

LICENSING SUB COMMITTEE

10 JUNE 2016

Present: County Councillor Parry(Chairperson)
County Councillors Kelloway and Murphy

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - BASE
AND BARLEY

Applicant: Paul Denham

Responsible Authority: Tony Bowley, South Wales Police
PC Tim Davies, South Wales Police

The Application

An application for a the variation of a Premises Licence was received from Artigiano Cardiff QS Limited in respect of Base & Barley (formerly Artigiano), 115 Queen Street, Cardiff.

The following application for variation was made.

To allow the sale of alcohol for consumption off the premises by way of delivery (through Deliveroo).

Responsible Authority Representations

Tony Bowley addressed the Sub Committee. Members were advised that the application related to a bar/restaurant premises on Queen Street. The premises were permitted off sales, but the application sought to allow off sales via deliveries. South Wales Police were objecting to the application on the grounds of the prevention of children from harm and the prevention of crime and disorder.

Tony Bowley stated that in 2012 South Wales Police were made aware that under 18s were purchasing alcohol from a number of major supermarkets delivery services. A test purchase operation was carried out and the failure rate was very high. A risk was identified and the Supermarkets were subsequently warned. A subsequent test purchase operation 1 year later resulted in 54% failure rate. Fixed penalties were issued and South Wales Police met with representatives of the operators. Advice was given and policies and procedures were tightened as a result. In early 2015 a test purchase operation resulted in all test purchases being passed.

The application before the Committee was a new scenario and South Wales Police had identified a risk – that being the courier used to deliver the goods was not employed by the applicant. South Wales Police considered that there was a risk that couriers could deliver goods without conducting adequate checks.

Members were advised that prior to the application being made Mr Bowley had met with the applicant and provide advice and guidance. The Operating Schedule submitted with the application fell short of the expectations of South Wales Police.

Mr Bowley also indicated that the premises were located within the Queen Street Cumulative Impact Zone and therefore there was a rebuttable presumption that all new application would be refused and the applicant would need to demonstrate that there would be no detrimental impact upon the licensing objectives. Mr Bowley considered that as did not know where the alcohol sold would be consumed, it was reasonable to expect that some would be consumed within the zone.

Applicants Representations

Mr Denham presented his application. Mr Denham stated that he agreed with comments made by Tony Bowley that the Operating Schedule which accompanied the application was lacking in detail. The business was a small business and was still learning.

Members were advised that there were currently between 50 and 60 restaurants delivering currently in the city, via Deliveroo and other platforms such as 'Just Eat'. Mr Denham believed that other premises were delivering alcohol without having the necessary off-licence conditions on their premises licences.

Deliveroo was stated in London in 2015 and they deliver alcohol in every major county in the country. In Cardiff, Deliveroo were delivering alcohol only products on behalf of the Brewdog Brewery and a number of other restaurants. The application sought to provide a limited range of alcohol ancillary to the purchase of a meal. It was currently possible for customers to purchase a pizza for delivery from the applicant and a bottle of wine for delivery from Strada.

Mr Denham provided a list of conditions which he was happy to accept. All orders would require customer names and addresses, telephone numbers and would be delivered to the addressee only. The Sub Committee was advised that Exeter Council had recently approved a similar application with the conditions suggested. Mr Denham indicated that he would be happy to accept an additional condition relating to the supply of alcohol to persons considered to be intoxicated.

Mr Denham advised that there were a number of businesses in the City which were delivering alcohol in the City 7 days a week, until 0400 hours. The application was seeking permission for sale of alcohol until 2300 hours.

Tony Bowley stated that he has corresponded with Deliveroo. He was in possession of a letter that indicated Deliveroo were no longer delivering alcohol in Cardiff currently, including Brewdog. Mr Bowley raised concerns that Deliveroo had not sent a representative to the hearing and he was unable to question them with regard to their operation.

The Authority's legal representative asked Mr Denham whether there was any information available setting out his contractual arrangements with Deliveroo. The Sub Committee was in a difficult position as no evidence had been put forward to indicate the applicant's and Deliveroo's responsibilities under such an arrangement.

Summing Up

Tony Bowley advised that South Wales Police had identified risks relating to the delivery of alcohol, as applied for. He considered that it was not relevant what other operators in the City were doing. The application had failed to address the legitimate concerns of South Wales Police.

Mr Denham stated that the business wished to trade safely and legally. He accepted that the application should have included more detail. Mr Denham indicated that he wished to withdraw the application at this point.

3 : SMALL SOCIETY LOTTERY REGISTRATION

RESOLVED – That the following registration be revoked due to non-payment of the annual fee:

1. South Glamorgan Special Care Baby Association

The meeting terminated at 11.00 am