"Continental style bistro restaurant/cafe/wine bar"

(3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Sunday to Thursday: 08:00 to 00:00
Friday and Saturday: 08:00 to 00:30

(4) To provide licensable activities during the following hours:

1. The sale by retail of alcohol for consumption on and off the premises :-

Sunday to Thursday: 08:00 to 23:30
Friday and Saturday: 08:00 to 00:00

2. The provision of regulated entertainment in the form of live music and recorded music (indoors):

Sunday to Thursday: 08:00 to 00:00

Friday and Saturday: 08:00 to 00:30

3. The provision of late night refreshment:

Sunday to Thursday: 23:00 to 00:00

Friday and Saturday: 23:00 to 00:30

The Applicants Representations

John Walsgrove advised the sub committee of some amendments to the application:

Amend the opening hours and hours for the sale of alcohol in line with planning permission to 8.30am til 11.00pm Sunday to Thursday; 8.30am til 11.30pm Friday and Saturday with no drinking up time.

The provision of late night refreshment to be amended to Friday and Saturday 23:00 to 23:30

Regulated Entertainment be withdrawn

Mr Walsgrove noted the conditions agreed by South Wales Police as being:

CCTV System as South Wales Police Standard be maintained and operated during opening hours in all areas inside and outside the premises including the toilets; these would be kept for 31 days and available on request to Officers.

Glass bottles and drinks would only be available with a table meal.

Glass Collectors to remove glasses and bottles as soon as possible when finished.

No Striptease or lap dancing

Challenge 21 would be operated.

Mr Walsgrove added that no glass bottles would be disposed of in bins between 9pm and 9am; and that as per the operating schedule measure be attached as conditions to the licence that the outside area use to cease at 8.00pm each day.

The Objectors representations

Residents of Bangor Street were in attendance to voice their concerns over the applicant. Residents expressed concerns stating that Bangor Street was a quiet residential area where children played outside, it was a family conservation area that backs onto Wellfield Road. Residents have experienced problems with another licensed premises in the area with regards to noisy fans, use of outside area, 4am bottle collections and heavy lorries using the streets for deliveries.

Residents welcomed the news that there would be no music at Porro but stated that their objections were based on public safety due to the heavy lorries used for deliveries.

Officers advised residents that that they were only able to object on licensing objectives, which for this application was the sale of alcohol as music had now been removed.

Residents asked if there would be access to the premises from Bangor Street and were advised that there would not be.

Concerns were raised over the noise emanating from the outside area and the effect this has on nearby residents, residents were concerned that 8.00pm was too late to have the noise from the outside area and raised further concerns over the noise that would be heard all day on weekends.

Residents stated that this would be the latest licence in the Wellfield Road area, and that this was a suburban area not a late night bar area; residents added that they were unable to open their windows at night time due to the noise.

Councillor Lent stated that she would be addressing the residents concerns over the premises in the area that is causing concern. She added that it was sad for residents that the area which used to be a shopping area is now seeing the opening of more bars and restaurants; which has effects on the residents in the streets behind Wellfield Road, including Bangor Street. Councillor Lent was pleased that there would be no music; considered that the 8.00pm close of the outside area was better but that there would still be a lot of noise. She added that she would be addressing the lorry issue as this was not in line with weight restrictions and was a public safety issue. She concluded saying that she supported the residents' objections.

There were no questions from the applicant to the objectors.

The Applicant addressed the sub committee and provided the following background information on Porro:

Porro is a restaurant and not a bar, one was already operating in Llandaff with no issues. It was stated that alcohol would be for sale primarily with a table meal but a member of a party may still purchase alcohol and no meal; food was the mainstay of the business therefore the space on the ground floor and outside would be used for food sales. Porro is an Italian restaurant with prices on the menu ranging from £5-£20; the premises in Llandaff was very popular and successful, the name is well known and has loyal customers.

It was noted that the operators have several licenses including The Potted Pig and The Meating Place, where there had been no concerns over the conditions of the premises licence.

