

LICENSING SUB-COMMITTEE: 26 January 2018

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 018385
Name of Premises: Ivy Collection
Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Troia (UK) Restaurants Limited in respect of 18 The Hayes, Cardiff, CF10 1AH.

1.2 The applicant has 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 recorded music (indoors)
3. The provision of late night refreshment (indoors and outdoors)

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

“It is a food based operation offering high quality food and wines”.

(3) 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:

Sunday to Wednesday: 08:00 to 01:00

Thursday to Saturday: 08:00 to 01:30

New Years Eve: until the start of permitted hours on New Years Day

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

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

Sunday to Wednesday: 10:00 to 00:30

Thursday to Saturday: 10:00 to 01:00

New Years Eve: until the start of permitted hours on New Years Day

2. The provision of regulated entertainment in the form of recorded music (indoors):
Sunday to Wednesday: 08:00 to 00:30
Thursday to Saturday: 08:00 to 01:00
New Years Eve: until the start of permitted hours on New Years Day
3. The provision of late night refreshment (indoors):
Sunday to Wednesday: 23:00 to 00:30
Thursday to Saturday: 23:00 to 01:00
New Years Eve: until the start of permitted hours on New Years Day

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

- 3.1 A representation was submitted by South Wales Police, requesting a number of conditions to be attached to the licence. The conditions have been agreed by the applicant and the representation therefore withdrawn by South Wales Police. Copies are attached.
- 3.2 An objection has been received by a local resident and a copy of the objection is attached.

4. Legal Considerations.

- 4.1 In respect of the application 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 application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

11 January 2018

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Please see attached list of proposed conditions which will promote the four licensing objectives.

The premises fall within the Cardiff City Centre Cumulative Impact Policy (CIP), The hours applied for are in line with the core hours set out in Cardiff's Licensing Policy for restaurant premises and the applicant has included the "additional measures" set out in the Policy within their operating schedule.

The premises will trade predominantly as a restaurant with alcohol being served as ancillary to a table meal save for a small bar area as indicated on the licensing layout drawing where the applicant would like the flexibility to serve alcohol without the requirement of a full table meal.

Taking into account the hours sought and conditions that have been offered, the granting of the application will not have a negative impact on the four licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

Proposed Conditions – New Premises Licence

Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff

1. The premises shall install and maintain a comprehensive CCTV system. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period.
2. At least 70% of the public space will be occupied by tables and chairs.
3. All meals will be consumed at tables with non-disposable crockery.
4. The sale of alcohol for consumption on the premises will be ancillary to the taking of a substantial table meal with the exception of those customers in the hatched area as indicated on the licensing layout drawing. In the hatched area, substantial food shall be available throughout the premises at all times during the permitted hours.
5. There will be no self seating, customers will be shown to their table by staff.
6. Food will be served by waiter/waitress service only.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - (a) The need to ensure the responsible sale and supply of alcohol
 - (b) The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - (c) The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old
9. There will be appropriate signage at the premises requesting customers to leave quietly.

10. All external doors and windows at the premises shall remain closed at all times when regulated entertainment is provided save for ingress and egress.
11. All exit doors will be regularly checked and all fire doors maintained unobstructed and effectively self closing. All fire fighting equipment will be regularly checked to ensure they function correctly.
12. Staff will routinely check the premises during the opening hours to ensure that the premises are clean and tidy
13. Empty glasses will be regularly collected and any spillage dealt with as soon as practicable.
14. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 02 January 2018 13:12
To: Barker, Kirstie
Cc: Licensing (Licensing, Regulatory) \ Trwyddedu;
Subject: RE: Ivy, 18 The Hayes, The Morgan Quarter, Cardiff

Dear all,

Yes all is agreed with the police.

I can confirm that the police withdraw their request for the application to be heard by the committee.

Regards

Tony

From: Kevin Jackaman
Sent: 02 January 2018 12:27
To: 'kibarker@cardiff.gov.uk' <kibarker@cardiff.gov.uk>
Cc: Bowley,Anthony swp54909 <Tony.Bowley@south-wales.pnn.police.uk>; 'licensing@cardiff.gov.uk' <licensing@cardiff.gov.uk>; I
Subject: Ivy, 18 The Hayes, The Morgan Quarter, Cardiff

Hi Kirsty,

Happy New Year to you.

As you know, I act for Troia (UK) Restaurants Limited in respect of the above application.

For ease of reference, I attach a copy of the Police representation dated 29th December 2017 and I confirm that the conditions set out in that representation, numbered 1, 2 and 3, are agreed. I would be grateful if the conditions could be added to any issued premises licence.

In line with our telephone conversation of 20th December, I also attach a copy of the amended layout drawing with the external dining area removed from the licensable area. As discussed, the amendment was made at the request of the Police and I would be grateful if you could substitute the attached for the plan previously submitted.

I would be grateful if you could acknowledge safe receipt of this email and attachments.

As far as I am aware there have been no other representations in respect of the application and I would be grateful if you could confirm that this is correct?

Tony, in light of the above, I would be grateful if you could confirm that the Police representation is now withdrawn.

If I can assist further, please do not hesitate to contact me.

Kind regards.

Kevin

Kevin Jackaman | Paralegal

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 29 December 2017 14:33
To: Barker, Kirstie; Licensing (Licensing, Regulatory) \
Trwyddedu
Subject: reps re IVY COLLECTION
Attachments: reps re IVY COLLECTION.doc

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Dear Kevin and Kirstie,

Please see attached the police reps re this application.

