

LICENSING SUB COMMITTEE

20 JULY 2018

Present: Councillor (Chairperson)
Councillors Goddard, Jacobsen and Murphy

1 : DECLARATIONS OF INTEREST

No declarations were received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BUZZING BEE, ST MARY STREET

Applicants: Mandeep Singh and Saiprasad Kamuni

Responsible Authority: Rhys Morgan, Licensing

Applicants

An application for the grant of a Premises Licence was received from Hookah Bars Ltd in respect of Buzzing Bee, 4 St Mary Street, Cardiff.

The applicant applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption on the premises.
2. The provision of regulated entertainment in the form of recorded music (indoors).
3. The provision of late night refreshment (indoors).

(2) Description of Premises (as stated by applicant):

"We are looking to open a restaurant bar in the mentioned property on the first floor where we will be serving late night food and alcohol with music".

(3) The opening hours are proposed as follows:

Sunday to Thursday: 12:00 to 02:00
Friday and Saturday: 12:00 to 04:00
Christmas Eve & New Year's Eve: 12:00 to 06:00

(4) To provide licensable activities during the following hours:

1. The supply of alcohol for consumption on the premises:
Sunday to Thursday: 12:00 to 02:00
Friday and Saturday: 12:00 to 04:00
Christmas Eve & New Year's Eve: 12:00 to 06:00

2. The provision of regulated entertainment in the form of recorded music (indoors):
Sunday to Thursday: 12:00 to 02:00
Friday and Saturday: 12:00 to 04:00
Christmas Eve & New Year's Eve: 12:00 to 06:00
3. The provision of late night refreshment (indoors):
Sunday to Thursday: 23:00 to 02:00
Friday and Saturday: 23:00 to 04:00
Christmas Eve & New Year's Eve: 23:00 to 05:00

Members were advised that the applicants had accepted the conditions requested in the written representations received from South Wales Police.

Responsible Authority Representations

Rhys Morgan of the Shared Regulatory Service Licensing Team addressed the Committee. Members were advised that the premises were located within the St Mary Street Cumulative Impact Zone and therefore there was a rebuttable presumption in the policy that the application would be refused. As originally applied for, the premises would fall within the 'red' category as a bar. However, the applicants have put in place mitigations that move the application towards the 'amber' category as a bar/restaurant.

In order for the licence to be granted the onus is on the applicants to demonstrate that the premises would not have a negative impact on the licensing objectives. Rhys Morgan considered that there was an insufficient level of detail contained in application to demonstrate this.

Members were advised that applications for new licences within the Cumulative Impact Zone need to be exceptional and he did not consider that it was not enough that the premises were well managed. Furthermore, cumulative impact should not be attributable to individual premises and must be considered as part of the wider city centre environment.

It was also significant that these premises in close proximity to a number of residences.

The Sub Committee was asked to consider refusing the application on the grounds of the prevention of crime and disorder and the prevention of public nuisance.

Applicants Representations

Mr Saiprasad Kamuni presented the application on behalf of the applicants. Mr Kamuni stated that the application had originally sought to open a bar, but after meeting with South Wales Police the applicant agreed to amend the application and would look to operate as a restaurant/bar. The 18 conditions requested in the written representations from South Wales Police were entirely accepted.

Mr Kamuni considered that the revised application contained conditions that were significant enough to overcome the cumulative impact policy.

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 condition 4 being amended to read:

'Customers consuming alcohol must be seated.'

3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - HEAD OF STEAM, CHURCH STREET

Applicants: represented by Sarah Taylor, Poppleston Allen
Jim Bentley, Martin Toby, Mick Hill

Responsible Authorities: PC Rob Gunstone, PC Tim Davies, Sgt Justin Hardwick,
South Wales Police
Rhys Morgan, Cardiff Council Licensing

The Application

An application for the grant of a Premises Licence was received from Camerons Brewery Limited in respect of Head of Steam, 18-19 Church Street, Cardiff.

The applicant applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption on and off the premises.
2. The provision of regulated entertainment in the form of films, live music, recorded music, performance of dance and anything of a similar description (indoors).
3. The provision of late night refreshment (indoors).

(2) Description of Premises (as stated by applicant):

"The premises are to operate as Head of Steam which is a craft beer offer. Head of Steam's beer sommeliers knowledge, combined with their chef's passion for world flavours and local produce, have filled their food menus with exciting flavours and inspired beer pairings. A wide range of food and drinks will be available. The brand is also known for its live acoustic music sessions.

