

LICENSING SUB COMMITTEE

31 MARCH 2017

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

11 : DECLARATIONS OF INTEREST

None received.

12 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BRASS BEETLE

Applicant: Lauren Anwar – prospective manager Brass Beetle
Mr Anwar – owner Brass Beetle
Mr Nic Strobel, K and A Property Ltd, representing Mr
& Miss Anwar
Interested Party: Mr Paul Pan, Objector.

Application

An application for the grant of a Premises Licence was received from K and A Property Limited in respect of The Brass Beetle, 11-13 Whitchurch Road, Cardiff.

The following application was made:

Supply of alcohol for consumption on the premises
Monday to Sunday 11.00 to 15.00 and 17.00 to 23.00

Interested Party Representation

Mr Pan addressed the Sub Committee. Mr Pan felt that there was a saturation of premises already in the area as well as two supermarkets that sell alcohol. Mr Pan lives close to the premises and customers often walk past his house; he said he had witnessed anti-social behaviour and has regularly had the Police knocking his door to ask if he has witnessed incidents. He noted that the premises is very close to a school and considered that innovative thinking was needed and that premises do not need to sell alcohol to be successful.

Applicants Representation

Mr Strobel addressed the Sub Committee. He noted that Miss Anwar had emailed Mr Pan on 27th March, agreeing the police conditions; Mr Pan was pleased with this but stressed that the Police can only react to incidents that happen they cannot prevent them from happening.

Mr Strobel advised the Sub Committee that the premises would be purely a restaurant and café, it would have CCTV and a strict policy regarding serving alcohol to people who are intoxicated. The main feature would be a clay wood fired oven, there would be no draft beers and the bottles of beer and wine would be in the upper

price range; the aim was for a relaxed atmosphere for families and young professionals. Mr Strobel added that as Mr Anwar also owns the flats above the premises, he would not want to see any disturbances from the premises and the residents of the flats had not objected to the application. The Sub Committee were advised that there had been no objection received from the school and in fact the parents of the school children were potential clients; the requested opening hours did not clash with any school hours.

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.

13 : APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Applicant: Dr Ruth McKee, represented by Councillor Fenella Bowden

Licensee: Punch Taverns Plc represented by Mr Phipps, TLT Solicitors
Gwion Iwan, Punch Taverns Plc
Claire Underhill, Manager New Inn

Interested Parties: Councillor Graham Hinchey

Application

An application for the review of a Premises Licence was received in respect of the New Inn held by Punch Taverns Plc.

A copy of the application was enclosed with the report. Brief details are:

It is alleged there is disturbance to neighbours, drug use/dealing, noise and illegal parking.

At the commencement of the meeting, the Sub Committee were advised that the applicant was unwell and that written agreement had been received for Councillor Fenella Bowden to speak on her behalf.

Applicants Representations.

Councillor Bowden provided an update on the submission previously received from Dr Ruth McKee, and read from a statement provided by Dr Ruth McKee. Councillor Bowden read that the outdoor area of the New Inn was in a quiet residential cul-de-sac, which caused disturbances to neighbours; Punch Taverns had made some minor alterations by removing some tables.

She added that the main entrance had been moved from the front to the side where the disabled access ramp was, this was closer to the houses and users of the pub were more visible and audible to neighbours.

The barrier of tall hedges had been removed by Punch Taverns which was originally put there as a result of a noise pollution assessment.

The applicant says that the outdoor area now holds 66 covers which created lots of noise. She added that they are starting to see a reoccurrence of old problems, noise from opened windows, unsafe parking, people loitering outside and what looked like drug dealing happening in the vicinity of the houses.

She added that a meeting had been held where residents had been promised the contact details of the new landlord/lady and this had not happened.

There were no questions on the Applicant's statement as she was not present.

Councillor Bowden then spoke as a representative of the local residents, and agreed with the issues and concerns raised by the applicant. She noted however that lots of work had been done with the license holder and this had been noted by the Police. She added that she had witnessed people in the cul-de-sac and that people using the outside area were audible from the cul-de-sac, this had been made worse by the loss of the hedges. She expressed concern over the illegal parking in Norton Avenue and Hampton Road which had caused incidents of confrontation with residents. She stated that the busiest time was after 9pm.

Councillor Bowden stated that she considered it inappropriate that Councillor Hinchey had visited the Applicant at home and had not mentioned that he was attending the meeting today; she also added that he sought the views of the Applicant's 9 year old son which was not acceptable.

Councillor Bowden called on the Sub Committee to support Dr McKee's review application under the licensing objectives of prevention of public nuisance and prevention of children from harm.

