

## LICENSING SUB COMMITTEE

22 SEPTEMBER 2017

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

### 5 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 6 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - WALLY'S LIQUOR CELLAR

Applicants: Mr Steven Salaman

Responsible Authority: Tony Bowley, South Wales Police

#### The Application

An application for the grant of a Premises Licence was received from Steven Salamon. The applicant applied for a Premises Licence and provided the following description:

“The premises is a retail unit in Castle Arcade in Cardiff City Centre, comprising a ground floor which will be used for the retailing of up-market alcohol, namely craft beers, spirits and fine wines. The unit will be used primarily for off-supplies of alcohol but we would also intend to offer sampling to customers from the ground floor”.

The following licensable activity was proposed:

The supply of alcohol for consumption on and off the premises:

Monday to Friday: 08:30 to 17:30

Saturday: 08:30 to 18:00

Sunday: 10:30 to 17:00

During December: Monday to Saturday 08:30 to 20:00

#### Responsible Authority Representations

Mr Tony Bowley addressed the Sub Committee on behalf of South Wales Police. Members were advised that the applicant was seeking a premises licence which would permit the off sales of alcohol from a premises in Castle Arcade. South Wales Police were seeking a condition on the premises licence which would prevent the sale of alcohol in glass containers on days when major events are taking place in the City Centre.

Mr Bowley stated that the applicant was a respected owner of a city centre business. The new premises, as proposed, would be unlike any other city centre premises, insofar as they will only sell alcohol products.

Members were advised that prior to 2005 the number of injuries involving glass in the City Centre were at unacceptable levels. During 2005 a condition was introduced on premises licences which sought to limit the amount of glass in the City Centre, particularly at times of high risk; i.e. after 2300 hours and all day on major event days. By 2007 the number of glass-related injuries had fallen from 133 to 13.

Mr Bowley listed a number of licenced premises which have a similar condition in place. Reference was also made to an incident which had occurred in the City Centre at 0355 hours that day, where two people were seriously injured. The weapon used by the assailant was a wine bottle.

Responding to questions, Mr Bowley stated that most assaults involving glass occurred in the street, outside licenced premises. The origin of the glass used was difficult to prove. The most common types of glass used are Stella Artois bottles, Heineken bottles and champagne bottles. No incidents had occurred on major event days and Mr Bowley considered that the lack of availability of glass in the City Centre had helped reduce incidents to zero. Mr Bowley did not have any data regarding the number of incidents prior to 2005 which had taken place on major event days. He did recall from personal experience that there were four assaults involving the use of glass at one particular event.

#### Applicant Representations

Mr Salaman presented his application. Mr Salaman stated that he has been a personal licence holder since pre 2005 at Wally's Delicatessen in Royal Arcade. The premises licence for Wally's Delicatessen permits the off-sales of alcohol in glass containers, and on major event days, although there was a restriction in place for on-sales.

Mr Salaman considered that the request for a condition from South Wales Police was to support their goal of reducing the number of glass-related injuries occurring. Mr Salaman considered that there was no evidence to support the view that off sales from independent, high-end, retailers were the cause of any problems.

It was accepted that the major event day policy had been successful in reducing the total number of glass-related assaults. However, Wally's Delicatessen in Royal Arcade are currently permitted to make off-sales in glass containers without ever having caused a problem. It was proposed that the products sold in Wally's Liquor Cellar would not be chilled. There will be no fridges on the premises. Mr Salaman stated that the premises would offer an upmarket selection of gins, whiskeys, rums and vodkas which would retail at approximately £40-£50 per bottle. These products are not available for sale in plastic containers. Furthermore, Royal Arcade provides additional security personnel who are stationed on the entrances at each end of the arcade on major event days.

Members were advised that if the condition was accepted then the store would have to close on event days and with events becoming more commonplace in the City the condition would be commercially prohibitive.

Mr Salaman requested that, if Members were minded to impose a condition, then the condition could be modified, perhaps to allow sales on event days but by restricted for a period around the start time of events; or a condition with an exemption for gift

wrapped products; or a condition which would distinguish between beers/ciders and spirits; and finally, whether a 'closed door policy' should be in operation.

Mr Salaman answered questions from the Sub Committee. Members were advised that in Wally's Delicatessen there was no uplift in the sales of alcohol on major event days. There was usually a drop in sales on major event days and it was not anticipated that Wally's Liquor Cellar would achieve higher sales. Mr Salaman stated that major events were 'bad for business' as his customers were more likely to avoid coming into the city centre.

Members were reminded that the Mr Salaman had accepted the condition suggested in the representation received from South Wales Police relating to the installation and operation of CCTV at the premises.

### Summing Up

Mr Bowley stated that there is strong evidence to support the view that the more glass that is available in the City Centre, the more glass-relating injuries will occur. Whilst the applicant was a successful businessman with the best intentions he was putting commercial considerations before the safety of the public.

Mr Salaman stated that no evidence had been provided to support the justification for imposing the condition requested by South Wales Police. Any problems occurring were taking place late into the evening. The condition requested was resulting in a 'one size fits all' policy and which was inflexible.

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 that application, subject to the conditions previously agreed and accepted by the applicant.

The meeting terminated at 11.30 am

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