

LICENSING SUB COMMITTEE

16 JUNE 2017

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

3 : DECLARATIONS OF INTEREST

None received.

4 : APPLICATION FOR THE VARIATION OF PREMISES LICENCE - THE VILLAGE, PENARTH ROAD

Applicant: Safia Bello Aguh in respect of The Village, 156 Penarth Road, Grangetown, Cardiff CF11 6NJ.

Application

An application to vary the Premises Licence was received from Safia Bello Aguh in respect of The Village, 156 Penarth Road, Grangetown, Cardiff CF11 6NJ.

The Premises License currently permits the following:

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

Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30
Christmas Day: 12.00 to 23:30
Good Friday: 12.00 to 23.30
New Years Eve: 11.00 until the start of permitted hours on 1st January.

2 The provision of late night refreshment:

Monday to Saturday: 23:00 to 00:30
Sundays, Christmas Day & Good Friday: 23:00 to 00:00
New Years Eve: 23:00 to 05:00

3. The following application for variation was made.

To permit the sale by retail of alcohol for consumption on the premises and allow opening: Monday to Sunday: 12.00 to 02:00.

Objections had been received from Councillors Thorne and Lister but they had not attended the meeting. All representation from South Wales Police had been agreed.

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 GRANT the application.

5 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - MOCKA LOUNGE, MILL LANE

Applicant: Mr Abedi, Mocka Lounge, 1-2 Mill Lane, Cardiff, represented by Mr Phipps, TLT Solicitors

Interested Parties: South Wales Police: Sergeant Justin Hardwicke and PC Tim Davies; David Stiles Cardiff Council Highways Licensing Department.

An application to vary a Premises Licence, has been received from Mr Mohammed Ali Abedi in respect of Mocka Lounge, 1-2 Mill Lane, Cardiff, CF10 1FL

1.1 The Premises Licence currently permits the following:

1. The supply of alcohol for consumption on and off the premises:
Sunday to Thursday: 10:00 to 03:00
Friday and Saturday: 10:00 to 04:00
New Years Eve: 11:00am until start of permitted hours on 1st January

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

Monday to Sunday: 10:00 to 04:00

The provision of late night refreshment (indoors):

Sunday to Thursday: 23:00 to 03:00

Friday and Saturday: 23:00 to 04:00

An additional hour is permitted to the above finish times for the following days (when they are other than Friday or Saturday) - Christmas Eve, Boxing Day, New Years Day, St Davids Day, St Patricks Day.

An additional hour is permitted on all Sundays preceding a Bank Holiday and Bank Holiday Mondays.

1.2 The following application for variation is now made:

- a. To remove condition 3(1)
- b. To amend condition 3(2) to add the wording 'between the hours of 10:00am and 11:00pm'
- c. To amend condition 3(3) to add the wording 'between 10:00am and 11:00pm'

- d. To amend condition 3(4) to read 'The use of the outside area will only be permitted for sale and supply of alcohol between 10:00am and 11:00pm'.

A copy of the current conditions were attached to the report.

2. Promotion of Licensing Objectives.

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives were attached to the report.

3. Relevant Representations

Representations had been received in respect of the application, copies of which were enclosed with the report.

The sub-committee were advised that the first three points of the variation application had been agreed therefore the hearing was only to consider the fourth point namely:

To amend condition 3(4) to read 'The use of the outside area will only be permitted for sale and supply of alcohol between 10:00am and 11:00pm'

After discussing the wording of the condition it was considered that what was essentially sought was the restriction of 23:00pm to be lifted.

Interested Parties Representation

Sergeant Hardwicke stated that the Police view was that they did not want the outside space used for vertical drinking after 23:00, as at this time all the outside furniture would be taken in. The police were objecting on the grounds on prevention of crime and disorder and public safety.

Reference was made to the plans underway to create to European café culture in the whole of the Mill Lane area under the Business Improvement Strategy; all plans would be considered in line with the counter terrorism strategy.

Sub-committee were provided with crime statistics which stated that 53% of all crime was committed after 23:00; including 17 out of 26 assaults and 29 out of 39 alcohol related incidents. It was stated that Mill Lane was one of four problem areas in the Cardiff.

Sergeant Hardwicke stated that vertical drinking does not support the Council's statement of licensing policy.

Reference was made to incident logs from Mocka Lounge which included 16 separate incidents and 1 licensing breach. It was noted that 80% of incidents occurred on a Saturday night and that door staff only called the Police on 4 of the 16 occasions. The Police considered that if all incidents had been reported to them, then they would have been engaged with Mocka Lounge under the traffic light

system, looking at the incidents retrospectively, 22 points had been given to Mocka Lounge putting them in the Red category.

Sub-committee were advised by David Stiles that under the Highways Act section 155, tables and chairs were only permitted on the highways from 10:00 to 23:00, after which it becomes adopted highway again. It was further noted that after 23:00 the boundary of the outside space was reduced back by approximately 2m, and becomes the smoking area.

