

LICENSING SUB COMMITTEE

28 JUNE 2019

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen

69 : DECLARATIONS OF INTEREST

No declarations of interest were received.

70 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - IVY
COLLECTION, THE HAYES

Present:

Responsible Authority: Tony Bowley – South Wales Police
Jon Marchant – South Wales Police

Applicants: Lisa Inzani – Poppleston Allen
Anabelle Newman – Operations Manager, Ivy
Collection
Michael Clark – Designated Premises
Supervisor

Other Persons: Dougal Robinson – Chairman, David Morgan
Apartments Residents Association
Paul Hubbard - Resident

The Application

An application for the Grant of a Premises Licence had been received from Troia (UK) Restaurants Limited in respect of Ivy Collection, 18 The Hayes, The Morgan Quarter, Cardiff CF10 1AH.

The applicant had applied for the following:

In respect of licensable activities:

The sale by retail of alcohol for consumption on and off the premises.
The provision of regulated entertainment in the form of recorded music (indoors)
The provision of late night refreshment (indoors & outdoors)

Description of Premises

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

Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timing:

Monday to Sunday 08:00 to 00:30 hours

Non Standard Timings:

New Year's Eve: Until the start of permitted hours on New Year's Day

To provide licensable activities during the following hours:

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

Monday to Sunday: 10:00 to 00:00 hours

Non-Standard Timings

New Year's Eve: Until the start of permitted hours on New Year's Day

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

Monday to Sunday 08:00 to 00:30 hours

Non-Standard Timings:

New Years Eve: Until the start of permitted hours on New Year's Day

The provision of late night refreshment (indoors & outdoors)

Monday to Sunday: 23:00 to 00:30 hours

Non-Standard Timings:

New Year's Eve: Until the start of permitted hours on New Year's Day.

Responsible Authority Representations

Tony Bowley addressed the Sub-Committee and outlined the case for South Wales Police.

The Sub-Committee had been provided with the Applicants Planning Application for information purposes but were advised that Planning was a separate matter and applicant would have to comply with its respective planning conditions.

Jon Marchant, South Wales Police addressed the Sub-Committee and made reference to crime and disorder in the immediate vicinity of the premises.

Jon Marchant asked the Sub-Committee to view CCTV footage of late night activity in Cardiff City centre, but the Sub-Committee were of the view that there was enough information in front of them to address matters on crime and disorder.

The Sub-Committee was advised that Conditions 3-7 had been agreed.

Jon Marchant explained to the Sub-Committee that alcohol was ancillary to a table meal. There were two bars on the premises, one located on the ground floor and a second located on the upper level. Bar stools were provided for seating at the bar, which allowed only drinking without a substantial meal. There was no offer for SIA Door Supervisors, which was essential to address crime and disorder especially on Major Event Days.

The Police were concerned that without Door Staff, intoxicated persons could enter the premises, as there was no staff to refuse entry. Cardiff already experienced high level of crime and disorder in this vicinity and an additional drinking establishment would cause further problems.

Interested Others Representations

Dougal Robinson and Paul Hubbard addressed the Sub-Committee and drew attention to the following:

The David Morgan Apartments were located above the premises with a security gate accessed by residents to enter the apartments. This security gate could also be accessed by members of staff at the premises and also Barry Lane which led to the gates.

Residents were concerned that staff could also have access to the apartments if they used the same electronic opening device to the gates. There were also issues of noise nuisance and the noise which occurred when waste was removed and the disposal of bottles.

Residents asked that no deliveries take place before 8AM.

The dynamics of the building was discussed and the following was addressed:

- Residents windows opening onto the Hays would experience additional noise with people congregating outside the premises,
- Bedrooms at the back of the building would experience noise nuisance when waste was disposed.
- Entertainment at the premises, especially outside music would cause noise nuisance. An acoustic survey had been carried out by the applicant looking at the frequency issues of noise levels and would there be further installation to alleviate further noise.

The residents were informed it was agreed that there be no outside music.

The Residents were concerned that persons entering Barry Lane may be tempted to ring residents bells if intoxicated.

The Applicant explained that all outside activity would cease at 22:00 hours.

Applicant's Representations

Lisa Inzani presented the application. A menu of the Ivy Collection had been presented to the Sub-Committee, this contained inspiration images and example menus.

