

LICENSING SUB-COMMITTEE: 8th February 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 031352

Name of Premises: Peppermint Bar & Kitchen, 63 St Mary Street, Cardiff, CF10 1FE

Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Peppermint Ops Limited in respect of Peppermint Bar & Kitchen, 63 St Mary Street, Cardiff, CF10 1FE.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

- (i) The sale by retail for consumption on and off the premises.
- (ii) The provision of regulated entertainment in the form of live music, recorded music, performance of dance and entertainment of a similar description (all indoors only).
- (iii) The provision of late night refreshment (indoors).

(2) The following permitted opening hours:

Monday to Sunday: 10:00 to 03:00

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

(i) The sale by retail for consumption on and off the premises:
Monday to Sunday: 10:00 to 02:30

(ii) The provision of regulated entertainment in the form of live music, recorded music, performance of dance and entertainment of a similar description (all indoors only):
Monday to Sunday: 10:00 to 02:30

(iii) The provision of late night refreshment (indoors):
Monday to Sunday: 23:00 to 02:00

2. Promotion of Licensing Objectives.

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

3. Relevant Representations

- 3.1 A representation has been received from South Wales Police, a copy of which is attached.
- 3.2 A representation has been received from Licensing Enforcement, a copy of which 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

23 January 2019

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

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

- 1 Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.
- 2 Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.
- 3 Substantial food and substantial beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 4 Save for in the designated bar area, the premises shall be laid out to tables and chairs.
- 5 The Designated Premises Supervisor shall be a participating member of Cardiff Licensing Forum.
- 6 The Designated premises Supervisor or a Personal Licence Holder shall be present at the premises when it is open for business on major event days, Friday, Saturday and Sunday and after 18:00 hours on all other days.
- 7 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open to the public.
- 8 Premises to keep up to date record available for inspection of staff training in respect of age related sales.
9. a) One 70cl bottle of spirits (being alcohol with an ABV content of 15.5% or more) or the equivalent, is permitted to be pre-booked and pre-paid electronically per multiple of 4 customers.
b) One 75cl bottle of wine, sparkling wine or champagne is permitted to be pre-booked and pre-paid electronically per multiple of 2 customers.
c) Should the party size permit the ordering of more than one bottle, or the equivalent, of either spirits or wine, the bottle(s) may be delivered to the booth at the ratio set out above.
d) All bottles of spirit supplied to patrons will be fitted with a measured pourer of type approved by South Wales Police.

b) The prevention of crime and disorder

1. Door staff must be SIA registered as required by the Licensing Act 2003. The door staff shall be provided on a ratio of 1 to 100, employed after 21:00 when the premises are open to the public after 00:00.
2. SIA door staff will be provided for a minimum of 3 hours (or from opening if this is a shorter period) before the start of the event which led to the day being declared a Major Event Day, until close.
3. The premises will operate a drug safe scheme.
4. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets), including all entrances and exits, extending to the middle of the highway and any external area associated with the premises. The images will be kept for a period of 31 days and the images will be produced to a Police employee in a readily playable format immediately upon request when the premises are open to the public and

at all other times as soon as reasonably practicable. The CCTV will be operating in accordance with the relevant Data Protection Legislation. There will be sufficient trained staff to facilitate the above.

5. A minimum of 1 body worn video device will be in operation in the outside area when SIA registered door staff are on duty, this will be in audio and video format. The images will be kept for a period of 31 days and the images will be produced to a Police employee in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. The CCTV will be operating in accordance with the relevant Data Protection Legislation. There will be sufficient trained staff to facilitate this.
6. A duty register will be maintained of all persons engaged as door and security staff, to include name and SIA number of person, time and date duty commenced/finished, with a signed acknowledgment by that person, and the company employed by or through whom the services of that person are engaged. The register shall be kept so that it can be readily inspected by a Police employee or authorised officer of the Council.
7. The premises shall operate a South Wales Police approved radio system at all times.
8. An incident log shall be maintained on site. It kept at the premises and made available on request to an authorised officer of the City Council or police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported at 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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
9. No sales of alcohol will be made for consumption off the premises in Major Event Days (MED).
10. Sales of alcohol for consumption off the premises on non-MED in sealed containers only.

c) Public safety

1. On days considered to be major events days in Cardiff, such as sporting events or music concerts at the Millennium Stadium, all drinks will be dispensed in plastic vessels.
2. Containers that are used to store waste which contents could be used as a weapon (such as bottles) should be locked at all times when accessible by members of the public. This excludes times immediately before collection by a waste disposal company.
3. The external area will be lit adequately during the hours of operation.
4. The area outside of the premises will be swept at the end of every service period to ensure any broken glass or other potentially harmful material is cleared from any public thoroughfare.
5. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.

d) The prevention of public nuisance

1. No sales, except for those made by waiter/waitress service directly to the customers will be allowed in the external area after 23:00.
2. External speakers will cease to operate after 23:00 hours.
3. All doors and windows will be kept closed after 22:00 hours except for entrances and exits.
4. Prominent notices to be placed on all exit points asking patrons to respect the neighbouring properties and to leave quietly.
5. The concertinas doors are to be shut by 23:00.
6. All windows are closed and secured by 23:00 hours.
7. Noise limiters installed by sound engineers will be attached to all acoustic devices.
8. Exterior lighting shall be directed away from residential properties.
9. No glasses or drinking vessels shall be left in public areas at the end of each service session and regular glass/container collection shall occur during all service periods to ensure no redundant drinking vessels are left out.

