

LICENSING SUB-COMMITTEE: 18 November 2016

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: CCCP/00914

Name of Premises: Dickens Tea Room

Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Variation, has been received from JHP Catering Limited in respect of Dickens Tea Room, 48 Charles Street, Cardiff CF10 2GF.

1.2 The current conditions attached to the Premises Licence:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on the premises.
2. The provision of regulated entertainment in the form of recorded music.
3. The provision of entertainment facilities for dancing.
4. The provision of late night refreshment.

(2) 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: 11:00 to 02:00

(3) The premises are permitted to provide licensable activities during the following hours:

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

Monday to Sunday: 11:00 to 01:30

A period of 30 minutes is allowed at the end of each period for the consumption of alcohol on the premises.

2. The provision of regulated entertainment in the form of recorded music and the provision of entertainment facilities for dancing:

Monday to Sunday: 11:00 to 02:00

3. The provision of late night refreshment:

Monday to Sunday: 23:00 to 02:00

1.4 The following application for variation is now made.

1. Extend the licensed area to the rear of the property as shown more clearly on the submitted plan.

2. Reduce the terminal hour for all activities to fall in line with the "core hours" for restaurants as set out in the Cumulative Impact Policy contained in the City of Cardiff Statement of Licensing Policy for 2016-2021. Terminal hour being 01:00 hours for licensed activity. Currently 02:00 hours.

The outside seating area will be closed by 21:00 hours each day.

3. Opening hours to start at 07:00 hours to cater for service of breakfasts then reduced to 01:30 hours closure.

4. Amend / remove some of the conditions set out in the original premises licence which are no longer applicable/relevant, following consultation with the South Wales Police, and as set out in detail below_

1. (4). "Provision may be made at all times for public entertainment.."
This to be removed as it is not considered to be relevant.

2. (2) Replace the opening wording "Door staff" for "Registered door staff" and increase the number of persons to 60.

2. (3) "There shall be a Personal Licence Holder present at all times the premises is open to the public"

As the main purpose of the business is a daytime café/tea room, it is suggested that the wording be amended to read:

"There shall be a personal licence holder present on the occasion of private pre-booked functions"

2. (6) "To enlist the services of a registered security firm"
To be removed as it is included in 2.(2) above.

2. (9) "No drinks promotions will take place at the premises"

To be removed as it is duplicated in one of the main mandatory conditions contained in the existing premises licence.

2. (10) "Door staff will assist all exiting patrons"

To be removed as it is considered unworkable and "assist" cannot be properly defined.

Having regard to the conditions set out in the existing premises licence and the amendments set out above, the following additional measures are offered:

1. At least 70% of the public space is occupied by tables and chairs

2. All meals are consumed at tables with non disposable crockery

3. The sale of alcohol for consumption on the premises is ancillary to the ordering of food.

Mandatory Conditions

The mandatory conditions referring to embedded conditions required by the obsolete Licensing Act 1964 to be removed.

2. **Promotion of Licensing Objectives.**

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

3. **Relevant Representations**

Representations have been received in respect of the application, copies of which are enclosed with the report.

4. **Legal Considerations.**

4.1 The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder

Public Safety

Prevention of Public Nuisance

Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

a) To grant the application.

b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.

c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion.

5.1 The appropriateness of the hours of operation and conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

04 November 2016

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Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Having regard to the conditions set out in the existing premises licence and the amendments set out above, the following additional measures are offered:

1. At least 70% of the public space is occupied by tables and chairs
2. All meals are consumed at tables with non disposable crockery
3. The sale of alcohol for consumption on the premises is ancillary to the ordering of food.

b) The prevention of crime and disorder

CCTV will be installed to the satisfaction of the South Wales Police to cover all licensed areas (excluding toilets) including all entrances and exits. They will be maintained and operated at all times the licensed areas are open. There will be a storage facility of images for 31 days. Images shall be produced on request of the Police as soon as practicable.

c) Public safety

No additional measures are considered necessary.

d) The prevention of public nuisance

The rear outside seating area will be closed by 2100 hrs each day

e) The protection of children from harm

Staff will be trained and the premises will operate a Challenge 21 policy. This policy will be brought to customers' attention through the display of appropriate signage.