If agreed I believe that this will meet the requirements of all three of us.

Any questions please don't hesitate to contact me on 02920 633421

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.**

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

29th December 2017

K. Jackaman
Poppleston Allen Solicitors
The Stanley Building
7 Pancras Square
London
NIC 4AG

Re **APPLICATION FOR THE GRANT OF A PREMISES LICENCE**
"IVY COLLECTION" 18 THE HAYES, CARDIFF CF10 1AH

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. A cctv system will be installed to a standard agreed with South Wales Police. It shall 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 and exits and any outside areas used by customers. Images will be kept for a minimum of 31 days.

p.t.o.

The images shall be produced to an authorised 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 is reasonable practical.

There will be sufficient staff training to facilitate the above.

2. On major event days, the sale of alcohol for consumption on the premises will be ancillary to the taking of a substantial table meal throughout the premises.

3. On major event days there will be no use of the external dining area.

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

The prevention of public nuisance.

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,

JOE JONES
Chief Inspector.

018303

Hartrey, Claire

From: [redacted]
Sent: 05 January 2018 12:46
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: Representation re Application for Premises Licence at 18 The Hayes
Attachments: 0338_001.pdf; Representation re Licence Application for 18 The Hayes Cardiff.docx; 0341_001.pdf; DMA Lightwell 1.jpg; DMA Lightwell 2.jpg; DMA Lightwell 3.jpg

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Dear sir or madam,

Please find attached a representation on behalf of my both my wife and myself in relation to the current consultation on the application for a premises licence at 18 The Hayes, Cardiff.

I hope our concerns are expressed clearly in the attached submission but would be happy to clarify any queries that your committee members may have. We would also be happy to attend any meeting and/or site visit as may be considered appropriate.

Yours faithfully

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CARDIFF COUNCIL

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications



Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	IVY COLLECTION / TROYA (UK) RESTAURANTS LTD
Address of premises:	18 THE HAYES CARDIFF CF10 1AH
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
PLEASE SEE SEPARATE PAGES AND PHOTOGRAPHS

To:
Cardiff Council
Licensing Section
Room 161
City Hall
Cardiff CF10 3ND

5 January 2018

Application for Premises Licence - 18 The Hayes, Cardiff CF10 1AH

We make this representation as an immediate neighbour of the premises to which this application has been made by Ivy Collection / Troya (UK) Restaurants Ltd. Our understanding is that the application relates to the entire property at 18 The Hayes as was previously occupied by the gents' outfitters, Moss Bros.

Apartment: is situated on the second floor of the building, fronting The Hayes, with two bedrooms at the rear. The floorplan is as set out on the third page of the attached layout (marked 'Residential GA – South Second Floor'). Our bedrooms open onto a rooflight void marked in the diagram with a diagonal cross. This ornate stained glass rooflight forms part of the premises at 18 The Hayes to which the application relates.

When we bought our apartment in early 2009 we were made aware that the property is listed and that the rooflight was specifically protected by the regulations that CADW and Cardiff Council had put in place for this building. We were informed by the seller's agent that Moss Bros' premises lease placed them under an obligation to repair and restore the rooflight. We were further advised that the repairs to the rooflight were expected to take a considerable time to complete and that in order to provide protection from the elements until the rooflight had been made weatherproof, a temporary perspex cover had been put in place one storey above the rooflight.

The three attached photographs show the rooflight void area from different angles. As can be seen, the repairs are far from finished - the rooflight's stained glass panels are uneven and have in parts been propped up by wooden batons. The ornately latticed vertical elements of the rooflight are unglazed and tape has been used in an attempt to cover the holes.

Our bedroom windows are less than 1.70m from the permanently open holes in the rooflight. In warm weather it is essential for us to open our windows fully in order to get ventilation, the availability of which is severely restricted by the perspex cover.

The attached photographs are as follows:

Picture 1: Looking over the rooflight towards the windows of our two bedrooms.

Picture 2: Showing the extent of the temporary repairs and the weather protection cover (one of our bedroom windows is on the right-hand side of the shot)

Picture 3: Taken from one of our bedrooms

During the years that Moss Bros occupied the premises at 18 The Hayes, we could clearly hear, from our bedrooms, the voices of staff and customers in the shop below the rooflight. Likewise, we expect that they could hear any noise that we made in the rear quarters of our property. The nuisance only existed during shop trading hours ending at 5.30pm whereas the licence application currently under consideration will extend this nuisance throughout the evening and into the night. Furthermore, the noise from Moss Bros did not commence until some time after the shop opened at 9.30am whereas we expect that the noise generated by a licensed premises will commence much earlier.

Ours is not the only apartment to be directly affected by this proposed development. In particular, our next-door neighbour in apartment (who is currently abroad) not only has a bedroom window opening onto the lightwell, but has an open terrace between the rooflight and the bedroom.

We ask that no premises licence be awarded until a permanent solution is devised that will:

- Ensure full restoration of the protected rooflight;
- Protect residential properties, including ours, from nuisance, and
- Provide a means of ventilating the rear quarters of our property.

We would be happy to further explain our concerns and discuss possible solutions with the members of the licensing committee at any time and would welcome a site visit.

We would be grateful if you would please send all written communication to us via the following email address: {









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CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

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