

**LICENSING SUB-COMMITTEE: 7<sup>th</sup> December 2018**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Variation**

**Licence No: CCCP01938**

**Name of Premises: Coffee Barker, 1-13 Castle Arcade, Cardiff, CF10 1BU**

**Ward: Cathays**

**1. Application**

1.1 An application for variation of a Premises Licence has been received from Vintage Tea & Coffee Co Ltd in respect of Coffee Barker, 1-13 Castle Arcade, Cardiff, CF10 1BU.

1.2 The premises licence currently permits the following:

The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 10:00 to 23:00

1.3 The applicant has applied to vary the licence as follows:

To amend the hours permitted for licensable activity as follows:

The sale by retail of alcohol for consumption on and off the premises:

Monday to Saturday: 10:00 to 01:00

Sunday: 10:00 to 23:00

New Years Eve: 10:00 to 01:00 hours

The provision of regulated entertainment in the form of live music (indoors):

Friday and Saturday: 23:00 to 00:30

New Years Eve: 23:00 to 01:00

The provision of regulated entertainment in the form of recorded music (indoors):

Monday to Sunday: 23:00 to 01:00

New Years Eve: 23:00 to 01:00

The provision of late night refreshment (indoors and outdoors):

Monday to Saturday: 23:00 to 01:00

New Years Eve: 23:00 to 01:00 hours

**2. Promotion of Licensing Objectives.**

- 2.1 A copy of the operating schedule submitted with the application is attached. Also attached is a copy of the current premises licence conditions.

**3. Relevant Representations**

- 3.1 An objection has been received from South Wales Police. The objection has been submitted as the Cumulative Impact Policy applies in respect of the application. The Police have requested conditions are added to the licence should the Licensing Sub-Committee decide to grant the application. The conditions suggested have been agreed by the applicant. A copy of the objection is attached.
- 3.2 An objection has been received from a Licensing Enforcement Officer as the Cumulative Impact Policy applies in respect of the application. A copy of the objection is attached.
- 3.3 A representation has been received from the Noise Pollution team. An objection has not been submitted as the applicant has agreed to attach a condition to the licence, as suggested by the Noise Pollution team. A copy of the representation and the agreement 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**

**20 November 2018**

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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)

- NO ANTI SOCIAL BEHAVIOUR
- CHALLENGE 25 POLICY
- ZERO TOLERANCE
- FREE PORTABLE WATER PROVIDED AT ALL TIMES

b) The prevention of crime and disorder

- F.I.A. REGISTERED DOOR STAFF FRIDAY AND SATURDAY FROM 9PM - CLOSE.
- SEARCH POLICIES
- ZERO DRUG TOLERANCE POLICY

c) Public safety

- 31 DAY RECORDING CCTV
- ACCIDENT BOOK
- PLASTIC VESSELS ON DAY DESIGNATED BY THE POLICE AS MAJOR EVENT DAYS

d) The prevention of public nuisance

- APPROPRIATE SIGNAGE
- CONSIDERATION OF NOISE TO NEIGHBOURS

e) The protection of children from harm

- STRICT CHALLENGE 26 POLICY
- STAFF TRAINING.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in  
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where  
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be  
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING  
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,  
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**



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

15<sup>th</sup> November 2018

Coffee Barker.  
1-13 Castle Arcade.  
Cardiff.  
CF10 1BU.

**APPLICATION TO VARY A PREMISES LICENCE.LICENSING ACT 2003.  
COFFEE BARKER, 1-13 CASTLE ARCADE. CARDIFF CF10 2DB.**

To whom it may concern,

I have caused enquiries to be made into this application. The premises is an existing business and is located at High Street in Cardiff. This is an area of the city centre which has, over the last eighteen months, seen a considerable growth in the number of licensed premises located within a short distance. The premises sits within the area defined by Cardiff City Council as being that covered by their Cumulative Impact Policy. As such, South Wales Police object to the granting of the variation to the existing premises licence which seeks to extend the existing hours.

However, should the Licensing sub-committee be so disposed to grant the variation requested, then the Police make the following representations which are made to promote and uphold the licencing objectives, namely;

The Prevention of Crime and Disorder.

Public Safety.

**CONDITIONS OFFERED BY THE APPLICANT.**

General.

No anti-social behaviour

Challenge 25 Policy { **Already on Existing Licence CCCP/01938, Condition 7 Annex 2 refers**}

Zero Tolerance

Free portable water provided at all times. { **Condition 2 of Mandatory Conditions**}

The Prevention of Crime and Disorder.

F.I.A registered door staff Friday and Saturday from 9pm to Close. { **Formalised in Condition 1, Police representations**}

Search Policies.

Zero Drug Tolerance Policy.

Public Safety.

31 Day Recording CCTV. { **Already on Existing Licence CCCP/01938, Condition 1 Annex 2 refers**}

Accident book.

Plastic Vessels on Day Designated by the Police as Major Event Days. { **Already on Existing Licence CCCP/01938, Condition 3 Annex 2 refers**}

The Prevention of Public Nuisance

Appropriate Signage

Consideration of Noise to Neighbours.

