

LICENSING SUB COMMITTEE

21 JULY 2017

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

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - VINTAGE TEA AND COFFEE CO LTD

Applicants: Steven Barker and Charlotte Barker

Responsible Authorities: PC Tim Davies, South Wales Police
PC Rob Gunstone, South Wales Police
Mandy Ewington, Licensing, Cardiff Council
Stephanie Witham, Pollution Control, Cardiff Council

The Application

An application for the grant of a Premises Licence was received from Vintage Tea & Coffee Co Ltd in respect of Unit 2-6, Castle Arcade, High Street, Cardiff.

The applicant has applied for a Premises Licence for the above premises and has given the description of the premises as follows:

“Juice bar by day including coffee, healthy juices, cocktails, wine, gin etc.
Cocktail bar by night offering complimentary tapas/small plates”.

The following licensable activity is proposed:

1. The provision of live music:
Monday to Saturday 18:00 to 23:00
Sunday 18:00 to 22:00
2. The provision of recorded music:
Monday to Saturday 08:00 to 02:00
Sunday 10:00 to 23:00
3. The provision of late night refreshment:
Monday to Saturday 23:00 to 02:00
4. The supply of alcohol for consumption on and off the premises:
Monday to Saturday 10:00 to 02:00
Sunday 10:30 to 23:00

Responsible Authority Representations

PC Tim Davies addressed the Sub Committee. Members were advised that South Wales Police objected to the application on the grounds of the prevention of public nuisance and the prevention of crime and disorder. The premises were located Caste Street Arcade, within the Cardiff Council Cumulative Impact Zone area and South Wales Police considered that the application was likely to have a negative impact upon the licensing objectives.

PC Davies referred to statistical data of reported incidents and crime in the High Street and St Mary Street area. Members were asked to note that there has been a general decrease in reported crimes in the area since 2016. PC Davies provided evidence of the number of licenced premises in the immediate vicinity of these premises and their licensable hours for the sale of alcohol.

PC Davies indicated that he has met with the applicants at the premises. He was advised that the applicants intended to operate the premises primarily as a bar. He was unable to establish the layout of the premises and whether waiter/waitress service would be provided. An external area was also to be included in the application.

Members were advised that there would be no substantial food on offer during opening hours and therefore Members were being asked to approve a premises licence for a bar operating until 0200 hours within an area with a high level of reported crime. PC Davies considered that if granted there was likely to be a negative impact upon the licensing objectives.

However, if the Sub Committee were minded to grant the application, PC Davies requested that the Sub Committee consider attaching 14 conditions to the premises licence, as set out in the representations received from South Wales Police, which it was felt would go some way towards mitigating the effect of the operation on the licensing objectives.

The Chairperson invited questions from Members of the Sub Committee. The applicant confirmed that they would be prepared to accept all the conditions suggested by South Wales Police; with one amendment. Namely, that an SIA approved door supervisor be provided from 2100 hours on Friday and Saturday night, rather than from 1900 hours as requested by South Wales Police.

PC Davies confirmed that South Wales Police had no concerns regarding the management of the established premises operated by these applicants or regarding the suitability of the applicants themselves. There was no history of any problems at the premises operated by the applicants, which is located opposite the premises also in Castle Street Arcade. The main concerns related to the high level of crime in High Street and St Mary Street. The premises were located within the cumulative impact zone and, therefore, it was for the applicants to demonstrate that there will be no negative impact upon the licensing objectives.

A Member asked why South Wales Police have suggested that SOA cease at 0100 hours and not 0200 as applied for. PC Davies stated that crime increases later in the evening. The peak period for reported instances was between 0200 hours and 0300 hours. Problems are reported when large number of people leave licenced premises and therefore it was better to have staggered closing times. Members noted that

during the last 6 months there had been no public order offences reported to South Wales Police in High Street.

