

LICENSING SUB COMMITTEE

23 DECEMBER 2020

Present: Councillor Mackie(Chairperson)
Councillors Kelloway and Wood

1 : DECLARATIONS OF INTEREST

None received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - NEIGHBOURHOOD KITCHEN, TUDOR STREET

Applicant: Neighbourhood Bedrooms Ltd
(Represented by Philip Day of Laceys Solicitors)

Other Interested Persons: Councillor Iona Gordon, Lisa Tulloch

The Application

An application for the Grant of a Premises Licence has been received from Neighbourhood Bedrooms Ltd in respect of Neighbourhood Kitchen, 80 Tudor Street, Riverside, Cardiff, CF11 6AL.

The applicant has applied for the following:

- (1) In respect of the following 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)

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

“The premises is a small restaurant with seating for around 20 people. It will operate primarily as a takeaway, with a limited amount of seating available for eating and drinking on site.

All seating is in one area, which will also have a small bar”.

- (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:

Sunday to Thursday: 08:00 to 23:00 hours

Friday and Saturday: 08:00 to 00:00 hours

New Year’s Eve: 08:00 to 01:00 hours

For private events: 08:00 to 01:00 hours

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

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

Sunday to Thursday: 09:00 to 22:30 hours
Friday and Saturday: 09:00 to 23:30 hours
New Year's Eve: 09:00 to 00:30 hours
For private events: 09:00 to 00:30 hours

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

Friday and Saturday: 23:00 to 00:00 hours
New Year's Eve: 23:00 to 01:00 hours
For private events: 23:00 to 01:00 hours

Applicants Representations

Mr Day addressed the sub-committee on behalf of the applicant's Mr Tudor Barber and Mrs Caroline Barber.

Mr Day explained that the application was submitted following discussions with the Police. He stated that it seemed that those that made a representation may have got the wrong end of the stick with regards to the intention of the applicants, believing it was going to be a nightclub.

Mr Day explained that the premises is intended to be a street food venue offering healthy food. He acknowledged that the way the application was initially drafted could appear to be more of a discotheque, despite this not being the case. As a result, he has written to those that have made a representation and proposed additional conditions to ensure that the premises may only be run as Mr and Mrs Barber intend.

Mr Day detailed the additional conditions that have been proposed:

- Food appropriate to the time of day shall be available from when the premises open daily until at least 22:00 on Sundays to Thursdays inclusive and until 23:00 hours on Fridays, Saturdays and New Year's Eve (or until 30 minutes before the premises close, if earlier).
- Subject to any restrictions relating to social distancing or other measures in force with regard to Coronavirus, a minimum of 20 covers (i.e. table and chair places available for eating) shall be provided from when the premises open daily until at least 22:00 on Sundays to Thursdays inclusive and until 23:00 hours on Fridays, Saturdays and New Year's Eve (or until 30 minutes before the premises close, if earlier).
- A waiter/waitress service shall be available at all times the premises are open.
- The maximum number of customers permitted inside the premises at any one time shall be limited to 25.
- The extended hours for "private parties" shall only apply when the entirety of the licensed premises has been pre-booked for a private function and admission is restricted to the guests of the organiser. On such occasions there shall be no admission or re-admission to the licensed premises from Gloucester Street after

23:00 on Sundays to Thursdays inclusive nor after midnight on Fridays and Saturdays (other than on New Year's Eve into New Year's Day).

- The sale of alcohol for consumption off the premises shall not be permitted after 11 p.m. on any day, other than to residents or temporary residents of the of the rooms on the upper floors of the building.

Mr Day explained that there are 6 rooms above the premises that are let out for Airbnb guests. These rooms have their own access via Gloucester Street so as not to interrupt the licensed activities downstairs, although guests can enter the downstairs should they wish.

Mr Day stressed that this is not an application for a rowdy vertical drinking establishment. This area has been subject to regeneration and this would enhance the area as there is nothing of this sort nearby.

Mr Day reminded the sub-committee that this premises is not located within a Cumulative Impact Area and there is a presumption to grant the application.

Cllr Kelloway asked the applicants if there are other street food cafes in the area. Mr Barber explained that there no specific street food cafes in the area, the closest comparison would be the Wild Thing Vegan Café, which was a successful café but had to close due to the sale of the building and relocated to the Roath area. There is also Lufkin Coffee on Clare Road.

Cllr Mackie asked the applicant about the potential noise nuisance caused to neighbours connected to the property. Mr Barber responded that there will be building works ongoing, but they do intend to install a noise decibel reader and CCTV that they can monitor remotely. He also wished to clarify that there are only 4 bedrooms upstairs and they are not much larger than a double bed, so they do not expect anybody to use these rooms other than the guests. They also will monitor the noise because they would not want to disturb their own paying guests.