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 10 October 2016 12:40
To: jennyfry@sky.com
Cc: Licensing (Licensing, Regulatory)
Subject: reps re DICKENS TEA ROOM
Attachments: reps re DICKENS TEA ROOM.doc

Please see the amended Police representation.

Condition 3 now reads "No members of the public aged under 18 years shall remain on the premises after 2300 hours."

Regards

Tony

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101? Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.

Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101? The number can be used to report a non-emergency to any force in Wales and England. In an emergency, always dial 999.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <http://www.south-wales.police.uk/e-mail-confidentiality-statement/>

Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <http://www.south-wales.police.uk/datganiad-cyfrinachedd-e-bost/?lang=cy>

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW

4th October 2016

Jenny FRY
Licensing Consultant
Groes Uchaf
Llanharry

Re **APPLICATION FOR THE VARIATION OF A PREMISES LICENCE,
"DICKENS TEA ROOM" 48 CHARLES STREET, CARDIFF CF10 2GF**

I have caused enquiries to be made into this into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

Should the applicants agree to comply with the representation made to meet the Licensing Objectives before a hearing is held then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

POLICE REPRESENTATION

1. The premises licence shall only remain in force as long as the main use of the premises is that of a café/restaurant.

2. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system shall cover all areas to which the public have access (excluding toilets) including all public entrances, exits and outside areas. Images shall be kept for a minimum of 31 days.

The images shall be produced to a Police employee or authorised Officer of Cardiff Council Licensing in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate the above.

3. No members of the public aged under 18 years shall remain on the premises after 2300 hours.

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4. On major events days in Cardiff, all drinks are to be served in non-glass vessels with the exception of wine and sparkling wine.

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder
Public safety
Protection of children from harm

Additional evidence to support the notice of the representation will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information then please contact Police Licensing Officer Tony Bowley at the Cardiff Bay Police Station ☎ 029.20. 633421.

Yours faithfully,

D. HOWE
Chief Inspector.

Barker, Kirstie

914

From: Jenny Fry <jennyfry@sky.com>
Sent: 10 October 2016 13:23
To: Licensing (Licensing, Regulatory)
Cc: Tony.Bowley@south-wales.pnn.police.uk
Subject: FW: reps re DICKENS TEA ROOM
Attachments: reps re DICKENS TEA ROOM.doc

Good afternoon

I refer to the attached representations from the Police and confirm my client is agreeable to these amendments being included in the varied premises licence. So as to not duplicate matters, I confirm:

Police rep no. 1

This is to substitute the wording at 2.(1) of the existing premises licence and substitutes the wording suggested in my clients variation application.

Police rep no. 2

To replace the wording suggested under the heading of "The prevention of crime & disorder" contained in the variation application

Police rep no. 3

Is already contained in the existing premises licence under 2.(5)

Police rep no. 4

This is to be a re-wording of condition 2.(4) contained in the existing premises licence

Kind regards

Jenny

Jenny Fry F.C.Inst.L.Ex
Licensing consultant
Groes Uchaf, Llanharry, Nr Pontyclun CF72 9JX
email: jennyfry@sky.com
Tel: 0845 519 2343 Mobile: 07717 148788

From: Tony.Bowley@south-wales.pnn.police.uk [mailto:Tony.Bowley@south-wales.pnn.police.uk]
Sent: 10 October 2016 12:40 PM
To: jennyfry@sky.com
Cc: licensing@cardiff.gov.uk
Subject: reps re DICKENS TEA ROOM

Please see the amended Police representation.

Condition 3 now reads "No members of the public aged under 18 years shall remain on the premises after 2300 hours."

Regards

Tony

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101... Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.
Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101... The number can be used to report a non-emergency to any force in Wales and England.
In an emergency, always dial 999.