Licensee Representative

Mr Phipps addressed the Sub Committee. He considered that the application was not a reasonable or appropriate approach; it was over sensitive and disproportionate. He recognised that the history of the pub was not great but it had reopened after a refurbishment with new management and there was no evidence that the licensing objectives were being undermined. He considered this was supported by the fact that there were no other residents present in objection and that no responsible authorities had called for a review or were present to object.

Mr Phipps stated that the review was called for when the pub had been closed for 8 months and considered that it had been prompted by a planning application to change the working of the outside area. Mr Phipps noted that the plans went against what had been agreed with the residents at the public meeting and apologised for this profusely saying this was miscommunication and had now been corrected; the garden area had been diminished in size by a quarter.

Mr Phipps clarified for the Sub Committee that the next door property was not residential but a garage with a gym above it, next door to this was a lane and then the houses.

Mr Phipps questioned whether the outdoor area was in a quiet cul-de-sac, when it was on the side street of a very busy road.

The pub had been reopened since February and there had been no issues, the pub had a developing food offer and had served 100 three course dinners on Mothering Sunday; the pub had been fully refurbished.

With regards to the number of outside covers, Mr Phipps stated that this was in fact 32 not 66 that had been suggested by the Applicant.

Mr Phipps referred to the alleged drug dealing and considered that residents would not be able to see if the men had gone into the pub only that they headed in the direction of Caerphilly Road.

He added that the hedge had been reduced in size, he also added that the Applicants submission had stated that the introduction of the higher hedge had made no difference to the noise levels in fact they had exacerbated them as people using the outside space felt less inhibited as they couldn't see the residential houses.

He stated that the new landlady lived above the premises with her young family; had been running the pub in good conduct since February with no issues or complaints and that good management were key to meeting the licensing objectives.

The Chairperson invited questions on the Licensees Representation. Councillor Bowden stated that at the public meeting in September they had discussed the use of the side of the pub for parking and she was still waiting for a response on this.

Councillor Bowden considered that having the use of an outdoor space was not integral to a pub business. Mr Phipps considered that it was, and those that did not have outside space had to contend with customers going out onto pavements to smoke/take air/make phone calls and this was not in line with promoting licensing objectives.

Councillor Bowden stated that the pub reopening had been aggravated by the use of the side entrance and asked if the front entrance could be used as the main entrance one again, Mr Phipps did not accept that the side entrance was only used as disabled access previously.

Councillor Bowden asked if Mr Phipps accepted that more residents had objected by attending public meetings and signing the petition. Mr Phipps accepted this as it was stated in the papers.

Councillor Bowden asked if there was scope for making the hedge taller, Mr Phipps stated that they would not be cutting it down and it would grow in time.

Interested Parties Representations

Councillor Hinchey addressed the Sub Committee. Councillor Hinchey stated that he was representing the local residents and businesses.

He sought to clarify that he was invited by phone call to the applicants house to speak to her and he had visited other residents too.

He considered that the information in the submission was historical and that lots of work had now been done to address issues and find solutions; £330k had been spent on the refurbishment to a family pub attracting local people of all ages. Residents and Councillors had been listened to and changes made. Councillor Hinchey had received phone calls, emails and letters from local people saying what an improvement it was and that the pub had been turned around.

With regards to the outside area, Councillor Hinchey considered that it was no different to the Birchgrove pub a few hundred yards away.

The Chairperson invited questions on the Interested Parties Representations. Councillor Bowden said that she checked with Dr McKee and Councillor Hinchey had left a business card through her door which is why she called him back. The legal advisor stated that this issue had now been discussed enough.

The Chairperson invited the Applicants Representative to Sum Up. Councillor Bowden stated that she was attending at the request of Dr McKee and to represent local residents; she thanked Punch Taverns for being open and frank over the last 9 months; she considered that Dr McKee was sensitive due to the bad experiences with previous pub landlords and managers. Dr McKee's view was that the side entrance is a problem and the garden area remains a problem due to noise and disturbance. Councillor Bowden stated that Hampton Road was a quiet cul-de-sac and was being disturbed.

The Chairperson invited Mr Phipps to sum up. Mr Phipps stated that the issues mentioned were private nuisance issues rather than public nuisance and that the licensing objectives were not being undermined. He stated that to close the garden would not be appropriate or proportionate. He asked the Sub Committee to support the licensee by not taking any action.

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 agreed to take no further action.

14 : GAMBLING PERMITS

RESOLVED – to agree the following applications for gaming machine permits in respect of licensed premises.

- I. Church Inn – Ty Glas Avenue, Llanishen, Cardiff – Application to vary the Licensed Premises Gaming Machine Permit to allow four category C machines. The permit currently allowed three category C machines.
- II. Ivor Davies, Cowbridge Road East, Canton, Cardiff - Application to vary the Licensed Premises Gaming Machine Permit to allow six category C machines. The permit currently allowed five category C machines.