Other Persons Representations

Cllr Gordon addressed the sub-committee. She explained that initially she may have got the wrong end of the stick with regards to the application

Not the restaurant element but what was going on upstairs, she explained that the area previously had 'party houses' in the ward. Cllr Gordon stated that she has met with the applicants and her initial fears have been allayed that this is not going to be a party house.

Cllr Gordon supports the regeneration of Tudor Street, but does have concerns regarding the noise that could emanate from the coming and going from the business and people drinking outside, but acknowledged that the downstairs of this premises is very small and so cannot seat that many people.

Cllr Gordon states that she does support the residents and feels that this application needs to be considered carefully.

Cllr Wood asked Cllr Gordon her opinions on the proposed amendments to the conditions, particularly with regard to guests in the rooms above being able to purchase alcohol beyond 11pm.

Cllr Gordon replied that she does not agree that people staying there should be able to purchase alcohol beyond the time as this could lead to troubles.

Lisa Tulloch addressed the committee. She stated that there is no designated smoking area, the residents coming and going from the Airbnb will cause taxis to beep outside. She also had concerns regarding guests buying alcohol after the time as this could lead to rows and fights. Ms Tulloch explained that she is directly across from the premises so this noise would affect her.

Summing Up

Cllr Gordon stated that when it was just a representation received from the next door neighbours, she did falter and think well if there is sound insulation then it may be acceptable. However, on learning that there was around 13 objections she felt that we must be respectful to local residents of the potential issues. Although with the additional conditions proposed that this goes some way to allay her concerns.

Cllr Gordon invited the Chair to give an assurance to residents that if this application is approved then residents have a right of appeal to the sub-committee to state that this is not acceptable and have an opportunity to come back. Cllr Mackie responded to state that if there are concerns from local residents if necessary they can be investigated and brought back to the committee if necessary.

In summing up, Mr Day reminded the sub-committee that this is an application for a Premises Licence for the ground floor. It is not intended to be a party house, although it is not a Planning application for the upstairs and this is outside the scope of this meeting.

With regard to comments that guests from upstairs can purchase alcohol, he stated that this is incorrect and that guests will only be able to purchase alcohol Sunday – Thursday until 22:30 hours, Fri and Sat until 23.30 hours and 00:30 hours for private events and New Year 's Eve.

Mr Day stated that due to the size of the premises there would be insufficient numbers to cause lines of taxis outside. He also stated that alcohol will only be served to those seated, apart from a private party.

Mr Day also reiterated that local residents, if not satisfied with the running of the premises and they have evidence that the licensing objectives are being undermined, can seek a review of the Premises Licence and there is no fee for doing this.

He reminded Members that there is a presumption to grant this application.

Resolved:

We have heard from the applicant and listened to all the evidence and submissions and considered the written material. We have also considered the Licensing Act 2003 the Section 182 Guidance and our own Statement of Licensing Policy.

We have also heard from local residents, a local ward Councillor and have considered all the written representations made to us.

We note that the premises is located in an area with a number of residential properties nearby and the application had the potential to impact the Licensing Objectives. Our concerns were allayed by the correspondence received by the applicant's solicitor clarifying the intention of the applicants and proposing the following additional conditions:

The premises shall operate primarily as a food business and to that end:

- Food appropriate to the time of day shall be available from when the premises open daily until at least 22:00 on Sundays to Thursdays inclusive and until 23:00 hours on Fridays, Saturdays and New Year's Eve (or until 30 minutes before the premises close, if earlier).
- The provision of regulated entertainment in the form of recorded music is removed from the application.
- Subject to any restrictions relating to social distancing or other measures in force with regard to Coronavirus, a minimum of 20 covers (i.e. table and chair places available for eating) shall be provided from when the premises open daily until at least 22:00 on Sundays to Thursdays inclusive and until 23:00 hours on Fridays, Saturdays and New Year's Eve (or until 30 minutes before the premises close, if earlier).
- A waiter/waitress service shall be available at all times the premises are open.
- The maximum number of customers permitted inside the premises at any one time shall be limited to 25.
- The extended hours for "private parties" shall only apply when the entirety of the licensed premises has been pre-booked for a private function and admission is restricted to the guests of the organiser. On such occasions there shall be no admission or re-admission to the licensed premises from Gloucester Street after 23:00 on Sundays to Thursdays inclusive nor after midnight on Fridays and Saturdays (other than on New Year's Eve into New Year's Day).
- The sale of alcohol for consumption off the premises shall not be permitted after 11 p.m. on any day, other than to residents or temporary residents of the of the rooms on the upper floors of the building.

Taking into consideration the above conditions and the representations made to us today, we feel that you have successfully demonstrated that the granting of this licence will not have a negative impact on the licensing objectives.

We therefore resolve to grant the application, subject to the above additional conditions above. We also wish to clarify that alcohol may only be served to residents no later than the terminal hour for alcohol sales on the premises.

3 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 10.45 am