The premises will consist of a trading area to the ground and first floor with an external seating area to the front of the premises which will be used for the consumption of food and drinks".

(3) The opening hours are proposed as follows:

Sunday to Thursday: 08:00 to 01:30

Friday and Saturday: 08:00 to 02:30

New Year's Eve: until the start of permitted hours on 1st Jan

An additional hour on the commencement of British Summer Time

- (4) To provide licensable activities during the following hours:
1. The supply of alcohol for consumption on and off the premises:
Sunday to Thursday: 08:00 to 01:00
Friday and Saturday: 08:00 to 02:00
New Year's Eve: until the start of permitted hours on 1st Jan
An additional hour on the commencement of British Summer Time
 2. The provision of regulated entertainment in the form of films, live music, recorded music, performance of dance and anything of a similar description (indoors):
Sunday to Thursday: 08:00 to 01:00
Friday and Saturday: 08:00 to 02:00
New Year's Eve: until the start of permitted hours on 1st Jan
An additional hour on the commencement of British Summer Time
 3. The provision of late night refreshment (indoors and outdoors):
Sunday to Thursday: 23:00 to 01:00
Friday and Saturday: 23:00 to 02:00
New Year's Eve: 23:00 to 05:00
An additional hour on the commencement of British Summer Time

Responsible Authority Representations

PC Rob Gunstone addressed the Sub Committee. PC Gunstone stated that South Wales Police held an outright objection to the granting of a premises licence on the grounds of the prevention of crime and disorder and the prevention of public nuisance. The premises is located within the Cumulative Impact Policy area and there is a rebuttable presumption that any application for the grant of a new licence would be refused.

However, if the Sub Committee was minded to grant the application, then South Wales Police would request that a number of conditions be attached to the licence. Members were advised that South Wales Police have held discussions with the applicants regarding these conditions and some conditions have been agreed.

Members were reminded that the Cumulative Impact Policy was introduced in order to reduce alcohol related crime and disorder and public nuisance in the City Centre. New premises licence applications are discouraged in order to help ensure that the City Centre is safe and viable. The application sought to provide a premises that was alcohol-led.

PC Gunstone stated that the City Centre has 317 licenced premises within a 0.5 sq mile area and a footfall in excess of 70,000 was typical on the weekend. The City Centre attracts local people and visitors and tourists. On major event days footfall can increase to 125,000 people. Church Street has a very high footfall and a high level of crime and disorder has been recorded in the area over many years.

PC Gunstone presented data relating to the number of recorded crimes in the areas including the days on which these crimes occurred, times they occurred, numbers of

violent crimes, etc. Members were reminded that in order for a premises licence to be granted the applicants would need to demonstrate that their operation would not be detrimental to the licensing objectives. PC Gunstone then referred to photographs of Church Street and highlighted the close proximity of the premises to a number of existing licenced premises in Church Street.

Rhys Morgan addressed the Sub Committee. Members were again advised that the premises was located within the Cumulative Impact Policy area and, therefore, the number of premises in the area needed to be considered. The applicants have attempted to put mitigation measures in place to move the premises towards the 'amber' restaurant type category, but at present it was considered to straddle both the 'red' and 'amber' categories. For example, the applicants have agreed to have tables and chairs in 75% of the available floorspace and there is acceptance in part of waiter and waitress service.

Rhys Morgan stated that it was for the Sub Committee to consider whether the evidence presented by the applicants was sufficient to negate the Cumulative Impact Policy and support the licensing objectives.

Applicants Representations

Sarah Taylor presented the application. Members were advised that the premises was formerly a Harvester Restaurant and it already has a premises licence.

The applicants operate 70 venues across the U.K. and some venues are in challenging locations. For example, in Leeds and Newcastle they are operating in cumulative impact policy zones. The brand is a premium brand which is supported by a great operations team. The applicants understand the needs of Cardiff and have given an undertaking to condition these premises accordingly.

Jim Bentley was invited to provide Members with an overview of the concept of the operation. Members were advised that the Head of Steam brand provided a range premium craft beers and cask ales. The customer base was older and more affluent and the pricing and operation at their premises did not attract younger people. The clientele was an eclectic mix of tourists, families, and mixed couples and the venues are also dog friendly.

The brand also ties into the local economy and local brewers are invited to showcase their products. There is also a big emphasis on a high quality food offering at their venues. A substantial menu is offered and 'beer matching' is recommended. The brand did not offer high volume, high velocity drinking.

