

LICENSING SUB COMMITTEE

17 MAY 2019

Present: Councillor Mackie(Chairperson)
Councillors Taylor and Wood

57 : DECLARATIONS OF INTEREST

No declarations of interest were received in accordance with the Members' Code of Conduct.

58 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DICKENS, CHARLES STREET

Applicants: Haydn Price, Partner
Peter Barry, Partner
Andrew Picken, Manager

Interested Others: Matthew Phipps, Solicitor on behalf of Richard Williams
Richard Williams

Application:

An application for a premises licence has been received from Charles Street Dining Ltd in respect of Dickens, 48 Charles Street, Cardiff, CF10 2GF.

The application has applied for the following:

In respect of the following licensable activities:

- (i) The sale by retail of alcohol for consumption on the premises;
- (ii) The provision of regulated entertainment in the form of recorded music (indoors and the performance of dance (indoors);
- (iii) The provision of late night refreshment.

Description of Premises (as stated by applicant):

'Tea rooms and kitchen, serving light refreshments and meals located in main city centre thoroughfare. The premises comprise of one main room, divided between tables and chairs (rear part) with more comfortable armchairs, sofa and low level tables at the front of the room. There is a small, enclosed outside forecourt at the rear of the premises. There are two, chilled serving displays and a fully functioning kitchen. The premises was fully licenced for diners and regulated entertainment until the end of 2018 when the previous business ceased trading. All licensed conditions imposed on the previous business, such as a full CCTV with 30 day recording, is already installed and fully functioning. It is requested all conditions imposed on previous licence for Dickens should remain the same'.

Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Monday to Sunday: 07:00 to 00:30

To provide licensable activities during the following hours:

- (i) The sale by retail of alcohol for consumption on the premises:
Monday to Sunday: 11:00 to 00:00 hours
- (ii) The provision of regulated entertainment in the form of recorded music (indoors) and the performance of dance (indoors):
Monday to Sunday: 11:00 to 00:30
- (iii) Late Night Refreshment (indoors):
Monday to Sunday: 23:00 to 00:30

Interested Others Representations:

Mr Phipps addressed the Sub Committee about the concerns raised by landlords of premises in Charles Street. The concerns arise not just because of the historic and proposed operation of the premises, but also the occupation and use of the outside areas; the arrival and departure of customers and the door staff. Mr Phipps advised that very limited information has been submitted by the applicants in support of their application.

It was submitted that, when consideration is given to the description of the premises, it cannot be considered to be a restaurant in any context. No information has been provided by the applicants about the type of food to be served, a drinks menu or any other information to support the contention that it is a restaurant. Various assertions have been made to support that contention, the majority of which are reflected in the Cumulative Impact Policy, however the reference to the sofa's may raise a query. Normally the application would state that the sale of alcohol is ancillary to the taking of substantial table, where as in this application it is ancillary to ordering a meal. Further, customers are not be escorted to a table. Mr Phipps also questioned the application in relation to regulated entertainment and queried whether that was indicative of a restaurant. Concern was also raised in relation to the kitchen on the premises and whether it was in fact a fully functioning kitchen capably of servicing a restaurant.

It is noted that use of the outside area is restricted to 9.00 pm, although it is unclear as to precisely what that restriction entails: no customers outside; no alcohol to be consumed outside; customers only outside when they wish to smoke.

Concerns were expressed as to what arrangements were to be made for the dispersal of customers when a function with 60 people is taking place. It would be fair to submit that they will all leave at the same time, and further whether one door person was enough when dealing with 60 people.

Applicant Representations:

Mr Price addressed the Sub-Committee and outlined the reasons for the expiration of the previous premises licence, stating that it was an oversight bearing in mind the difficulties with the previous manager of the business and that he had been taken ill and required 2 major operations. He outlined that Dickens was a totally different

venture to the previous premises, the premises have been tastefully converted and will now be a tea rooms and eatery where customers can enjoy a glass of wine with a sandwich or a meal. The request is to replicate the previous licence, there had been no issues with the Committee or the Police in respect of that licence.

It was explained to the Sub-Committee that there was a new business plan being prepared at the present time; Sundays would be focused on the family; there would be collaboration with tourism wales and bilingual staff would be employed; local produce from local farmers would be sourced; the focus would be on the breakfast market, executive lunches and afternoon tea.

As a result of questions from the Sub Committee further information was provided:

- The reason for the application is respect of regulated entertainment is on the basis that it may be that there will be the occasional need to hold a private function, and there could be dancing if so required, although there is very little space and no DJ.
- It is was not anticipated that everyone who attended a function would leave at the same time and that there were other premises in the vicinity which have much later hours.
- It has been confirmed that the outside of the premises will close at 9.00 pm although there are concerns about where customers will congregate should they wish to smoke. It is anticipated that they will go to the front of the premises, but they will not be able to take their drinks outside.
- The business plan allows for casual dining all day, there will be 5 signatures breakfast offerings, lunches will focus on salads, soups and other healthy options, there will be afternoon teas and in the evening 5 signature dishes which will be seasonal and using local produce. There will not be a takeaway service.
- There will be no alcohol offers, there will be a limited wine menu and spirits. Prices will be slightly inflated.
- As far as capacity is concerned, there are 10 – 15 tables which seat 4 people, there are also relaxing sofas where a light meal and a glass of wine can be enjoyed.
- The kitchen is more than capable of, and has previously catered for 60 Sunday lunches.

In summing up, Mr Phipps added that the better place for customers to smoke would be in the outside area at the back of the premises. He further submitted that, on the basis that the manager who provided information about the business plan has only been involved in the business for a week and was not around when the application was initially submitted, that nothing has changed. It is further submitted that, at this stage, the reasonably onerous test that the policy imposes has not been rebutted.

Peter Barry in summing up indicated that it would be fair to say that nothing had changed other than the premises licence expired. There had been no complaints made whilst the premises was trading previously. There has been physical changes to the premises and to the menu to try and stabilise the customer base.

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, GRANTED the premises licence subject to:

- (i) The conditions contained in the operating schedule;
- (ii) The conditions agreed with the police;
- (iii) An amendment to the application – to restrict all licensable activities, including the provision of regulated entertainment and late night refreshment, to cease at midnight; and
- (iv) The outside seating area is to be closed at 9 pm except for use as an area for smoking by customers. No drinks or other licensable activities are to take place

59 : URGENT ITEMS (IF ANY)

No urgent items were tabled.