

LICENSING SUB COMMITTEE

1 APRIL 2021

Present: Councillor (Chairperson)
Councillors Derbyshire, Jacobsen and Kelloway

APPOINTMENT OF CHAIRPERSON

Councillor Derbyshire was appointed as Chairperson for the meeting, he was nominated by Councillor Jacobsen and seconded by Councillor Kelloway.

4 : DECLARATIONS OF INTEREST

No Declarations of interest were received.

5 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - GREAT WELSH GIFTS, CASTLE STREET

Present

Applicant: Mr Mohammed Taiyab

Responsible Authorities:

Mr Jay Sampson, Licensing Officer, Shared Regulatory Services

John Crowther, South Wales Police

Lauren Idowu, Public Health Wales

Other Persons – Objectors:

Councillor Norma Mackie, local Ward Member

Nick Newman, Chair of Cardiff Licensee Forum

The Application

An application for the Grant of a Premises Licence has been received from Mohammad Taiyab in respect of Great Welsh Gifts, 21 Castle Street, Cardiff, CF10 1BT.

The applicant has applied for the following:

(1) In respect of the following licensable activities:

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

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

“It's currently traded as Welsh Gifts shop. I would like to add Welsh branded alcohol unless converted fully to convenience store/off license. It's most likely that i will convert it to off license because of the pandemic and its effect on Welsh Gifts shop. It's rectangular shape shop with nearly 380 sq ft size with one toilet, CCTV room, storage room for size of more than three 3 fridges for alcohol and food storage”.

(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 Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 00:00

Sunday: 09:00 to 23:00

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

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

Monday to Thursday: 08:00 to 23:00

Friday and Saturday: 08:00 to 00:00

Sunday: 09:00 to 23:00

A site map showing the premises and a plan of that premises can be found in Appendix A.

Applicants Representations

The applicant advised the sub-committee that he had previously operated premises in the city centre but had had to close them due to Covid. Nisa next door had closed down so he felt that now would be a good opportunity to open this type of shop. He advised that he had met with South Wales Police on 25 February and they had raised issues of concern. He has since researched the Cumulative Impact Policy and the rebuttable presumption. He noted the conditions offered by John Crowther but stated to make the business financially viable he would need to trade until 23:00pm. He stated that he would promote the licensing objectives at all time. He added that his target customers are not the street drinkers, but commuters, hotel guests and tourists visiting Cardiff. He stressed that Alcohol is not the only selling point but he would like to expand the range of products sold in his shop. The shop is a small shop at just 350 square feet, located opposite the Castle and Bute Park; he added that he has a good relationship with other local business owners and has spoken to them about his business plans. He explained that the premises has previously been an off license but had closed when Nisa opened.

He said that after reading the Cumulative Impact Policy he felt that 2 of the conditions were not required:

Condition 9 requiring a minimum of 2 staff on duty when alcohol is being sold – he thought that the shop was too small to accommodate 2 staff at all times and it would not be financially viable.

Condition 5 requiring SIA door supervisors, he considered this was not necessary as the member of staff inside the shop can see the whole of the inside of the shop; he has direct radio connections via FOR Cardiff and a panic button, also if there were any issues they could call the Police.

He considered that the ASB stats for Castle Street did not relate to Nisa Local but to Revolution and other nightclubs. He would not be selling alcohol above 5.5% alcohol and considered this would help with the street drinking issue as Street drinkers do not want to buy alcohol with that low ABV. In addition he would not be selling 20ml miniatures of spirits and no cheap alcohol. He added that he knows the faces of the street drinkers and how to deal with them. He considered that all problem incidents

mentioned were 5/10 minutes from his premises and there had been no evidence submitted.

Cllr Derbyshire sought clarification about the applicant's hesitance over the minimum of 2 staff only at busy times and the applicant stated that due to the size of the shop he felt it was only necessary at busy times. Cllr Derbyshire questioned what he meant by busy times and the applicant stated that at the moment he was not sure as it was a new business. John Crowther asked the applicant if he had a personal licence yet and the applicant advised that he did.

Mr Crowther also asked how problematic customers could be managed with only one member of staff. The applicant stated that it doesn't take longer than 10 seconds to serve a customer, there are other control measures in place such as a panic button, the shop is also very small so he don't envisage many people in the shop, and when it is busy there would be more than one person serving. He considered it should not be a financial burden for the operators.

Mr Crowther asked about the availability of other staff at busy times. The Applicant explained that he has another larger shop nearby and he can call on staff.

Cllr Mackie asked if it was likely that the other shop would also be busy at that time and the applicant explained that this shop is 350 square feet, whereas the other shop is 3,000 Square feet and has more staff available.

Nick Newman asked if the Applicant accepts that on-licence premises have SIA on site to supervise those drinking, but an off-licence does not control those that purchase alcohol and can end up on the street drinking and that gives rise to a number of concerns. The Applicant stated that any alcohol he sells will not be used on the street and he made reference to crime data and that only 5% of the incidents are related to off licenses. A discussion took place around the incidents from street drinkers and Mr Crowther considered that this alcohol is bought primarily from off licenses while the applicant reiterated that any alcohol he sells would not be drunk on the street and he had the option to refuse sales and ban problem customers.