Barker, Kirstie

From: Matthew Phipps <matthew.phipps@TLTsolicitors.com>
Sent: 21 October 2016 11:57
To: Barker, Kirstie
Cc: Piers Warne
Subject: Dickens Tea Rooms 48 Charles Street Cardiff [TLT-TLT.FID4194677]

Dear Kirstie

We act on behalf of Park Estates who own and are in the process of developing properties in Cardiff and significantly in and around Charles Street.

We wish to serve a representation to the above application.

Whilst we recognise that the application appears to have the net effect of diminishing the permitted hours of operation at the premises, and diminishes the licensable activities as well, we are concerned by the apparent amendments and/or extensions to the licence.

We have not yet seen the plans that accompany the application but our clients are concerned that extending the licensed area to the rear of the premises may have the net effect of it adversely impacting upon the licensing objectives, particularly the public nuisance licensing objective.

Additionally, we note that it is proposed that the premises is seeking a permission to open from 7.00am and that equally may adversely impact the objectives particularly the public nuisance objective.

Finally, we note that various existing conditions on the premises licence are being amended (presumably not deleted?) because they are deemed (by the applicant?) to no longer be relevant or applicable. The application notice does not explain what those conditions are and so our clients are, inevitably, concerned that the 4 licensing objectives (prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm) may be adversely impacted by these amendments.

For the avoidance of doubt please treat this correspondence as a representation to the application.

Please may we be sent a copy of the application and the plans in order that we may better understand the application. Please also do provide this email and our contact details to JHP Catering Limited so that we may enter into a dialogue with them (should they so wish) to discuss our concerns.

If you have any further queries please note that I will be on leave next week and my colleague Piers Warne (copied in) will deal with matters in my absence.

Best wishes.

Yours sincerely

Matthew Phipps
Partner - Leisure & Retail
Head of Licensing England and Wales
for TLT LLP
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Barker, Kirstie

From: Piers Warne <Piers.Warne@TLTsolicitors.com>
Sent: 26 October 2016 17:24
To: Licensing (Licensing, Regulatory)
Subject: Representation to application: Dickens Tea Rooms 48 Charles Street Cardiff

Dear officer

Further to the representation lodged on behalf of my client, Park Estates on 21 October, my client would like to amplify the comments made therein .

Current application

We have been informed that the application is to permit the premises to operate as a tea rooms, ostensibly between the hours of 7am and 7pm. A second and ancillary part of the application is to permit the applicants to host functions and events at the premises (we have been informed around 2 events per month). We also understand that as part of the change to plans, an external area will be created, permitting a maximum of 5 tables of up to four seats each to be placed outside for customer use.

Given the conditions offered including alcohol to be ancillary to food and for a maximum of 60 persons at the premises, my client has no objection to the use of the premises as a tea room, serving a limited range of alcohol to customers such as is concomitant to such usage.

Concerns

The concerns giving rise to the representation are two-fold:

1. The use of the outside area, particularly in the evening, including by smokers
2. The use of the premises to host events, including number and type of events, smokers and dispersal.

In relation to the second concern, this extends to the possibility of smokers congregating to the front of the premises and causing disturbance, as well as use of the courtyard to the back.

Part of this concern relates to the applicant's operation of a second premises in the immediate vicinity called Eagle Bar and located at Basement, 39 Charles Street Cardiff CF10 2GB. Our client has had significant issues with the operation of this premises over a substantial period of time, including concerns of breaches of condition and activities that have undermined the licensing objectives. Given this track record and the fact that the application for Dickens Tea Rooms would still allow for the premises to play music and serve alcohol until 1am, our client is concerned that this might lead to similar issues. This representation therefore seeks to raise the potential for both the use of the outside area and the 'events' at the premises undermining the objectives of prevention of public nuisance and prevention of crime and disorder.

