

LICENSING SUB COMMITTEE

11 OCTOBER 2019

Present: Councillor Mackie(Chairperson)
Councillors Derbyshire and Lancaster

14 : DECLARATIONS OF INTEREST

None received.

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

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

Applicants: Troia (UK) Restaurants Ltd represented by Stephen
Walsh

Responsible Authorities: Tony Bowley, South Wales Police
John Marchant, South Wales Police
Rhys Morgan, Shared Regulatory Services

An application for the Grant of a Premises Licence had been received from Troia (UK) Restaurants Limited in respect of Ivy Collection, Unit LG69/70, St David's, 43 The Hayes, Cardiff, CF10 1GA.

The applicant has applied for the following:

(1) In respect of licensable activities:

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

Monday to Sunday: 08:00 to 01:30 hours

Non-Standard Timings: New Year's Eve: Until the start of permitted hours on New Year's Day

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

(i) The sale by retail of alcohol for consumption on and off the premises: Monday to Sunday: 09:00 to 01:00 hours

Non-Standard Timings: New Year's Eve: Until the start of permitted hours on New Year's Day

(ii) The provision of regulated entertainment in the form of recorded music (indoors):
Monday to Sunday: 08:00 to 01:00 hours

Non-Standard Timings: New Year's Eve: Until the start of permitted hours on New Year's Day

(iii) The provision of late night refreshment (indoors & outdoors)

Monday to Sunday: 23:00 to 01:00 hours

Non-Standard Timings: New Year's Eve: Until the start of permitted hours on New Year's Day

Responsible Authority Representations

Mr Tony Bowley addressed the Sub Committee. He advised that this was the second application, a licence had already been granted for the old Moss Bros property at 18 The Hayes, with conditions. He stated that the applicant had decided not to operate there when this premises became available. He explained that the Police were objecting based on the prevention of crime and disorder, public nuisance and the protection of children from harm. The application was in the saturation zone, the Council has its own policy on this backed up by Police statistics on alcohol related crime, which gets worse later in the night time.

The Sub Committee had received the official objection from the Police which also outlined 5 conditions. Mr Bowley noted that the application was within the core hours of the policy but was concerned about the large bar on the first floor, hence why the Police would like to see alcohol sold only as ancillary to a substantial meal, also they did not want an outside bar. Mr Bowley noted the door staff ratio as 1:100. The previous licence was read out for the benefit of the sub-committee. Mr Bowley considered this to be a new application which seeks an hour extra in the morning and an hour extra in the terminal hour, compared to the previous licence granted. He explained that if the Sub Committee were minded to grant the application then the Police would expect the previous licence for Unit LG69/70, St David's, 43 The Hayes, and also the recently agreed licence for 18 The Hayes to be surrendered.

Mr Rhys Morgan addressed the Sub Committee. He stated that this was a second application and it falls within the Cumulative Impact Zone. He explained that the main objection of the Authority was the sale of alcohol not being ancillary to a substantial meal. The Authority had made some concessions with regard to the hashed areas on the plan on the ground floor where alcohol was not ancillary to a meal, however the plan had now been delineated as an entire area of the first floor making it, essentially, a bar, which would put it into the Red Category of the Policy. He considered it goes against the nature, spirit and good faith of the application that was granted previously. The applicant had been given the opportunity to reduce the hashed area on the plan, the Authority's objection would then have been overcome, but this hasn't been done. He outlined that if the Sub Committee wished to deviate from the Policy, they would expect the application to be exceptional.

Members asked about the 70/30% ration of tables and chairs and were advised that this referred to the whole premises.

Applicants Representations

Stephen Walsh addressed the Sub Committee. Members were provided with details of the applicant's business model, reiterating that the ambience is of a restaurant not a bar, customers are met at the door and allocated a table, there would be menu's on all tables. Mr Walsh explained that the premises had previously had an unrestricted licence, with no ancillary conditions. He explained the square footage of the premises and that the new licence application reduces the licensed space. He also explained that the recently granted licence at 18 The Hayes was for a previously unlicensed premises and the application had satisfied that Sub Committee with mitigating measures as an exception to the Policy. Mr Walsh stated the applicant would be happy to surrender the 2 licences as the Police suggested.