#### POLICE REPRESENTATIONS.

In addition to the above conditions offered by the applicant, the Police make the following representations, made to support the following licensing objectives;

Prevention of Crime and Disorder;

1.SIA registered door supervisors will be employed at the premises on Fridays, Saturdays and those Sundays immediately prior to Bank Holidays, from 21:00hrs until the premises closes. They will be a minimum of two door supervisors at the premises at any one time on these days.

2.On those days designated by South Wales Police as major event days in the City Centre and Bay areas of Cardiff, SIA registered door supervisors will be employed {with a minimum of two door supervisors at any one time} at the premises from either 4pm that day or no less than two hours before the commencement of the event, whichever is earlier, until closure of the premises.

3. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual

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images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

4.A register of door supervisors shall be kept at the premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee or representative of a Responsible Authority on request;

The premises is situated on High Street occupying the ground floor of a premises situated within the Castle Arcade and High Street. Without accredited doorstaff, reliance is placed upon Bar staff and management to interact with persons and require them to leave if necessary. The Police submit that suitably accredited personnel should be employed on those days of the week when this is most likely to be required and on those days when the area is at its busiest. In addition the Police request that these door staff are suitably equipped with Body Worn Video devices to allow best evidence to be captured should such incidents arise.

5. When door supervisors are employed at the premises, the premises will utilise an electronic counting device (or provide two clicker-type counting machines) for monitoring the number of patrons entering and leaving the premises.

The use of such devices promotes public safety and contributes towards the prevention of crime and disorder in ensuring patrons have room to move freely around the venue without customers colliding with each other.

6. Open containers of alcohol shall not be removed from the premises save for consumption in any delineated external area.

Ensures that the premises maintains control of alcohol sold by them.

7. The premises will operate a South Wales Police approved radio system.

This is requested to promote and uphold the Prevention of Crime and Disorder.

8. The premises will be a member of the Licensee Forum for Cardiff City Centre.

This condition promotes and upholds the Prevention of Crime and Disorder in that it ensures that the premises receives information pertinent to the managing of the premises in relation to Major event days within the city centre.

Yours faithfully,

G. Evans.

A/ Chief Inspector.

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**Barker, Kirstie**

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**From:** Brown, Andrew (SRS TUPE)  
**Sent:** 15 November 2018 10:52  
**To:** Barker, Kirstie  
**Subject:** Premises Licence Representation

Hi Kirstie,

**Application to vary the Premises Licence – Coffee Barker, 1-13 Castle Arcade, Cardiff**

Concerning the above application for variation of premises license, I wish to advise that the Licensing Authority of Cardiff Council will be objecting to the application.

A Cumulative impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance.

The policy creates a presumption that new applications or variations for Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Zone and therefore an objection is submitted in respect to the following Licensing Objectives.

- The prevention of crime and disorder.
- The prevention of public nuisance.

There has been some detail in the application on how the promotion of the licensing objectives will be undertaken, however the premises falls under the category restaurant in the Statement of licensing Policy. For which additional steps within Table 2 of the Policy highlight measures that can be adopted by the applicant in order to achieve the policies objectives. It can be seen that the application details some of the additional steps within the operating schedule, however not all additional measures have yet been adopted and as such the application falls under the red category and the CIP still applies, Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Cumulative Impact Policy.

You will need to demonstrate to the Licensing Sub-Committee that there will be no negative cumulative impact on one or more of the licensing objectives if the Premises Licence were to be granted.

Regards,

*Andrew Brown*



**Andrew Brown | Licensing Enforcement Officer**  
Licensing Section / Adran Drwyddedu  
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir  
Bridgend, Cardiff and the Vale of Glamorgan  
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg  
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[Follow us on Twitter / Dilynwch ni ar Twitter](#)

## Barker, Kirstie

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**From:** Mapp, Gwyn <gmapp@valeofglamorgan.gov.uk>  
**Sent:** 15 November 2018 11:05  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:** [REDACTED]  
**Subject:** FW: CCCP 01938 - Variation to Premises Licence - Coffee Barker

Dear Sir/Madam,

As discussed with Kirstie Barker of your team this morning I would like to confirm my opinion on the application to vary the licence for Coffee Barker.

This department has had several noise complaints from the occupants of Flat 3, Castle Chambers about loud music from Coffee Barker. Flat 3 is located directly above the premises. After considerable involvement with all parties the occupants of Flat 3 were moved out and the Flat has been rented by the proprietors of Coffee Barker. I have concerns that there may be a recurrence of noise complaints should the current rental agreement over Flat 3 not continue.

In order to overcome these concerns I have suggested to the applicant that a condition be added to the licence that requires a noise limiter be fitted to Coffee Barker, the levels of which will be set so as not to cause a problem in Flat 3. The proposed wording for this condition is:

"All regulated entertainment in the form of recorded and live music must be played through a noise limiting device. The limiter must be set to a level agreed by the local authority's pollution control department who will ensure that the music will not cause a public nuisance".