The applicant had met with residents during the pre-consultation stage and the Police to alleviate concerns that were raised. The Applicant had also agreed to a number of conditions requested by the Police, which circulated to the Sub-Committee.

Conditions Agreed

Conditions Offered with Application

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.

Conditions Agreed with Cardiff Police Licensing

1. No bar for the purpose of dispensing alcohol will be set up in the outside area.
2. On major event days in the Cardiff City Centre no glass vessels will be allowed in the outside area.
3. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas to which the public have access (excluding toilets) and all outside areas and exits and entrances used by customers. Images shall be kept for a minimum of 31 days.
4. The images shall be produced to an authorised Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.
5. No recorded music shall be played in the outside area after 23:00 hours each day.
6. There will be no entertainment of a sexual nature such as striptease or lap dancing.

The dynamics of the premises was discussed and the space provided for tables and chairs. The premises would be operating from 10:00 hours to 00:30 hours each day and would provide recorded music. The plans were referred to and the positioning of the fixed bar stools. The premises could also trade without persons purchasing a table meal, which allowed for some flexibility.

The applicant drew attention to plans in place to deal with sound issues. It was recognised that the premises could not trade if it was causing a nuisance to residents. The light from the premises would not cause a nuisance to residents and no fumes or steam was to be permitted to the residents areas.

The General Manager would monitor access to the communal gate, and this could be addressed with the landlord of the building if it needed to change. If access to the gate was required to change the premises would meet the costs.

The Sub-Committee was advised of operations of the premises which was a high end establishment. The menus were referred to noting the price of food and drink. The premises was not being run as a drinking venue but that of a high end restaurant with quality ambience.

The Applicant agreed that no waste deliveries would operate before 8:00am hours.

Questions from the Sub-Committee

The Sub-Committee asked questions in relation to the smoking policy. There was a clear policy in place that staff would not smoke on the premises. Customer would be directed away from the entrance of the premises and to a suitable location further down the street.

The premises had a team of managers who monitored the entrance and exit of customers. All staff were trained accordingly through the Ivy Collection training Academy, which was an on-going programme.

The Sub-Committee was advised that managers would have a communication programme in place which would also deal with anti-social behaviour.

Questions from the Police

The Police were under the impression that the premises would be used predominantly as a bar and it was essential that SIA Door Supervisors be used to monitor anti-social behaviour.

The Applicant explained how the bar area was used as a waiting area and if tables were not available food could be purchased in that space. The premises was a restaurant and that on some occasions drinks could be purchased when buying a meal or snack.

The staff were all trained accordingly especially when events were taken place in the city centre. The Group had 32 venues across the country which never experienced physical issues from clientele.

Police Summation

There was a concern of the number of persons drinking at the premises without consuming food. This was predominantly operating as a bar which would lead to noise nuisance and anti-social behaviour.

If the Sub-Committee was minded to grant the application SIA Door Supervisors must be employed at the premises to deal with potential issues especially on major event days.

Interested Parties Summation

Residents were concerned the premises were operating as a bar and not as a restaurant. Noise was a concern and the transfer of noise into residents homes. There was also an issue of light pollution with possible flashing lights. The removal of waste also had to be addressed, along with the opening hours for New Years Eve.

Applicant's Summation

The Applicant assured the residents there would be no issues with bright lights. Sound would be monitored and there was a zero tolerance with noise nuisance.

The applicant had asked for the additional 30 minutes to 00:30 hours to allow for drinking up time.

Door Staff were not required, as the management of the entrance / exit were dealt with by a specialist team and there was no evidence of issues at the 32 other locations. Customer Service were valued extremely highly as this was a high end establishment that operated predominantly as a restaurant serving high quality food and drink.

RESOLVED: That the Sub Committee, having considered all the information; and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy, the Sub Committee AGREED the application. But to address concerns that the Sub-Committee had regarding major event days and the sale of alcohol the Sub-Committee felt it was appropriate to add the following conditions:

1. A South Wales Police approved radio system will be in use at the premises at all times licensable activities are taking place.
2. On days designated as 'major event days' by South Wales Police, two SIA door staff will be employed at the premises during the opening hours.

71 : URGENT ITEMS (IF ANY)

None

The meeting terminated at Time Not Specified