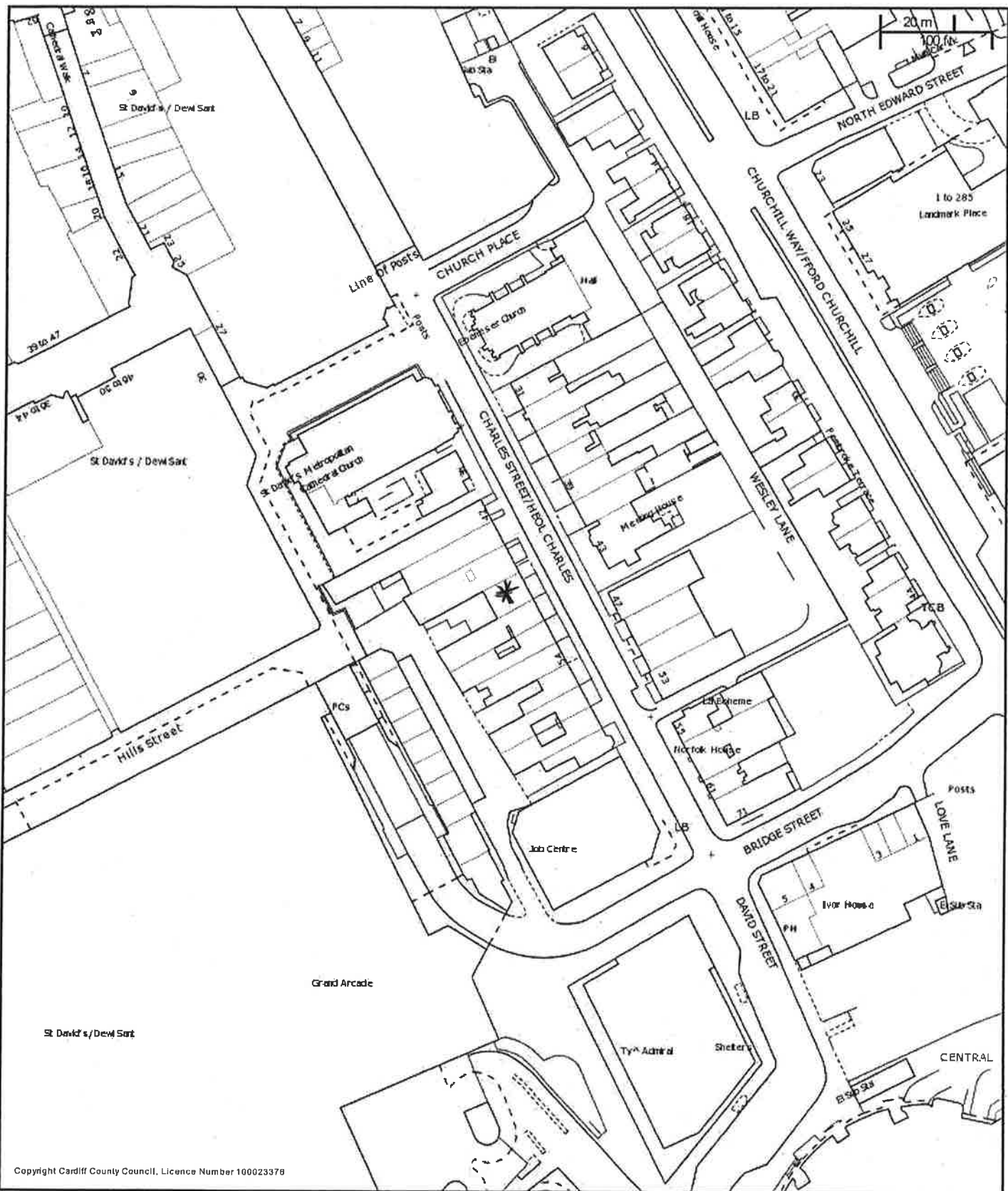
Ongoing discussions with the applicant

We are currently in discussion with the applicant to see if it is possible to resolve the above concerns, either by way of agreeing conditions or otherwise seeking to narrow the issues down. Until such time as our client is satisfied that such concerns have been dealt with, our client will maintain this representation.

Kindly acknowledge receipt of this representation.

Yours sincerely

Piers Warne
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for TLT LLP
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M: +44 (0) 7585 961 459



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City of Cardiff Council
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