

**LICENSING SUB-COMMITTEE:**

**Report of the Head of Regulatory Services**

**Application to vary a Premises Licence**

**Application No: CCCP00766**

**Name of Premises: Mocka Lounge, 1-2 Mill Lane, Cardiff**

**Ward: Cathays**

**1. Application**

1.1 An application to vary a Premises Licence, has been received from Mr Mohammed Ali Abedi in respect of Mocka Lounge, 1-2 Mill Lane, Cardiff, CF10 1FL

1.2 The Premises Licence currently permits the following:

1. The supply of alcohol for consumption on and off the premises:  
Sunday to Thursday: 10:00 to 03:00  
Friday and Saturday: 10:00 to 04:00  
New Years Eve: 11:00am until start of permitted hours on 1st January

2. The provision of regulated entertainment in the form of live music and recorded music (indoors):

Monday to Sunday: 10:00 to 04:00

3. The provision of late night refreshment (indoors):

Sunday to Thursday: 23:00 to 03:00  
Friday and Saturday: 23:00 to 04:00

An additional hour is permitted to the above finish times for the following days (when they are other than Friday or Saturday) - Christmas Eve, Boxing Day, New Years Day, St Davids Day, St Patricks Day.

An additional hour is permitted on all Sundays preceding a Bank Holiday and Bank Holiday Mondays.

1.3 The following application for variation is now made:

To remove condition 3(1)

To amend condition 3(2) to add the wording 'between the hours of 10:00am and 11:00pm'

To amend condition 3(3) to add the wording 'between 10:00am and 11:00pm'

To amend condition 3(4) to read 'The use of the outside area will only be permitted for sale and supply of alcohol between 10:00am and 11:00pm'.

A copy of the current conditions is attached.

**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 & Supporting Services**

**30 May 2017**

## ANNEXES: CONDITIONS

**Annex 1 Mandatory Conditions****Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Mandatory conditions where licence authorises supply of alcohol for consumption on the premises**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



**ANNEXES: CONDITIONS continued ...**

permitted price.

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

<[http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi\\_9780111109120\\_en\\_001](http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001)>  
where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Mandatory Condition: door supervision**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

**Annex 2 - Conditions consistent with the operating schedule**

(1) The outside area shall be that area in Mill Lane, outside the premises as delineated by ropes or planters or such other means as agreed with the appropriate Authorities.

(2) All customers to be seated in the permit area and all orders to be taken and served by waiter or waitress service.

(3) Table density to be set so as to maintain ease of access for waiter/waitress service.



**ANNEXES: CONDITIONS continued ...**

(4) The use of the outside area will only be permitted during the following times: /

Monday to Sunday: 10:00 to 23:00

- (5) CCTV system to be installed to a standard agreed by a South Wales police architectural liaison officer, covering all areas that the public has access (excluding toilets), including all entrances and exits with coverage extending to the middle of the road. They will be maintained and operated at all times the premises are open to the public. There will be a storage facility of images for 31 days and images will be produced at the request of the police as soon as reasonably practicable.
- (6) Door staff to be employed from 21:00 hours Thursday, Friday and Saturday and from 22:00 hours Sunday, Monday, Tuesday and Wednesday, when the premises is open to the public past 00:00 hours, and the ratio of door staff employed is equal to 1:150 persons present.
- (7) Non glass vessels to be used from 23:00 hours each night when the premises are open beyond 03:00 hours. This will mean that the supply of drinks from the premises after 23:00 hours shall not be in glass and there will be sufficient glass collectors engaged on (or outside areas) the premises to help remove the glass from the public area promptly. Except when seated and partaking of champagne, wine or cocktails. On days considered to be major events days in the city centre and bay areas of Cardiff such as sporting events in the Millennium Stadium all drinks will be dispensed in non-glass vessels, except when customer is seated and partaking of a table meal.
- (8) Food shall be available on the premises when it is open after 02:30 hours from 01:00 hours to the terminal hour for the sale of alcohol.
- (9) The premises shall have a search policy, which will be managed by trained staff and at the entrance, there will be a drop safe and register of searches made.
- (10) A person trained in first aid to be on duty when the premises is open to the public.
- (11) No unaccompanied children under 16 years of age allowed on the premises.
- (12) No children under 16 years of age allowed in the premises after 19:00 hours.
- (13) The maximum capacity of the premises is:

Basement 50      Ground Floor 60      First Floor 110

**Non-standard timings**

An additional hour is permitted to the above finish times for the following days (when they are other than Friday or Saturday) - Christmas Eve, Boxing Day, New Years Day, St Davids Day, St Patricks Day.

