

DRAFT MINUTES

Meeting ID	4236
Committee	Licensing Sub Committee
Date	12/08/2020
Attendees	Councillor Norma Mackie (Chair) Councillor Bernie Bowen-Thomson (Committee Member) Councillor Kathryn Kelloway (Committee Member) Graham Porter (Clerk) Amanda Jones (Officer) Clive Pursey (Officer) Davina Fiore (Monitor) Gary Jones (Monitor) Daniel Cook (Officer) Mark Roberts (Officer) Kate Rees (Monitor) Andrea Redmond (Notify)

Item ID	20390
Item Title	Declarations of Interest
Summary	No declarations of interest were received.

Item ID	20400
Item Title	Application for the Grant of a Premises Licence - Greek Village, Caroline Street
Summary	<p>Applicant: represented by Stewart Gibson and Dominique Mould</p> <p>Responsible Authorities: Tony Bowley, South Wales Police Rhys Morgan, Shared Regulatory Services</p> <p><u>Application</u></p> <p>An application for the grant of a Premises Licence was received from Souvlike Ltd in respect of Greek Village, 21 Caroline Street, Cardiff.</p> <p>The applicant applied for the following:</p> <p>In respect of the following licensable activities:</p> <ol style="list-style-type: none"> 1 The sale by retail of alcohol for consumption on and off the premises 2 Description of Premises (as stated by applicant):

“The premises trades as a sit in and takeaway restaurant”.

- 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: 11:00 to 23:30

- 4 To provide licensable activities during the following hours:

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

Monday to Sunday: 11:00 to 23:00

A site map showing the premises and a plan of that premises was attached to the report at Appendix A.

Applicant Representations

Stewart Gibson presented the application. Members were advised that the original application sought longer opening hours but the applicant had agreed to curtail these hours following dialogue with South Wales Police. The amended hours are:

Hours open to the public Monday – Sunday 11:00 – 23:00

Supply of alcohol Monday – Sunday 11:00 – 22:30

The applicant was also accepted the following additional conditions:

- a. An amended condition in relation to CCTV has been accepted. You will see from the officer’s report on page 5, that extensive conditions in relation to CCTV were offered, however we have agreed to amend these to the wording suggested in the police condition no 1 which is found on page 7 of the officers report.
- b. An incident book will be kept on the premises, and maintained on site for a period of 12 months. It shall be made available on request to a police employee, and will record the following:

All crimes reported to the venue.

Any complaints received (of a criminal or licensing nature).

Any incidents of disorder.

Any refusals of the sale of alcohol

Any visit by a representative of a relevant authority or a member of the emergency services.

Any failures of the CCTV system.

Although an incident book was offered as condition in the application, the above carries more detail which we are happy to accept.

- c. On days considered to be major events in the City Centre, i.e. sporting events or pop concerts in the Principality Stadium, all drinks to be dispensed in non-glass vessels.
- d. We have agreed to the amended wording of the condition requesting customers leave the premises quietly due to the local proximity of residential properties.
- e. Alcohol will only be served to persons as an ancillary to food.
- f. The sale of alcohol for consumption off the premises will be limited to an area agreed with Cardiff Council's highways department: this area to close by 21:00 hours.
- g. No unaccompanied children will be permitted in the licensed premises after 21:00 hours.
- h. After negotiation with the police we have agreed that on days as described in point c above, that no off sales of alcohol will take place during the entire day, or days the event takes place.
- i. In addition to the police agreed conditions, (should the application be granted), we offer additional conditions.

All customers will be shown to their tables by staff members on arrival. There will be no self-seating of customers. All food will be served by waiters or waitresses, unless a buffet menu is on offer.

Mr Gibson also advised that South Wales Police had agreed to withdraw two conditions suggested in their original letter of representation following consultation. For the avoidance of doubt, these are conditions 6 and 8 in relation to all off sales of alcohol will be served in non-glass vessels and to SIA door staff respectively.

Mr Gibson stated that the key point for Members to consider was that, as a result of the applicants accepting the above conditions and the additional measures being offered, the premises was no longer considered to fall within the authority's cumulative impact policy.

In relation to the representations received from South Wales Police, Mr Gibson stated that South Wales Police were objecting to the granting of a licence on the grounds of the prevention of crime and disorder and the protection of children from harm. South Wales Police had submitted crime statistics to support this view. However, the figures supplied were in relation to crimes committed between 2100 hours and 0600 hours in the vicinity of the premises.

If granted, the premises would only be operating for 2 hours during that time period. There were no timescales provided but Mr Gibson suggested that the majority of those crimes would have occurred at the end of that 9 hour

period in the early hours of the morning, and some time after the premises had closed. Therefore there was no reason to suggest that the operation of this premises would have a negative impact on crime and disorder in the area and the licensing objectives would not be compromised. Furthermore, there was no evidence provided to support the view in relation to the prevention of harm to children.

