

## LICENSING SUB COMMITTEE

8 JULY 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 GRANT OF A PREMISES LICENCE - SMALL BAR, CHURCH STREET

Applicants: represented by Matthew Phipps  
Bruce Grey and Jack Grainger

Responsible Authority: Tony Bowley, South Wales Police  
Mandy Ewington, Licensing

#### The Application

An application for a Premises Licence - Grant, has been received from The Big Beer Company Limited in respect of Small Bar, 17 Church Street, Cardiff.

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 late night refreshment (indoors).

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

Bar specialising in 'craft' beers and American BBQ style food.

(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:

Monday to Sunday: 10:00 to 00:30  
New Years Eve: 10:00 to 02:00

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

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

Monday to Sunday: 10:00 to 00:00  
New Years Eve: 10:00 to 02:00

2. The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00

New Years Eve: 10:00 to 02:00 Until 02:00 hours into the morning following New Years Eve.

Members were advised that the applicant consulted with South Wales Police and the Licensing Authority prior to submitting the application. The operating schedule was amended following discussions with South Wales Police. A copy of the previous version of the application, together with supporting documentation was appended to the Committee report.

### Responsible Authority Representations

Tony Bowley addressed the Sub Committee. Members were advised that South Wales Police objected to the application based on the licensing objectives the prevention of crime and disorder and the prevention of public nuisance. The premises were located within the cumulative impact zone. Therefore, there was a presumption that applications for new licences would be refused and that the applicants would need to demonstrate that their operation would have no negative impact on the licensing objectives.

Mr Bowley stated that it was the view of South Wales Police that the concentration of licensed premises in and around Church Street has resulted in there being disproportionate levels of crime. Mr Bowley asked that if the Sub Committee was minded to grant the application that consideration is given to attaching the conditions set out in the written representations from South Wales Police. The applicants have agreed to accept the majority of the conditions suggested, but the hours of operation and the requirement to provide doorstaff on Fridays and Saturdays were not accepted.

Mr Bowley stated that the premises were formerly a restaurant. The former operation was subject to 3 premises licence applications. The premises licence was eventually allowed, but it was subject to a raft of licence conditions, including the provision of SIA security staff from 2100 hours until close on Friday and Saturdays. The condition requiring the provision of doorstaff was broadly in line with the majority of licensed premises which operated to 1200 midnight or later in the city centre. Members were advised that at 2300 hours there were 60 or 70 licensed premises open in the City Centre. Doorstaff were used with great effect to prevent crime and reduce demands on the police. Mr Bowley requested the Sub Committee to consider the hours of operation applied for and whether the provision of doorstaff was proportionate.

Responding to a question from the Sub Committee, Mr Bowley agreed that the statistics produced by South Wales Police indicated that there was a low level of crime and disorder in Church Street during the 12 months from 1 June 2015 to 31 May 2016. Mr Bowley agreed and suggested that the presence of doorstaff at premises in Church Street has helped to keep the level of reported crime low.

Members noted the Mr Bowley had placed emphasis on attaching conditions to the premises licence, rather than arguing against the granting of a licence outright. Member asked Mr Bowley whether, in his experience, premises of this nature were associated with crime, disorder and anti-social behaviour. Mr Bowley stated that the premises were located within the cumulative impact zone. The Council's policy was clear and the premises may undermine the licensing objectives. However, given the

proposed nature of the premises he did not expect that the premises would cause problems or be a magnet for anti-social behaviour.

Mandy Ewington addressed the Sub Committee on behalf of the Licensing Authority, Cardiff Council. The Authority objected to the granting of a premises licence as the premises were located within the cumulative impact zone. The premises were to operate as a bar and there was likely to be negative impact on the licensing objectives.

### Applicants Representations

Matthew Phipps presented the application on behalf of the applicants. Mr Phipps stated that the proposal was for a craft beer bar which will also serve BBQ-style, southern American, food. It was accepted that the premises were located within the cumulative impact zone and the policy applies. However, Mr Phipps suggested that this does not lead to the conclusion that the application should be refused. Members were asked to consider the application on its merits.