An additional hour is permitted on all Sundays preceding a Bank Holiday and Bank Holiday Mondays.



**Dave Holland**  
**Shared Regulatory Services**

11 May, 2011



**M** 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 11)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

To amend condition 3 as follows:-

3 (1) The outside area shall be the area in Mill Lane, outside the premises, and delineated by ropes or planters or such other means, as agreed with the responsible authorities – delete paragraph

3 (2) All customers to be seated in the permit area and all orders to be taken and served by waiter or waitress service **between the hours of 10.00 a.m. and 11.00 p.m.** – that is the new wording the timing at the end is the addition the remainder is as existing.

3. (3) Table density to be set so as maintain ease of access for waiter waitress service **between 10.00 a.m. and 11.00 p.m.** (as above the timings are new, the rest is as is)

3 (4) The use of the outside area will only be permitted **for sale and supply of alcohol** between 10.00 a.m. and 11.00 p.m. – the sale and supply of alcohol point is new currently use is prohibited which is causing them the difficulty in the first place

**e) The protection of children from harm**

**Barker, Kirstie**

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**From:** Timothy.Davies@south-wales.pnn.police.uk  
**Sent:** 10 May 2017 15:24  
**To:** matthew.phipps@TLTsolicitors.com  
**Cc:** Licensing (Licensing, Regulatory)  
**Subject:** Premises Variation - Mocka Lounge, 1-2 Mill Lane, Cardiff [OFFICIAL]  
**Attachments:** 20170510145350757.pdf

\*\*\* Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.

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OFFICIAL - SWYDDOGOL  
Matthew

Please find attached South Wales Police representations in relation to the Mocka Lounge premises variation.

Regards

Tim

Tim Davies

Police Constable 3466 / Cwnstabl 3466

Police Licensing / Trwyddedu Heddlu

Cardiff Bay Police Station/ Gorsaf Heddlu Bae Caerdydd,

James Street/ Stryd James,

Cardiff/ Caerdydd.

CF10 5EW.

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Please visit our website/ Ewch i'n gwefan [www.south-wales.police.uk](http://www.south-wales.police.uk)





OFFICIAL

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

10<sup>TH</sup> May 2017

Mr Mohammed Ali Abedi  
Mocka Lounge  
1-2 Mill Lane  
Cardiff  
CF10 1FL

Dear Mr Abedi

**APPLICATION FOR A PREMISES LICENCE VARIATION  
UNDER THE LICENSING ACT 2003.**

**Mocka Lounge, 1-2 Mill Lane, Cardiff CF10 1FL**

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

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

Should the applicant agree to comply with the representations made to meet the licensing objectives before a hearing, then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee

**POLICE REPRESENTATIONS**

I have identified conditions below which are appropriate and proportionate that would enable the premises to operate in line with the licensing objectives

**NOT PROTECTIVELY MARKED**  
**OFFICIAL**

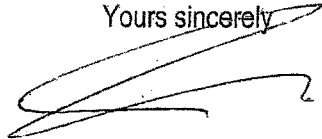
3 (4)

The use of the external front area associated with the premises will only be permitted for the consumption of alcohol between 10.00am – 11.00pm. All alcohol consumption will then cease in this area.

Additional evidence to support the Police representations and conditions may be used at a subsequent hearing before the Licensing Committee; this may be expanded on verbally, or by way of written evidence.

Should you have any queries regarding the above representations, please contact Police Constable Tim Davies at the Licensing Department, Cardiff Bay Police Station on Telephone 029 20527207.