Mr Walsh provided Sub Committee members with the background of the applicant and the number of restaurants around the UK and Ireland. This would be the first Ivy Collection in Wales. Mr Walsh explained it would be a first class dining experience with very experienced staff. He explained the need for flexibility of an unrestricted area, for example around the bar, if a member of a party did not want to dine, or for canapé receptions. He explained that a number of Ivy Collections were based in Cumulative Impact Zones, all have this level of flexibility and that there had been no issues or challenges.

Mr Walsh stated that the applicant would happily agree numbers 2-5 of the Police conditions, with the only contention being condition 1 around the flexible hashed areas on the plan.

Mr Walsh introduced Michael Clark who would be the General Manager and had experience working in Michelin Star restaurants, in the Savoy Hotel and Conran restaurants; he would oversee the restaurant. The restaurant would employ 130 staff with a large trade kitchen based on the second floor.

Mr Walsh showed Sub Committee Members CGI pictures of the proposed layout and exterior and a sample menu.

Mr Walsh stated that he completely understand the concerns and accepts the reverse burden if the Policy is engaged but considered this was mitigated by the nature of the operation and that the licenced area in the saturation zone would be reduced by this application and surrendering the other 2 licences.

Mr Bowley asked why the previous unrestricted licence for this premises had not been transferred over and suggested it was because the terminal hour was too early. Mr Walsh stated that it was a change in the layout was needed, it was a better site, recognised as a restaurant and it wasn't available when the first application was made.

Members asked if someone could walk in at midnight and just have a drink and were advised that it would at the discretion of the staff, most importantly the quality and ambience of the diners would need to be protected; it was explained that the tables would be turned over for 3 sittings per evening and that diners would have the option

to have a glass of wine at the bar after their meal rather than being asked to leave for the next sitting. It was unlikely that people would walk in just for drinks, due to the prices. It was not what The Ivy wanted and door staff and other staff could manage this. Customers would be allocated a table or a bar stool, there would be no free standing drinking unless it was a canapé reception. The applicant was happy to add a condition that no one could enter the premises after midnight just to drink.

Members discussed capacity as 244 seated and were advised that the external seating was for dining.

Members discussed the later terminal hour and were advised that it allows for post theatre dining.

Summing Up

Mr Bowley reiterated that the objection by South Wales Police was based purely on the licensing objectives; the applicant had successfully obtained a licence in July, however they now wish to have alter terminal hour and open an hour earlier; he understands the reduction of licenced area but considered this to be offset by the extension in hours. He stated that is the application was granted it would be adding 2 bars with a much later terminal hour in the Cumulative Impact Zone.

Mr Morgan stated that there was no dispute that the applicant had taken additional steps by conceding on the midnight entry condition but that the Policy should still apply, and that the area as a whole, not just the premises needed to be considered. He stated that taking into account the merits of the application the Sub Committee needed to be satisfied that it could overcome the rebuttable assumption if they were to deviate from the Policy and he asked Sub Committee to consider the hashed area.

Mr Walsh stated that the application here was for a good existing site that accommodated well for customers. The proposed restaurant was of excellent style and quality. He was confident there would be no negative impact on the licensing objectives. The Hours fell within the Council's Core Hours and most of the conditions had been accepted. All parts of the premises that are not hashed on the plan fall completely within the Policy so Cumulative Impact would not apply. The un-hashed area would diminish the licensed area in the cumulative impact area.

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, GRANTED the application, subject to the addition of the police conditions 2-5 as set out at Appendix D of the report and additional conditions - surrendering the licences of 18 The Hayes and the previous licence for 43 The Hayes and No customers after midnight for the consumption of alcohol unless it was ancillary to a substantial table meal.

16 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - STORY ,
GREYFRIARS ROAD

APPLICATION FOR THE GRANT OF A PREMISES LICENCE - STORY,
GREYFRIARS ROAD

Applicants: Q I G Investment Ltd represented by Matthew Phipps

Responsible Authorities: John Crowther, South Wales Police
Rhys Morgan, Shared Regulatory Services

An application for the Grant of a Premises Licence has been received in respect of Story, 2 Grosvenor House, Greyfriars Road, Cardiff, CF10 3AD.