Sarah Taylor stated that the applicants were happy to agree that 75% of the floorspace was tables and seating, as that is what is expected for the brand and it is already the layout at their other venues. Members were asked to refer to the information pack circulated previously. Sarah Taylor highlighted the photographs from another Head of Steam venue recently opened in Birmingham and also referred to the food menu and drinks menu.

The premises was formerly a Harvester Restaurant. Head of Steam wanted more floorspace and it was not possible to do this via a Minor Variation application.

Therefore, a new premises licence is required. Ms Taylor provided an overview of the existing premises licence. It was possible that the existing licence could be transferred to a bar operator as there was no restaurant condition in place on the licence. The applicants consulted with South Wales Police and understand the concerns. Conditions were suggested that, although still being discussed, were agreed in the main as all parties agreed that the premises needed to move towards the amber category.

Sarah Taylor stated that the Cumulative Impact Policy was not absolute and the applicants are able to demonstrate that they can operate these premises properly. Members were asked to consider the Brewdog court case in which the judge ruled that a similar operation was permissible. Head of Steam operates in other cities without incident. They are investing approximately £1 million in Cardiff and they have to demonstrate that they can operate successfully. The applicants were mindful of the crime figures presented by South Wales Police and they will put forward measures that will counter any concerns.

It was suggested that granting the premises licence would support the licensing objectives as the premises would operate under a tighter set of conditions for less hours than are currently permitted. Sarah Taylor also referred to the Council's Local Development Plan, which talks of bringing leisure, tourism and employment into the City. The Head of Steam operation would support that.

As mentioned previously, a suite of conditions have been discussed during consultation with South Wales Police and Cardiff Council Licensing. There were no Environmental Health representations to consider. The Council's Statement of Licensing Policy encourages well-run establishments that are different from the norm and the conditions agreed with South Wales Police would allow Head of Steam to do that successfully.

Sarah Taylor stated that the following conditions have been agreed. There are some minor changes to those contained in the written representations received during the consultation period.

1. Sale of Alcohol for consumption on and off the premises Monday to Sunday 08:00am until 00:30 (additional non-standard timings of an additional hour to the standard and non-standard times on the day when British Summertime commences and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day);
2. Regulated Entertainment in the form of films, Live Music, Recorded Music, Performances of Dance, anything of a similar description to live recorded music or the performance of dance from 08:00am until 01:00am the following morning Monday to Sunday with additional non-standard timings as detailed for the Sale of Alcohol;
3. Late Night Refreshment (both indoors and outdoors) from 23:00 until 01:00 Monday to Sunday with additional non-standard timings as detailed for the Sale of Alcohol; and

4. Opening hours of the premises from 08:00am until 01:00am the following morning with additional non-standard timings as stated for the sale of alcohol.
5. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits. It will cover the external front of the premises. Any outside area used by customers will also be covered. The images will be kept for a minimum period of 31 days. Images will be produced to a Police employee on the provision of satisfactory identification in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable, subject to Data Protection Legislation. There will be sufficient trained staff to facilitate the above. Signed will be prominently displayed advising customers that CCTV is in operation at the premises;
6. There shall be a minimum of two body worn camera devices in use at the premises whenever door staff are on duty. The cameras will be used in accordance with the Information Commissioners Office Guidance. The body worn devices shall be capable of recording video (images) and sound. Recorded images shall be stored for a minimum of 31 days and shall be produced to a Police employee on the provision of satisfactory identification, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably possible subject to Data Protection Legislation. There will be sufficient trained staff to facilitate the above;
7. A register of door supervisors shall be kept at the premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee or representative of a Responsible Authority on request;
8. SIA registered door supervisors will be employed on duty at a ratio of 1:100 or part thereof on Friday, Saturday and any Sunday before a Bank Holiday from 21:00 hours until close. There will be a minimum of two door supervisors at any time;
9. At all other times, SIA registered door staff shall be employed at the premises in accordance with a written risk assessment to be carried out by the DPS. A copy of the risk assessment must be maintained for 12 months and be made available to the Police immediately should it be requested;
10. A minimum of two SIA registered door supervisors shall be employed at the premises whenever a pre-planned event (where alcohol is available to attendees) occurs and 75 or more persons are expected. Should the numbers attending exceed 100 persons, additional SIA staff will be provided at a ratio of 1:100 or part thereof. Any SIA staff employed for such an event will be considered as an addition to any other requirement being triggered;