10. Staff will perform checks around the external garden every hour to monitor customer behaviour and noise levels. Any additional staff members will be deployed in this space on a risk assessed basis.
11. The premises licence holder shall ensure that there are measures in place to monitor the external area to ensure that a safe occupancy figure is not exceeded.
12. The premises will adopt the smoking policy to ensure that who wishes to smoke do so lawfully and appropriately. The management of the premises shall provide an appropriate and demarked area to the front of the premises for the use of patrons wishing to smoke. Notices in the rear garden will be displayed to that effect.
13. The management of the premises will draft and deliver an external area management policy to ensure that all of the above is delivered.

e) The protection of children from harm

1. No performance of striptease, lap dancing, entertainment of a sexual nature or other similar entertainment will be permitted on the premises.
2. No person under the age of 16 will be allowed entry unless accompanied by a responsible adult and will not be allowed to remain on the premises after 22:00 hours.
3. Persons under the age of 18 will not be allowed to remain on the premises after 23:00.
4. No adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children is permitted.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Online application**
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE

Barker, Kirstie

From: John.Crowther@south-wales.pnn.police.uk
Sent: 15 January 2019 15:25
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Peppermint - Application for a grant of a premises licence
Attachments: Letter from CI signed.pdf; Letter from CI.doc

***** 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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Good afternoon,

With regard to the above application, please note SWP representations – should the applicant agree to the amendments, we will automatically withdraw our request for a hearing.
Word copy attached for your convenience.

Thanks

Kind regards

John


John Crowther 


Cwnstabl 946 / Police Constable 946
Adran Drwyddedu / Licensing Department

Heddlu De Cymru / South Wales Police
URS y Dwyrain / Eastern BCU
Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station
Stryd James / James Street
Bae Caerdydd / Cardiff Bay
CF10 5EW

: 02920 527402 | Ext: 34950 | Mobile: 07805301222

 /SWPolice  @SWPolice  @SWPolice  /SWPTV

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, ffonwch 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.

Your views are important to us, please follow the link to complete a short survey to help us understand the communities of South Wales.



Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff,
CF10 5EW
15 January 2019

Matthew Phipps
TLT Solicitors,
One Redcliff Street,
Bristol,
BS1 6TP

Application for the Grant of a Premises Licence – Peppermint Bar and Kitchen,
63 St Mary Street, Cardiff, CF101FE

Dear Sir,

I have caused enquiries to be made into this application and make the following representation;

South Wales Police (SWP) wish to object to the grant of this application under the Licensing Objectives;
Prevention of Crime and Disorder and Prevention of Public Nuisance.

Should the committee be of a mind to grant this application, we ask that conditions are attached to the premises licence as listed below;

POLICE REPRESENTATION

Prevention of crime and disorder.

The applicant has offered a condition as follows:

7. The premise shall operate a South Wales Police approved radio system at all times.

SWP wish to change this, to read: **"At all times when open to the public, the premise shall operate a radio system which is monitored by the local authority & South Wales Police."**

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

The prevention of public nuisance.

The applicant has offered conditions as follows:

1. No sales, except for those made by waiter/waitress service directly to the customers will be allowed in the external area after 23:00.

SWP wish to change this, to read: **"No sales, except for those made by waiter/waitress service directly to the customers will be allowed in the external area"**

2. External speakers will cease to operate after 23:00 hours.

SWP wish to change this, to read: **"External speakers will cease to operate at 23:00hrs."**

3. All doors and windows will be kept closed after 23:00 hours except for entrances and exits.

SWP wish to change this, to read: **"All doors and windows will be kept closed from 23:00 hours except for entrances and exits, to allow entry and egress."**

12. The premises will adopt the smoking policy to ensure that who wishes to smoke do so lawfully and appropriately. The management of the premises shall provide an appropriate and demarked area to the front of the premises for the use of patrons wishing to smoke. Notices in the rear garden will be displayed to that effect.

SWP wish to change this, to read: **"The premises will adopt a smoking policy to ensure that patrons who wish to smoke, do so lawfully and appropriately. The management of the premises shall provide an appropriate and demarked area to the front of the premises for the use of patrons wishing to smoke."**

SWP also wish to add a suggested new condition;

1. **There shall be no bar situated in the outside area from which patrons can directly purchase beverages.**

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

Should the applicant agree to accept the above conditions, South Wales Police will automatically withdraw their request for a hearing.

If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 101(South Wales) ext. 34-950.

