

## LICENSING SUB COMMITTEE

18 NOVEMBER 2016

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

### 25 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 26 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DICKENS TEA ROOM

Applicants: Jane Simpson, DPS, Director  
Hayden Price, Licensee, Director

Interested Others: Piers Warne, TLT Solicitors  
Richard Williams, Park Estates

#### Application

An application for the variation of a Premises Licence was received from JHP Catering Limited in respect of Dickens Tea Room, 48 Charles Street, Cardiff.

The following application for variation was made.

1. Extend the licensed area to the rear of the property as shown more clearly on the submitted plan.
2. Reduce the terminal hour for all activities to fall in line with the "core hours" for restaurants as set out in the Cumulative Impact Policy contained in the City of Cardiff Statement of Licensing Policy for 2016-2021. Terminal hour being 01:00 hours for licensed activity. Currently 02:00 hours.

The outside seating area will be closed by 21:00 hours each day.

3. Opening hours to start at 07:00 hours to cater for service of breakfasts then reduced to 01:30 hours closure.
4. Amend / remove some of the conditions set out in the original premises licence which are no longer applicable/relevant, following consultation with the South Wales Police, and as set out in detail below\_
  1. (4). "Provision may be made at all times for public entertainment.." This to be removed as it is not considered to be relevant.
  2. (2) Replace the opening wording "Door staff" for "Registered door staff" and increase the number of persons to 60.
  2. (3) "There shall be a Personal Licence Holder present at all times the premises is open to the public"

As the main purpose of the business is a daytime café/tea room, it is suggested that the wording be amended to read:

"There shall be a personal licence holder present on the occasion of private pre-booked functions"

2. (6) "To enlist the services of a registered security firm"

To be removed as it is included in 2.(2) above.

2. (9) "No drinks promotions will take place at the premises"

To be removed as it is duplicated in one of the main mandatory conditions contained in the existing premises licence.

2. (10) "Door staff will assist all exiting patrons"

To be removed as it is considered unworkable and "assist" cannot be properly defined.

Having regard to the conditions set out in the existing premises licence and the amendments set out above, the following additional measures are offered:

1. At least 70% of the public space is occupied by tables and chairs
2. All meals are consumed at tables with non-disposable crockery
3. The sale of alcohol for consumption on the premises is ancillary to the ordering of food.

#### Mandatory Conditions

The mandatory conditions referring to embedded conditions required by the obsolete Licensing Act 1964 to be removed.

#### Interested Party Representations

Piers Warne addressed the Sub Committee. Members were advised that his letter of 14 November 2016 consolidated their representations on this application. Mr Warne stated that some preliminary objections were the applicant's legal representatives resulted in more questions. Whilst Park Estates had no objection to the operation of a tea room, it was considered that the application amounted to a change in the nature of the premises, with an increase in capacity and the nature of events to be held. Mr Warne considered that if events were to be held at the premises then he would expect to see conditions which uphold the licensing objectives during such events.

Members were advised that there were no conditions proposed which would control the number of events to be held, the type of events, the frequency of events. This formed the basis of the objection received from Park Estates. Mr Warne also considered that the re-wording of the conditions regarding doorstaff effectively nullified

the condition as doorstaff will only be required when 60 people are in attendance and the capacity of the venue was to be 60 people. This potentially would undermine the licensing objectives.

Mr Warne advised that page 3 of the letter of 14 November 2016 listed a number of concerns. He invited the Sub Committee to ask the application to address those concerns. He also reminded the Sub Committee that the Cornerstone had recently been granted a licence which had 27 conditions agreed with a view to promoting the licensing objectives during events.

Responding to questions from the Sub Committee, Mr Warne advised that Park Estates own a number of residential properties opposite the premises. Concerns from residents had been directly relayed. The objection was raised on the grounds of the prevention of public nuisance. A tenants had raised concerns that another premises operated by the applicant had caused disturbance from music and from people arriving at, and leaving the premises.

Members noted that any decision must be evidence based and no representations had been received from South Wales Police or Pollution Control regarding this application.

#### Applicants Representations

Jane Simpson presented the application. Members were advised that the objection received from Park Estates raised concerns regarding the management of a nearby bar called The Eagle, which was operated by the applicant. A number of complaints regarding noise nuisance had been reported in the past but none of these complaints had been substantiated. Ms Simpson stated that the business did not wish to cause any problems for local residents and an undertaking was given that the applicants were work with residents to address any concerns.

Members were advised that the premises would operate as a tea room throughout the day. The tea room would close a 1900 hours daily and it was anticipated that the venue would then be used to host a number of small private functions, catering for up to 55 people. There would be no dancefloor and no loud music at the venue. Ms Simpson did not consider that a condition requiring security staff was necessary. All events would be pre-booked and risk assessed. The venue would not be open to the public.

Hayden Price stated that The Eagle has been trading for 5 years. It is a small bar with a small capacity. There was no dancefloor and only background music was played. Karaoke is occasionally provided but this finishes at 2300 hours. On Friday and Saturday evenings the premises is operated as a private members bar and is managed and controlled very effectively.

Mr Price advised members that the premises were 'continually harassed' by one resident living nearby. Complaints were received regarding noise in the street but the noise was not related to the operation of the premises and the complaints were unsubstantiated. Mr Price did not understand why complaints were being made. He had tried to address the issue with the individual concerned but that person refuses to engage with him.

Before making the application before the Sub Committee, Mr Price had consulted with officers from South Wales Police and from the Council's Pollution Control Team.

Mr Warne asked what measures were in place to attenuate noise from the Dickens Tea Rooms. Ms Simpson advised that access and egress to the premises was via a double set of doors. All windows were replaced recently with double glazed units. Ms Simpson stated that the Tea Room was situated at the rear of the premises and she would find it difficult to accept that residents living opposite the front of the building would be affected in any way.

The events to be held would be offered as a facility for the customers to hold private functions – 70% of the premises were to be tables and chairs. The premises would be self-managed during events. Entry would be by invite only and members of the public were not permitted.

Ms Simpson indicated that a terminal hour of 12 midnight for sale of alcohol with a closing time of 0030 hours was sufficient. Ms Simpson offered to amend the application to reflect this.

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.

## 27 : SMALL SOCIETY LOTTERY REGISTRATION

RESOLVED – That the following application for revocation of Small Society Lottery Registrations due to non-payment of the annual fee be determined as follows:

Tiger Bay Brawlers – revoked  
Nystagmus Network – surrendered

The meeting terminated at Time Not Specified

***This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg***