

**LICENSING SUB-COMMITTEE: 24<sup>th</sup> August 2018**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Grant**

**Application No: 025124**

**Name of Premises: Wally's Spirits from Wales Ward: Cathays**

**1. Application**

1.1 An application for a Premises Licence - Grant, has been received from Wally's Spirits from Wales Limited in respect of Wally's Spirits from Wales, Mall Site 11, St David's Dewi Sant, Cardiff, CF10 2ER.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption off the premises.

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

"Mall kiosk in St. David's 2 Shopping Centre. Located on ground floor at foot of escalator opposite Disney Store. Size 2.5m x 4.2m. Off supplies only. All bottles of alcohol will be displayed behind glass fronted display cabinets and passed to customers upon purchase. Free sampling will be available to selected customers".

(3) The opening hours are proposed as follows:

Monday to Saturday: 09:30 to 20:00

Sunday: 11:00 to 17:00

Non Standard Timings: extended during December for Christmas trading, Student Lock-In in September/October, Spring Treat, Christmas Treat. Licensable activity will take place during St David's 2 opening hours.

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

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

Monday to Saturday: 09:30 to 20:00

Sunday: 11:00 to 17:00

Non Standard Timings: extended during December for Christmas trading, Student Lock-In in September/October, Spring Treat, Christmas Treat. Licensable activity will take place during St David's 2 opening hours.

**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 copy of the representation received from a local business is attached to the report.

**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.

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List here steps you will take to promote all four licensing objectives together.

Steven Joseph Salamon, proprietor of Wally's Delicatessen and Wally's Liquor Cellar, has held a Personal Licence since 13th April 2005 and has extensive experience in the retail supply of alcohol, having been authorised since 1996 by the Licensing Justices of the Cardiff Magistrates Court to sell alcohol by retail at Wally's Delicatessen, 38-46 Royal Arcade, Cardiff and since September 2017 at Wally's Liquor Cellar, 10-14 Castle Arcade, Cardiff.

The licensable activities will be the sale of alcohol by retail for consumption off the premises. There will be no provision of regulated entertainment nor provision of late night refreshment. Employees are not allowed to open bottles of alcohol for customers who have purchased alcohol from the business or from any other stores. A staff training manual will be issued to all staff and held on the premises.

The premises are located within a City Centre Shopping Mall St. David's 2 containing other business premises selling both alcohol and non-alcohol products. The area of the Centre where the business is situated is closed to the public from 8.30 pm to 8.00 am and the whole Centre is closed from 12.30 am to 6.30 am. The Centre is patrolled throughout the day by security staff and a comprehensive CCTV system and radio network is in place.

There are residential apartments situated on the upper floors of St. David's 2 but these are unaffected by the operations of the businesses within the Shopping Centre.

b) The prevention of crime and disorder

The kiosk is situated on the mall concourse within the St. David's 2 Shopping Centre, which is well lit and busy with public and Centre staff. SD2 employs Interserve security staff who are on site 24/7 and on patrol throughout the day and who are connected to the City Centre Radio security system and to SD2 staff. The role of security is to provide a safe and secure environment for customers and retailers and to support with any security related incidents such as theft or similar related.

There is a comprehensive CCTV system in place with 279 cameras covering both front and back of house and with full coverage of the kiosk area and which can provide images to Police as requested. The purpose of the CCTV system is to record incidents, anti-social behaviour and to protect the Centre, its customers and its staff.

The area where the kiosk is situated is closed off at night between the hours of 8.30 pm and 8.00 am.

All alcohol products will be displayed behind glass display cabinets and bottles will only be passed to customers during a controlled staff-customer interaction and upon completion of the purchase. The cabinets will be locked during non-trading hours using secure locks. Signs will be clearly posted that all shoplifters will be prosecuted and that CCTV is in operation.

A policy for verifying customers age will be in operation where any customer will be asked to provide proof of age if it is suspected they are or may be under 25. The EPOS system will prompt staff to consider proof of age for all purchases. No bottles of alcohol will be opened by staff for consumption by customers. Carefully controlled sampling of alcohol can take place during a customer-staff interaction at the discretion of the Designated Premises Supervisor.

Off-sales of alcohol in glass bottles will be sold on Major Event Days in keeping with the Premises Licence of Wally's Delicatessen and Wally's Liquor Cellar. The off-sale of alcohol is the business' only product and it would have to close down on Major Event Days if a plastic vessel only policy were imposed. The alcohol products sold are high-end craft spirits and are costly to purchase and are unlikely to appeal to those interested in using the bottles as an offensive weapon. There will be no sale of chilled alcohol for immediate consumption. Sales will only be during trading hours which do not continue beyond 20.00 hours except on extended Christmas trading days and other sales promotion events days. All other retail businesses within SD2 have to operate the same opening hours.

Sales of alcohol will not be made to anyone exhibiting signs of drunkenness or aggressive behaviour. There is no major experience of open drinking or anti-social behaviour within SD2 and if there was this would be dealt with by SD2 security staff. There will be no aggressive or significant discounting of alcohol. Rules relating to the responsible retailing of alcohol will be given to all staff and kept on the staff manual.



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**c) Public safety**

The kiosk is situated on the concourse of SD2 with easy passage to and from the kiosk from all sides. SD2 operates and maintains a fire safety plan and tests fire alarm systems weekly within all retail units and all fire evacuation and prevention systems and maintains fire escape routes. Procedures are issued to all Centre staff who will be trained in the evacuation process and provided with a fire walk through. The glass in the display cabinets will be 10mm toughened and laminated glass.

**d) The prevention of public nuisance**

The business is situated on the ground floor of a commercial shopping centre. Staff will liaise with SD2 security staff and nearby businesses to ensure any problems are dealt with as they arise. There are residential apartments situated on the upper floors of St. David's 2 but these are unaffected by the operations of the businesses within the Shopping Centre.

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

No alcohol sales will be made to customers whom staff suspect of being less than 25 without asking for appropriate ID. A list of appropriate ID will be maintained. A till prompt message will be used to remind staff to ask for suitable ID. Signs will be displayed stating that it is illegal to sell alcohol to anyone under the age of 18. No member of staff under the age of 18 will be employed. Rules relating to the responsible retailing of alcohol will be given to all staff and kept in the staff manual.

SD2 have a lost child procedure in place

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

## Barker, Kirstie

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**From:**  
**Sent:** 26 July 2018 11:55  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Objection to Premises License "Wally's Spirits from Wales Limited"  
**Importance:** High

To Whom it may concern,

I wish to make an objection to the license application for Wally's Spirits from Wales Limited at Mall site 11, St David's Dewi Sant, Cardiff CF10 2ER.

This proposed stall/shop set up is directly outside a children's toy shop which is wholly inappropriate for a number of obvious reasons – In previous years similar stands have been set up and also have brought a significant risk and issue surrounding the sale and giving away of free alcohol samples to customers, this has meant that open alcoholic beverages have been left within the children's toy store which obviously poses a significant risk to minors/children shopping.

This type of business and sale of alcohol would be better suited within a different part of the shopping centre that does not sit directly outside any of the centre's child focused stores.

Thank you for taking the time to consider my representation/objection to this matter.

Kind Regards

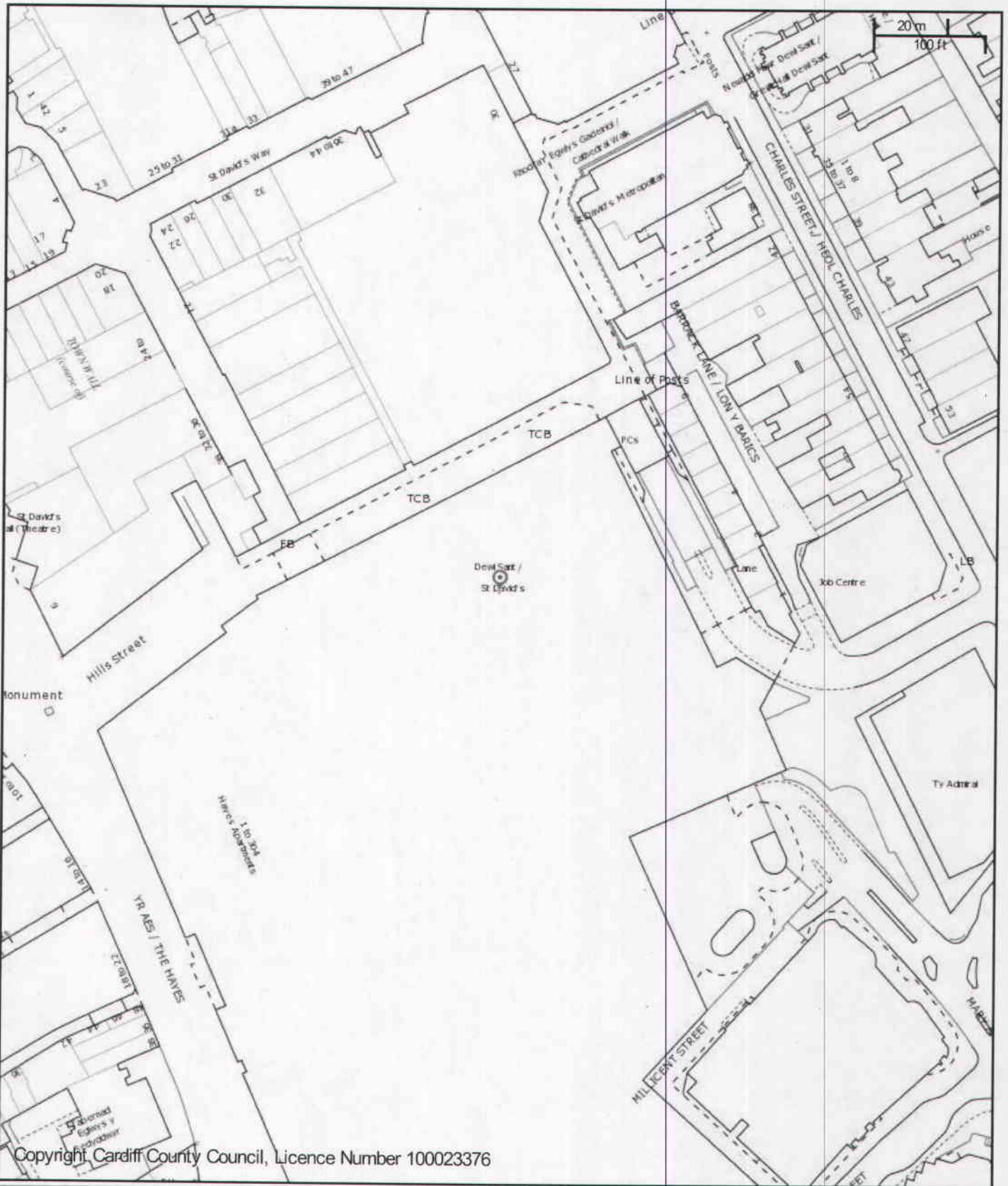
### Store Manager

Hamleys Cardiff  
St. Davids Centre  
46-48 Lower Grand Arcade  
Cardiff  
CF10 2ER  
Mobile: 07791 123456  
Direct Line: 0117 234567



The Finest Toy Shop in the World


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