Yours sincerely



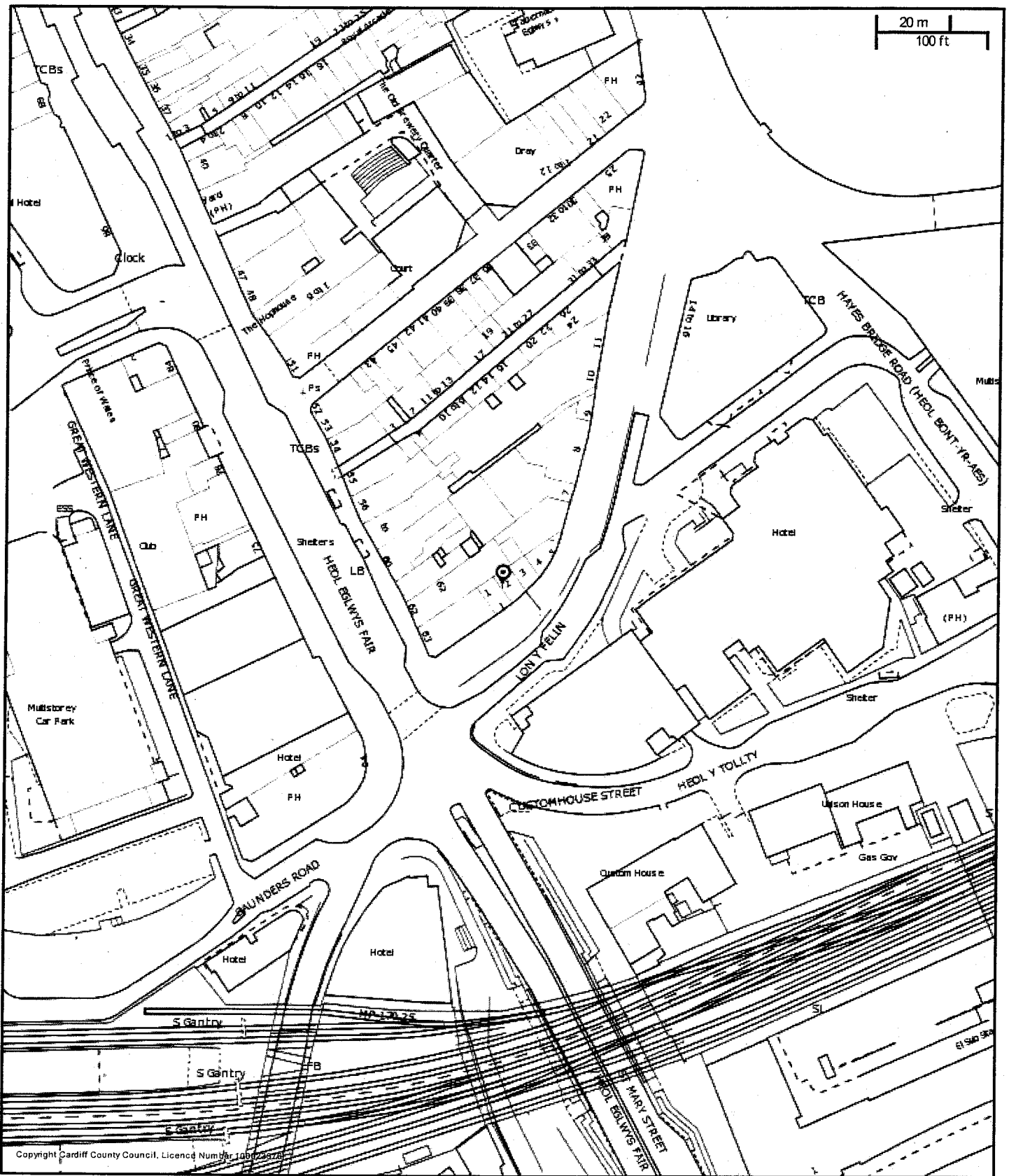
Dan Howe  
Chief Inspector

PP  
A. Clasp  
Sara Rees

**SOUTH WALES POLICE EASTERN BCU**  
Cardiff Bay Police Station, James Street, Cardiff Bay CF10 5EW  
Telephone: 029 2022 2111 Facsimile: 029 2052 7280

**HEDDLU DE CYMRU URhS Y DWYRAIN**  
Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW  
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**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



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