Sergeant Hardwicke provided sub-committee with A&E data which had been produced by the NHS, which had logged 1 incident stating it had happened at Mocka Lounge, no report had been made to the Police but it did tie up with one of the incidents recorded in the Mocka Lounge incident log. Sergeant Hardwicke stated that in the log it was noted that a level of force had been used to remove someone from the premises and the relevant law around this was quoted, he also added that if this was the case then the Police should have been called.

The sub-committee were asked to look at the promotional pictures taken from the Mocka Lounge website along with drinks menus and drinks promotion adverts and were asked if they were in line with the licensing objectives.

Sub-committee were advised that notice had been served on the DPS and there was an ongoing investigation.

Sergeant Hardwicke requested that the application for the restriction of 23:00 be refused and that all consumption of alcohol in the outside area ceases at 23:00.

Applications Representations

Mr Phipps considered that some of the information provided by the Police had been disproportionate, some information had been presented for the first time at the meeting which was not fair or acceptable and he was not happy with the use of statistics. He considered that the representation had been prejudicial and not in relation to the application made.

Mr Phipps reiterated that only the fourth condition was being considered. He stated that Mr Abedi had operated Mocka Lounge in Mill Lane for the past 9 years, it had been the first premises to offer table service, and other followed suit, the outside area was significant in the Mill Lane area now. The premises either side of Mocka Lounge have unrestricted consumption of alcohol in the outside area within their licensing hours; therefore he considered this was not equitable for Mocka Lounge.

Currently there is a restriction of 23:00 for consumption of alcohol in the outside area. Tables and chairs have to be taken in at this time and they are stacked and racked accordingly, there have been no issues with regard to this. The intention was not to create a vertical drinking area, but they have no choice other than to take in the tables and chairs as per the Highways license requirements.

Mr Phipps agreed that people have to be asked to leave when they misbehaved and that hands on was used when appropriate, and if appropriate the police are called, he added that more often than not the police who are on beat along Mill Lane will be the ones called upon rather than calling officers out.

Mr Phipps stated that they have asked for further information behind the A&E data as the summary does not provide enough information.

With regards to the number of incidents, Mr Phipps stated that 26 incidents was not a great deal when considering the hundreds of thousands of people that pass through Mill Lane.

Mr Phipps made reference to the sexual assault on a staff member and explained that after speaking to management they decided to ask the man to leave, he then became abusive to police officers who were on the beat in Mill Lane and was arrested; when officers asked the staff member if she wanted to pursue it she decided that she did. Mr Phipps stated that the staff did not do anything wrong in this approach by not calling the Police when it happened.

With regards to the recent review, Mr Phipps explained that it was called just 2 days before this variation application hearing, none of the paperwork had yet been sent through and this seemed very coincidental and he considered that the panel were being told about it for prejudicial reasons.

Mr Phipps stated that this variation application would positively promote the licensing objectives as currently people are asked to go inside or have their drinks taken from them outside at 23:00, which can cause problems when they see people at establishments either side remaining. He added that they are simply trying to be consistent with the other businesses around them, and that the panel should only look at the original representation sent in and the variation application itself.

Sub-committee were shown filmed footage of Mill Lane and establishments around Mocka Lounge with people remaining outside consuming alcohol after 23:00, and also Mocka Lounge at this time, which was empty outside.

Summing Up

South Wales Police

Sergeant Hardwicke stated that South Wales Police request that the application to vary the hours be refused and that the use of the external area for consumption of alcohol remains from 10:00 to 23:00 with all consumption of alcohol in the external area to cease after 23:00. He added that he did not consider the management capable of controlling the area after that time. He stated that the neighbouring premises were mainly restaurants and those that are clubs do have various restrictions on them, with some being monitored.

He added that South Wales Police were concerned that if granted there would be vertical drinking potentially until 04:30am which would have a detrimental effect on the licensing objectives.

Applicant

Mr Phipps stated that the neighbouring premises could not be restaurants as they too had to take in tables and chairs by 23:00. He outlined the relevance of the Policy/Guidance 9.4

Mr Phipps stated that the police were anxious about the management being able to control the outside area after 23:00 not about people being outside after 23:00.

He urged the sub-committee to look at the application proportionately and reasonably, and that there were no issues that were specific to Mocka Lounge. He agreed that the drinks menu needed to be looked at and some drinks names changed as they do not set a good impression of the premises, he also agreed that the publicity photos on the website should be reviewed.

In conclusion, he stated that asking people to come in or have their drinks taken from them at 23:00 was not a positive promotion of the licensing objectives and was not reasonable.

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 GRANT the application with the following modification to condition 3(4):

'The use of the outside area will be permitted for consumption of alcohol during the licensable hours'

6 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - MS JONES, MERTHYR ROAD

Application withdrawn.

7 : GAMING MACHINE PERMIT APPLICATIONS

To determine the following applications for the variation of gaming machine permits in respect of Licensed Premises:

- Newbridge, Abergele Road, Trowbridge, Cardiff.
- Village Inn, Croescardarn Road, Cardiff.

RESLOVED: to grant.