With regard to this application the Police had not objected. He added that responsible operators should always be given an opportunity and if there are any issues then they can be called back in to committee.

Mr Walsgrove added that there would not be access from Bangor Street; waiters and waitresses would be constantly observing the behaviour of customers and would not accept bad language and excessive noise.

Mr Walsgrove stated that the application here was for the sale of alcohol and if refused the restaurant would still be able to open as a restaurant and there would still be deliveries; this application provided an opportunity to put restrictions on that in the form of conditions and actions can then be taken if they are breached. Mr Walsgrove stated that Porro would be an asset to the community and have no adverse effect on licensing objectives and asked that the sub committee grant the licence with the amendments brought .

Members asked what area smokers would use and were told the outside area until 8pm and then the front of the premises.

Members asked if any music at all would be played in the premises and were advised that background music would be played.

Questions were invited from the objectors to the applicant. A resident stated that sale of alcohol would have an effect on the noise people make in the outside area. The applicant strongly disagreed saying that restaurants margins are on food and alcohol is ancillary; the Bar would be station whereby staff would collect orders, customers would not order their own drinks there or sit there to drink; people like to have the option to buy a drink with a meal. The applicant stressed that the restaurant could still open as a 'Bring your Own' if the licence wasn't granted to sell alcohol.

A resident asked if there was only one person eating could another six people join them to drink; the applicant stated this was very unlikely to happen as staff wouldn't allow customers to be intoxicated and make excessive noise as this could lead to a licence review and the sub committee would have credible evidence; at present the objections were based on fears with another operator in the area not on Porro itself.

The applicant added that the premises was licensed until September 2015, if this had not become insolvent the licence would have been transferred.

A resident asked about staffing levels at Porro and were advised that there would be a full time manager and full time supervisor and up to 15 casual part time staff depending on how busy the premises would be.

A resident asked if there was an option to grant a licence just for the indoor of the premises and was advised that there would have to be an evidenced based objection to amend the licensing area.

Cerys Furlong addressed the sub committee and stated that groups of rowdy people would be off putting to other customers and would not be tolerated.

Residents asked how many tables would be in the outside area and were advised that there would be eight tables set for four. Members asked if numbers using the outside space could be restricted and were advised that this would be a fire risk assessment issue not a licensing issue.

Members asked if there had been any concerns or issues with other premises run by the operator and were advised there were not.

It was reiterated that only the sale of alcohol was being considered.

Sum up – Objectors

Residents reiterated the weight of concern, a petition had been submitted to this effect. The premises licence was for Wellfield Road but it effects Bangor Street, which was a small residential street where children play outside. They added that it would make sense to prohibit or constrain the licence to the indoor area only as potentially thirty two people in the outside space until 8.00pm each evening and all day on weekends would have a detrimental effect on the residents nearby.

Sum up – The Applicant

Mr Walsgrove stated that there had been no objections from the responsible authorities and the Police were happy with the conditions as agreed. There had been no representations from Environmental health and that weight should be attached to these. There had been no complaints from the other premises run by the operators. The only objections were towards the outside space and this was a planning decision. Constraint placed on the sale of alcohol outside would not prohibit the outside space being used for food. The applicant considered that the application be granted as there was a history of a professionally run premises with no complaints.

RESOLVED – That the Sub-Committee having considered all the information and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy the Sub Committee granted the application, subject to the conditions offered by the applicant today and the conditions agreed with the South Wales Police.

42 : GAMBLING PERMIT APPLICATION

Resolved:

Eli Jenkins – Granted

The Pool Factory - Revocation

43 : SMALL SOCIETY LOTTERY REGISTRATIONS

RESOLVED: that the following small society lottery registrations be revoked due to non-payment of fees:

Orbit Theatre

Lakeside Primary School PTA

Coryton Primary School PTA

Corpus Christi High School Parents & Friends Association

St David's Cathedral

Danybryn Cheshire Home

Peter Lea primary School
Llanrumney Regeneration Forum
Greek Cypriot Association of Wales