I have been in contact with Mrs Barker, the applicant and we have agreed that this proposed wording is acceptable (please see the email chain below).

With this in mind, I would like to offer a no comment to this licence on the understanding that the proposed wording for the condition mentioned above is incorporated into the premises licence.

I hope this is acceptable.

Many thanks,

Gwyn Mapp  
Neighbourhood Services Officer

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**From:** [REDACTED]  
**Sent:** 14 November 2018 15:59  
**To:** Mapp, Gwyn; [REDACTED]  
**Subject:** Re: CCCP 01938 - Variation to Premises Licence - Coffee Barker

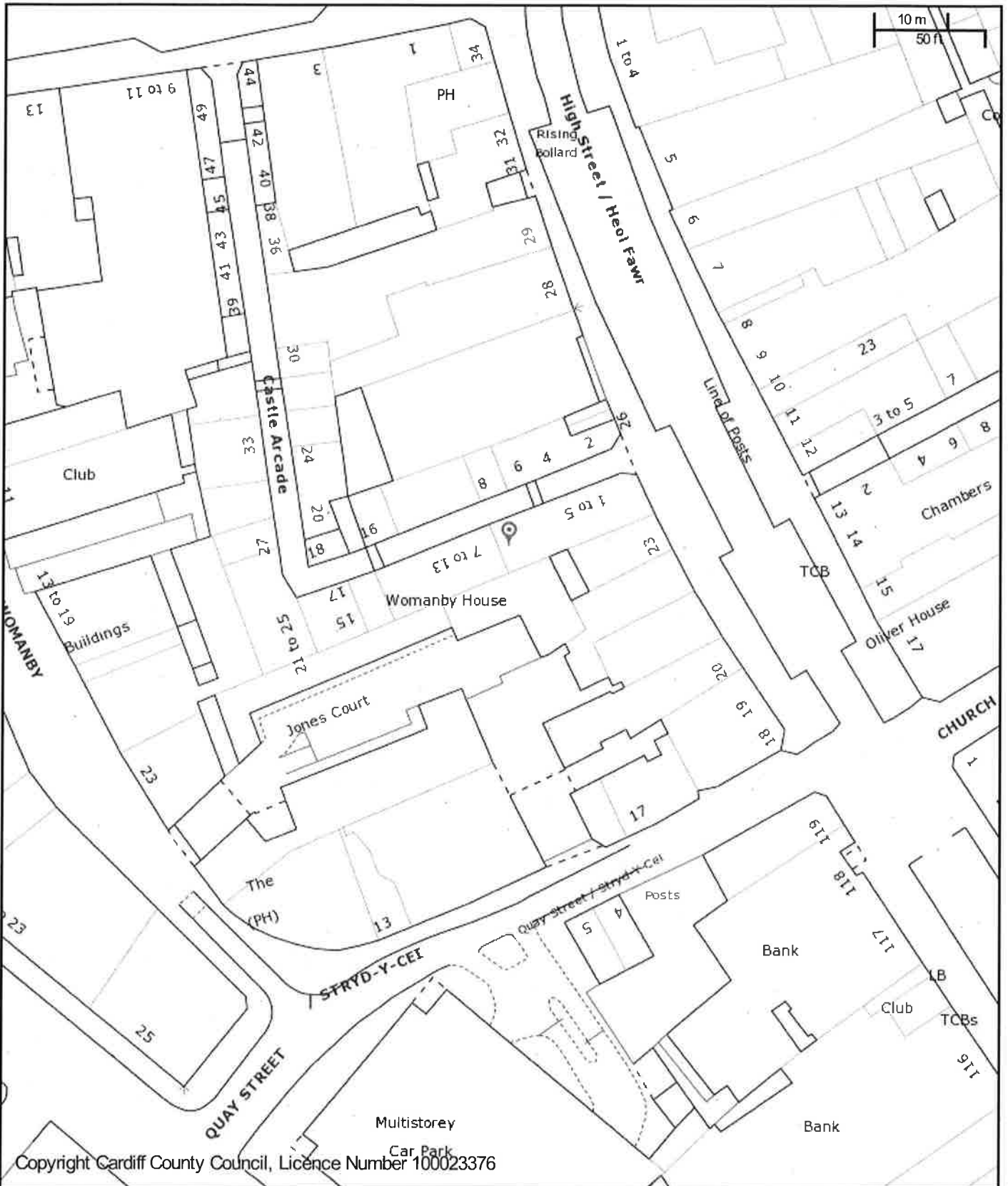
Hi Gwyn,

Thank you for discussing the best options with regards the music.

We agree that a noise limitation device is the best option to keep all parties happy and avoid any complaints.

Happy to meet at your convenience to sort this out. Let me know when is good for you or your team.

Kind Regards



CHIEF EXECUTIVE  
Paul Orders

Neuadd y Sir, Glanfa'r Iwerydd  
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County Hall, Atlantic Wharf  
CARDIFF CF10 4UW  
Tel: 029 20872087

**Cyngor Caerdydd**

**Cardiff Council**




**Title**

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