11. On major event days SIA registered door supervisors shall be employed at the premises from at least 3 hours before the start of the event (which the major event was declared for) at the ratio of 1:100 or part thereof with a minimum of two at any time. High-vis tabards or jackets will be worn by door supervisors on major event days;
12. Where door staff are employed at the premises, for a period of up to 30 minutes after closing, the premises must provide two SIA registered door supervisors, in high-vis tabards or jackets, outside the venue to assist in the safe dispersal of patrons from the frontage of the premises. These door supervisors shall each wear body cameras at all times whilst outside the premises for this purpose;
13. Door Supervisors shall each carry an internal radio to allow communication between themselves and management;
14. When door supervisors are employed at the premises, the premises will utilise an electronic counting device (or provide two clicker-type counting machines) for monitoring the number of patrons entering and leaving the premises;
15. On days declared as major event days by South Wales Police, non-glass vessels shall be used from opening until close. No alcohol shall be supplied in glass on such days;
16. The premises shall operate the Drug Safe Scheme. A dedicated Register shall be kept in which any drugs deposited in the drugs safe are recorded. This Register shall be cross-reference with the Incident Book;
17. At all times when open to the public, the premises shall operate a radio system which is monitored by the Local Authority and South Wales Police;
18. Consumption off premises of alcohol sold in open vessels shall be restricted to a designated outside area as authorised by the Highways Department of Cardiff City Council by way of a pavement licence. Customers using this area for consumption of food and drink will be seated and service to this area will be by waiter / waitress service only;
19. There shall be no external drinking after 23:00 hours daily;
20. Food shall be available on the premises when it is opening for licensable activity, until 20 minutes before the premises close;
21. Toilet checks shall be conducted frequently, but at irregular intervals, hourly. There shall be a record of toilet checks; the record shall be kept for 31 days minimum and made available to a representative of a Responsible Authority upon request;
22. Any external areas used by customers and the number of those customers shall be controlled in such a way that does not obstruct the reasonable passage of pedestrians or cause disturbance to other businesses in the immediate vicinity;

23. An incident log will be maintained at the premises. Each entry made shall carry the day, date and time that each report was made and it will record the following. The DPS shall use best endeavours to ensure that all incidents are logged on the day of the incident:
- i. All crimes reported to the venue
 - ii. All ejections of patrons, with the details of the individual(s) if known;
 - iii. All incidents of disorder of which the premises are aware;
 - iv. The seizure of drugs and offensive weapons; and
 - v. All visits by a Responsible Authority or emergency service.

The Log will be made available to the Police or other Responsible Authority representative on request. The Log shall be retained for 12 months minimum.

24. Staff shall receive initial training in relation to responsible retail of alcohol prior to beginning work in the premises. An ongoing system of annual refresher training will be in place and records shall be kept by the DPS of such training for a period of at least 12 months;
25. The premises will operate a system whereby a record is maintained of refusals to serve alcohol;
26. The Designated Premises Supervisor (DPS) shall participate in the Cardiff Licensees Forum and will attend meetings in person or by sending a suitable proxy;
27. No one under the age of 18 shall be allowed on the premises until after 22:00 hours daily unless attending a pre-planned event and accompanied by an adult;
28. Purchase of alcoholic beverages will be possible only from static bars. There will be no mobile alcohol sales persons of any sort;
29. There will be appropriate signage at the premises requesting customers leave quietly;
30. At least 75% of the public space within the premises shall be occupied by tables and chairs;
31. All meals shall be consumed at tables using non-disposal crockery;
32. There shall be no display of dancing on the bar performed by staff or customers; and
33. There shall be no external audio speakers at the premises.

Members were invited to grant the application.

Responding to a question from Justin Hardwicke, Jim Bentley confirmed that in other cities food is offered until 2100 hours minimum. In Cardiff food would be offered until 20 minutes before closing time. Sarah Taylor commented that Head of Steam was not a restaurant, it was a bar that offered food. No two cities are the same and in

Cardiff what happens in other cities may not be appropriate. Ultimately, Head of Steam do not cause problems and there have been no premises licence reviews.

Summing Up

All parties were invited to sum up.

South Wales Police maintained their objection and would ask that if the Sub Committee were minded to grant the application then the conditions agreed be applied.

Rhys Morgan reminded Members that the applicants need to ensure there will be no negative impact on the licencing objectives.

Sarah Taylor stated that the operator provided a premium offering to discerning clientele and suggested that the applicant supports the licensing objectives.

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 agreed.

The meeting terminated at 12.30 pm