Members were advised that the applicant was seeking sale of alcohol and late night refreshments until 1200 midnight with 30 minutes drinking up time. Liaison with South Wales Police and Cardiff Council and a meeting at the premises where conditions were discussed had led to the application being amended. The conditions fell into 3 categories: approximately 20 conditions were agreed; conditions that were proposed by South Wales Police and were accepted; conditions that were not agreed.

Mr Phipps indicated that the condition suggested by South Wales Police relating to the provision of doorstaff was not accepted. However, the applicant has agreed provide door staff on major event days, when regulated entertainment is taking place and at all other times subject to a internal risk assessment. Mr Phipps considered that the operation of the premises did not merit the mandatory provision of door staff every Friday and Saturday. The condition was described as onerous and unnecessary. Mr Phipps suggested that it was no correct to assume that the lack of incidents of crime on Church Street was as a result of doorstaff being present at other licensed premises.

Mr Phipps stated that the objections received were policy-based objections and were not related to the application or relating to concerns regarding the management of these premises. The applicants current operated a similar business in Bristol and there were not concerns raised regarding that operation.

The applicants were seeking to bring craft beer bar and were seeking to showcase locally produced independent products. It was not proposed to sell high volumes of cheap branded lagers. All beers will be served in 1/3, 1/2 or 2/3 pint measures in order to encourage customers to try a selection of beers. Furthermore, food, whilst ancillary, was a significant part of the offer.

Staff will receive training not only in the regulatory framework but also about beers in order to engage and educate customers. This was a fundamental requirement for the business. Mr Bruce Grey stated that there will be diversity in the beers to be offered, some may be stronger, others not. Stronger beers will only be sold in 1/3 pint measures and when beers are sold in different sizes, in his experience,

customers are forced to look at beers in a different way. Mr Phipps advised the Mr Grey was a founder of Brewdog Ltd and he was steeped in craft beers.

Members were asked to consider whether the 10.30 closing time sought by South Wales Police was appropriate. These hours were operated under the previous premises licence and those decisions were no longer relevant. Mr Phipps requested the Sub Committee to look at this application on its merits and that a terminal hour of 12 midnight was not unreasonable.

Mr Phipps referred a number of press articles regarding the applicants' operation in Bristol. He suggested that not only would these premises had no detrimental impact upon the licensing objectives, they would impact positively – customers would behave better and move away from drinking large volumes at low prices.

Referencing the Council's Statement of Licensing Policy, Mr Phipps felt that this operation offered an improvement and diversification to the City Centre. Each application must be considered on its merits and Members were requested to consider the likely costs of conditions set against any conceivable risks. The cumulative impact policy was not absolute. National guidance stated that applications that are likely to impacts on the licensing objectives will be refused. However, these premises would not have a negative impact.

Mr Phipps also make reference to the Brewdog V Leeds Council court case.

### Summing Up

Mr Bowley stated that the South Wales Police condition requires door staff to be provided at a ratio of 1:100. This was fashioned to deal with quiet and busy periods during the year. South Wales Police did not consider the condition to be onerous and it was fair to say that doorstaff did contribute to low instances of crime by minimising risk.

Mr Phipps stated that blanket conditions were not appropriate and that each application should be considered on its merits. Any conditions should be tailors to the style and operation of the premises. The conditions proposed by the applicants were fair and it was not appropriate to impose additional restrictions without good reason. Members were invited to grant the application.

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 following condition:

1. SIA registered door staff be employed at a ratio of 1:100 from 2100 hours until close on Friday and Saturday and from open to close on Major Event Days.
2. 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:

Monday to Sunday: 10:00 to 00:30  
New Years Eve: 10:00 to 02:00

3. To provide licensable activities during the following hours:

(1) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 10:00 to 00:00

New Years Eve: 10:00 to 02:00

(2) The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00

New Years Eve: 10:00 to 02:00 Until 02:00 hours into the morning following

New Years Eve.

All other conditions offered by the applicant or agreed with South Wales Police were accepted.

3 : GAMING MACHINE PERMIT APPLICATION

RESOLVED – That the following application be dealt with as indicated:

1. Gaming Machine Permit – Cardiff Bay Tavern

The meeting terminated at Time Not Specified