Mr Gibson stated that the premises was a restaurant that operated modest hours and they were seeking to provide alcohol to customers who have ordered a meal. All customers would be seated and waiter/waitress service is provided. The applicants were happy to endorse the additional measures requested by the responsible authorities and they would also undertake to work with the responsible authority for the benefit of the city.

In response to questions from the Sub Committee the applicants confirmed that they were not currently seeking to provide alcohol sales via third party delivery partners. However, this may be a consideration in the future. Off sales were applied for in relation to the pavement area outside the premises. This would allow the opportunity to have a limited number of tables outside. However, permission would be required from the Highways Authority before this could be implemented.

Tony Bowley stated that in his experience it was unusual for the applicant not to be present to answer questions regarding the operation of their premises.

Responsible Authority Representations

Tony Bowley addressed the Sub Committee on behalf of South Wales Police. Mr Bowley stated that before receiving the application there was no prior consultation between South Wales Police and the applicant. Mr Bowley considered that the applicants had failed to take steps to promote the licensing objectives in the application and there was also no regard to the authority's Statement of Licensing Policy.

Mr Bowley considered that Mr Gibson was correct in pointing out that the crime statistic presented only related to the last two hours of the operation of the premises. However, Mr Bowley considered that patrons at the premises were likely to stay into city centre after dining and they would ultimately contribute to the negative cumulative impact in the area. Members were advised that the weekend of 8 and 9 August 2020 was the busiest ever in terms of incidents in the City Centre reported to South Wales Police.

Mr Bowley accepted that having accepted additional conditions the premises were now 'amber' rated and therefore no longer fell under the cumulative impact policy. However, the additional conditions were accepted at the last minute.

Mr Bowley requested the Sub Committee to refuse the application.

The Chairperson invited questions from the Sub Committee. Mr Bowley was asked to confirm whether there were any reports of crimes associated with these particular premises since they opened in September 2019. Mr Bowley stated that there were no reports but no alcohol is sold on the premises at present. Premises that don't sell alcohol generally have fewer incidents of crime and disorder.

A Members asked if Mr Bowley considered that people would come into the city centre with the sole purpose of visiting these premises before going to other premises. Mr Bowley stated that people visit the city centre for a range of different reasons. There is a correlation between the number of outlets where alcohol is available and the amount of crime and disorder in an area.

Rhys Morgan of Shared Regulatory Services advised that there was an existing licence at the premises. Mr Gibson was asked whether the applicant would be prepared to accept a condition requiring that licence to be surrendered. Mr Gibson agreed that such a condition would be acceptable. However, Dan Cook of Cardiff Licensing reminded Members of the Sub Committee that the current licence is held by another company and such a condition would require the transfer of the licence to the applicant before it could be surrendered. The existing licence holder is under no obligation to do so.

Mr Morgan stated that the applicants had accepted conditions as part of their operating schedule that would be required under the authority's Statement of Licensing Policy. The cumulative impact policy no longer applies and therefore this is sufficient for the authority to withdraw their objection.

All parties were invited to sum up.

Mr Bowley stated that it was unusual for the applicant not to be present during the hearing to answer questions regarding the operation of the premises. Evidence of crime and disorder in the areas has been provided and on that basis the Sub Committee was requested to reject the application.

Mr Gibson stated that South Wales Police had given the impression that the original application did not address the licensing objectives. This was inaccurate as a whole raft of conditions were offered from the outset. The additional conditions were added and accepted in order for the premises to comply with policy. The Sub Committee was invited to grant the application therefore.

RESOLVED – That 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 premises licence subject to the conditions agreed.

The Sub Committee heard from the applicant and listened to all the evidence and submissions and considered the written material. Members also considered the Licensing Act 2003 the Section 182 Guidance and the Statement of Licensing Policy.

Members also heard representations from South Wales Police and the Licensing Authority, and considered all written representations received.

The premises is located in an area covered by a Cumulative Impact Policy that creates the rebuttable presumption that any new or full variation applications for Premises Licences will be refused or limited unless the applicant can successfully demonstrate that granting the application will not add to the cumulative impact in the area. The Sub Committee agreed that the Cumulative Impact Policy would apply to the initial application. However, following the submission made on 6 August 2020, agreeing to adopt additional measures, the premises moves from the 'red' category to the 'amber' category of the Cumulative Impact Policy.

The Sub Committee noted that the applicant is willing to accept the conditions of the South Wales Police representation in Appendix C of the report and the additional measures.

The Sub Committee considered that the applicant successfully demonstrated that this application would not add to the negative cumulative impact in the area and this application does not negatively impact on the licensing objectives.

The Sub Committee agreed to permit the sale of alcohol, as part of a meal, by a third party carrier. When alcohol is delivered by a third party carrier, the licence holder will specify that all deliveries require an adult signature or copy of photographic evidence. The carrier will obtain the adult recipient's signature or copy of photographic evidence and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age.

The Sub Committee requested the applicant make every effort to transfer the existing licence (CCCP00962) and surrender the licence on the successful grant of the new Premises Licence.

Item ID	20391
Item Title	Urgent Items (if any)
Summary	No urgent items were received.