The applicant has applied for the following:

(1) In respect of licensable activities:

(i) The sale by retail of alcohol for consumption on and off the premises (ii) The provision of regulated entertainment in the form of films (indoors), indoor sports, live music (indoors), recorded music (indoors), performance of dance (indoors). (iii) The provision of late night refreshment (indoors)

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

“Nightclub”

(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:

Monday to Sunday: 10:00 to 04:30 hours

Non-Standard Timings: New Year’s Eve: Until the start of permitted hours on New Year’s Day

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

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

Monday to Sunday: 10:00 to 04:00 hours Non-Standard Timings: New Year’s Eve: Until the start of permitted hours on New Year’s Day

(ii) The provision of regulated entertainment in the form of films (indoors), indoor sports, live music (indoors), recorded music (indoors), performance of dance (indoors):

Monday to Sunday: 10:00 to 04:00 hours Non-Standard Timings: New Year’s Eve: Until the start of permitted hours on New Year’s Day

(iii) The provision of late night refreshment (indoors & outdoors)

Monday to Sunday: 23:00 to 04:00 hours Non-Standard Timings: New Year’s Eve: 23:00 to 05:00

Responsible Authority Representations

Mr John Crowther addressed the Sub Committee. He explained that the premises was already licenced, the application was for the provision of a roof terrace bar in the future. He noted that as the premises was in the Cumulative Impact Zone and the rebuttable assumption was that any application would be refused or subject to limitations. He explained that he had met with the area manager the DPS and had been in correspondence with Mr Phipps and discussed certain amendments. If these were put as conditions then the only objection from South Wales Police would be on the grounds of the Cumulative Impact Zone.

Mr Rhys Morgan addressed the Sub Committee and noted the considerable conditions in the operating schedule. He drew Sub Committee Members attention to the roof terrace and the potential for public nuisance. He stated that as a nightclub the premises was in the Red Category of the Councils Policy therefore the rebuttable assumption applies and if the Sub Committee were to deviate from the Policy it needed to be satisfied that there would be no negative impact on the licensing objectives; that the area as a whole was considered and that the application was sufficient to overcome the rebuttable assumption.

Applicants Representations

Matthew Phipps addressed the Sub Committee. Members were provided with details of the applicant's business model. There were no proposed changes to business hours. He accepted that the location of the premises and that it was in Red Category of the Policy, meant that the Police and local authority would object.

He outlined the existing operation of the premises – operating across all floors. It has been Glam nightclub for 10 years, around 18 months ago the neighbouring premises, formerly Barley & Rye, had been acquired by the owners. Glam then closed and applied for a licence to include the former Barley & Rye and renamed the nightclub as Story, which opened in September. He noted that the management team were robust and the premises traded to an exceptional standard. Peter Crowe had been DPS from 2008 – 2015 and was returning to the premises. Jonathan Green was the operational manager for this and other units.

Mr Phipps noted that the Policy objectives challenge the applicant to overcome the presumption and there was only one to do this – and this was outlined in the very comprehensive operating schedule including 48 proposed conditions and 2 from South Wales Police which have been agreed. There had been extensive dialogue to ensure a good application even before the application had been submitted.

In summary Mr Phipps explained that in essence the application was for the addition of a bar on the already licensed roof terrace. The application shows 1:75 ratio for door staff and the paragraphs in the operating schedule relating directly to the Policy were outlined along with the roof terrace conditions.

He considered this was a good comprehensive application.

Summing Up

Mr Rhys Morgan noted that often there are applications that don't make the threshold but a good application is rebuttable and considered on its own merit. Some conditions on this application may mitigate concerns, but he stressed that the Sub Committee consider the area as a whole. He explained that it was up to the Committee to decide, the Policy and assumptions are there, if Committee feels the conditions are sufficient to overcome the presumption, it must see the application as exceptional.

Members discussed the roof terrace capacity and were advised that it was 230. Members were assured that there would be no glass allowed on the roof, wine would be decanted into plastic vessels and ice buckets would be plastic.

Members discussed possible disturbance and were advised that there is a form of wall around the terrace and this hasn't been an issue so far.

Members discussed the locations of the fire/evacuation stairs.

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, GRANTED the application, subject to the condition outlined in Annex 1 of Appendix Band the conditions outlined by South Wales Police.

17 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - ANGEL HOTEL, CASTLE STREET

Application deferred.

18 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 1.00 pm