Yours sincerely,
R Miles
Acting Chief Inspector

Barker, Kirstie

From: Morgan, Rhys
Sent: 15 January 2019 17:44
To: Barker, Kirstie
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Peppermint Bar & Kitchen, 63 St Mary Street, Cardiff

Hi Kirstie

In regard to the above application to grant 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 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 and within the operating schedule for how the promotion of the licensing objectives will be undertaken within cumulative impact policy along with the prevention of crime and disorder and Public Nuisance. However the premise currently still falls within the red classification under the statement of licensing policy and 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.

Kind regards

Rhys Morgan

Licensing Section / Adran Drwyddedu

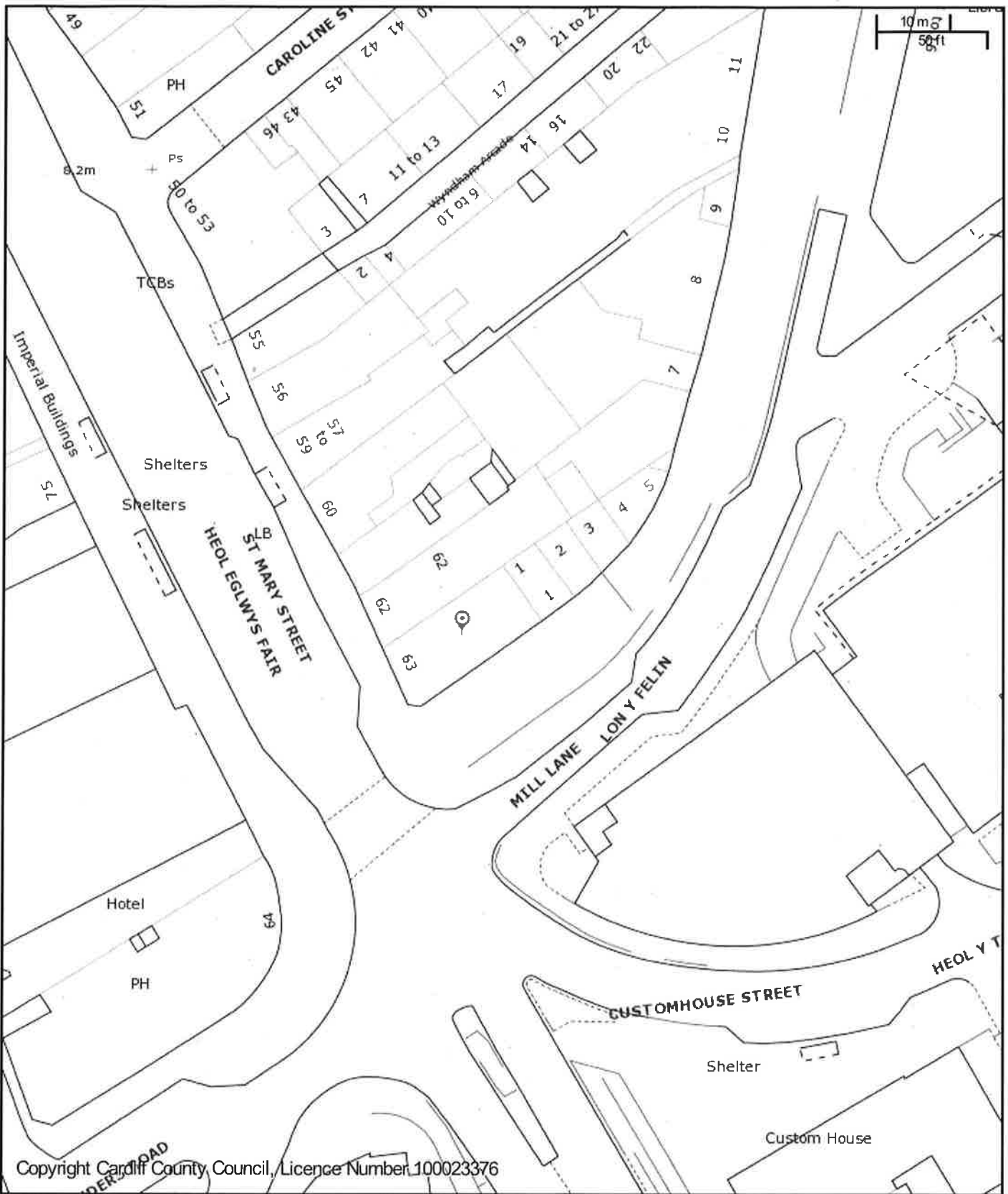
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Telephone | Ffôn 02920 871123



Shared Regulatory Services
Gwasanaethau Rheoliadol a Rennir

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.



CHIEF EXECUTIVE
Paul Orders

Neuadd y Sir, Glanfa'r Iwerydd
CAERDYDD CF10 4UW
Tel: 029 20872088

County Hall, Atlantic Wharf
CARDIFF CF10 4UW
Tel: 029 20872087

Cyngor Caerdydd

Cardiff Council




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