Mandy Ewington of Cardiff Council licensing addressed the Sub Committee. Members were advised that Cardiff Council were objecting to the application. The cumulative impact zone policy was introduced due to the high levels of crime and disorder in the City Centre. The representation was made on those grounds. There was a presumption that all applications for new premises licence within the zone would be refused and the application challenges that policy. Members were advised that more alcohol being sold in an area that is already saturated is likely to have a negative effect on the licensing objectives. Members were asked to give full consideration to the policy when making their decision.

Members asked officers to note that whilst their representation set out the grounds of their objection, there was no evidence offered and the representation did not outline why the application was likely to cause problems.

Mandy Ewington confirmed that the Licensing Authority would support the introduction of the conditions set out in the representations from South Wales Police.

Stephanie Witham from Pollution Control, Cardiff Council presented their representations. Pollution Control objected to the application on the grounds of the prevention of public nuisance. Residents in the vicinity of the premises were already experiencing problems with existing premises in terms of noise nuisance. Members were advised that Stephanie Witham had contacted the applicant and a number of mitigations measures by way of conditions to be attached to the premises licence had been suggested.

Applicants Representations

Steven Barker presented the application. Members were advised that Mr Barker's family had been trading in the area since 1982 and over the years the business has been adapted as the area has changed. The Castle Quarter is home to a number of small, good quality business mainly consisting of restaurants and coffee bars. Mr Barker was building a business base and a premium offering to a cosmopolitan customer base and by doing so, Mr Barker suggested that he was providing something different and taking pressure out of problematic areas elsewhere in the city.

The premises were currently being refurbished in order to provide a quality environment. The business was committed to building its customer profile and the need to be mindful of the impact of the business on the lives of local resident was recognised. As the largest tenants in the vicinity the applicants are committed to the area and will seek to address any issues or problems immediately.

Referring to the noise nuisance complaints referred to be officers, Mr Barker stated that he was aware of those problems in the past. He advised the Sub Committee that complaints were inevitable due to the poor management of those premises. However, these premises were well managed and will be controlled.

During the day time the premises would operate as a juice bar/coffee shop offering coffee, raw juices and healthy salads. In the evening the coffee bar would offer wine,

cocktails, gins and other premium alcoholic beverages. Small plates and tapas accompaniments would also be served.

Mr Barker predicted a lull in the early evening with the premises becoming busy for after supper drinks. The doors staff condition was therefore not required and it would place an extra burden on the business. However, if proved to be the case that door staff are needed earlier on Friday and Saturday evenings then a commitment was given that the business would provide them. The applicants were prepared to accept all the conditions suggested by South Wales Police other conditions suggested by South Wales Police. The applicants also agreed to the following conditions suggested by Pollution Control:

1. There will be strategically placed legible notices to be displayed at entrances/exits, requesting the public to respect the needs of nearby residents and to leave the premises and area in a quiet and respectful manner.
2. All lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to any nearby residents.
3. Customers will be asked not to stand around loudly talking outside the premises.
4. The licensee will ensure staff that arrive early morning or late at night for the purpose of the business will conduct themselves in such a manner to avoid causing disturbance to nearby residents.
5. The movement of bins and rubbish will not be undertaken between 2300 hours and 0900 hours in order to avoid potential disturbance.
6. All windows and doors of the premises will remain closed (other than to allow access/egress) during performances of regulated entertainment.
7. All regulated entertainment in the form of recorded and live music must be played through a noise limiting device. The limiter must be set to a level which is agreed by the local authority's pollution control department, which ensures that the music will not cause a public nuisance

Members asked questions regarding the food to be offered and the types of drinks to be served. Members were advised that the premises are small and had a 95-person capacity.

Members, the applicants and the responsible authorities discussed the 1900 start time for the provision of SIA door staff on weekends. Members asked whether South Wales Police would curtail the hours to 2100 hours if the applicants accepted a condition requiring 70% of the trading area to be furnished with tables and chairs, in line with other similar premises in the area. All parties agreed to these conditions.

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 conditions accepted by the applicants.

The meeting terminated at Time Not Specified

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