Responsible Authorities representation

South Wales Police representation.

John Crowther outlined the main parts of the application, including the location of the premises and the hours applied for. He stated that there are so many licensed premises in the City centre that it is considered saturated, the premises does fall within the CIP and applicant has not demonstrated that his premises will not add to the negative issues and that the application is not exceptional.

Mr Crowther also noted that the applicant wanted to offer an alcohol home delivery service via a 3rd party courier. This was discussed when they met and the applicant suggested that the target audience would be residents of nearby hotels. Mr Crowther felt that due to hotels being licensed premises he did not believe that hotels would wish for delivery drivers delivering alcohol. South Wales Police would consider the applicant offering services such as Hermes and other services.

Mr Crowther offered to show video footage of ASB incidents in Castle Street but the subcommittee were aware of such issues in the City centre. Mr Crowther has

previously asked the applicant how he would deal with incidents of Crime and Disorder and he had replied that all crime will be reported to police as soon as practicable. Mr Crowther read out a police statement from Stuart McDean from SWP, which included points such as Cardiff city centre already has sufficient off-licenced premises; the objection to the grant of this licence and if the sub-committee were minded to grant, to please add the conditions as previously requested to promote the licensing objectives.

The Applicant stated that his premises was not directly opposite Cardiff Castle and asked if there was any evidence that tourists are related to street drinkers. Mr Crowther stated that it is well known that people use the moat around the castle to consume alcohol and that street drinking per se was an issue.

The Applicant disputed saying that he would could the police every time there was an issue at the premises and had a different recollection of the conversation between himself and Mr Crowther.

The applicant asked what evidence Mr Crowther had that links off-licences on Castle Street to crime and disorder. Mr Crowther stated that he has provided evidence to support his representation which shows problematic street drinking.

Nick Newman asked Mr Crowther where he considers most alcohol comes from that is consumed by street drinkers. Mr Crowther stated off licenses as street drinkers are drinking from pint glasses but from bottles and cans.

Licensing Authority representation

Mr Sampson referred to Chapter 8 of the policy and that the premises was in the Red category; he explained that there was a rebuttable presumption that the application would be refused unless the applicant can convince the Sub-Committee that he can overcome the rebuttable presumption and promote the licensing objectives. Mr Sampson did not consider this had been done and there had been no offer to draw back the licensed hours to 21:00pm.

Public Health Wales representation

Lauren Idowu outlined that the increase of availability of alcohol within CIP will contribute to the likely incidence of alcohol related incidents.

The opening of hours and density increases alcohol consumption and will likely cause harm. Numbers of incidents and related costs were outlined and Public Health Wales objection to this application was reiterated.

Cardiff Licensee Forum representation

Mr Newman stated that he has vast experience in the City centre and has worked with the Police, Public Health Wales, University etc. for many years. He added that when he had become aware of this application, he consulted with colleagues on the forum who agreed they should object. He added this was the first time they had objected to such an application but they felt that there were sufficient off license premises already, they were a major cause of street drinking, customers buying alcohol from off licenses are not supervised like they are at on-licenses premises, street drinking is a major drain on resources such as the Police and a survey by FOR Cardiff stated that street drinking and ASB was the number one concern of levy paying business in the City.

Mr Crowther asked Mr Newman to speak of his experience of issues related to street drinking. Mr Newman explained there were various issues he has seen himself, people wanting to use premises to urinate, issues with vomit, urine etc. in doorways, abuse to staff asking them to move on, crime and ASB related to street drinking, all of which has led them to object for the first time.

The Applicant asked Mr Newman why he was objecting this time and if it was because of his race or religion. Mr Newman categorically said no it was not.

The Applicant asked if he would be accepted as a member of the licensee's forum. Mr Newman said that the door is open, whilst they initially were on-licence premises only they are now open to all licensed premises.

Councillor Mackie asked Mr Newman what he thought of the applicant's suggestion of only having one staff member in store and ringing the panic alarm for FOR Cardiff if there were issues. Mr Newman understood where Mr Taiyab was coming from, but noted that street drinkers can turn up at any times of day and they have caused many issues for the on-licence trade.

Councillor Mackie asked what resources FOR Cardiff has and Mr Newman explained that FOR Cardiff are not there to deal with incidents of theft or drunk people trying to buy alcohol. The direct radio is a different matter as is calling the Police but it is a further drain on the resources.

Other Persons Representation

Cllr Mackie considered that this applicant will not promote the licensing objectives and it is not an exceptional application. She noted the busy location of the premises and that until prompted by SWP the applicant had not considered anything such as Challenge 25, DPS etc. Conditions had been offered by SWP and the applicant now wants to challenge/change them. Cllr Mackie was not confident that the applicant fully understands the issues outlined by the various objections. He considered that the small size of the shop would mean it would be difficult to manage any issues that did arise. Nisa had a license but it was a bigger premises and fundamentally a grocery shop selling alcohol where the applicant had already put signs in place in his shop window primarily advertising alcohol for sale. Cllr Mackie was concerned that the Nisa shop was still licensed and could open again at any time, this may cause price competition to attract customers.

Cllr Mackie reiterated the issues around people drinking around the Castle moat and Bute Park, also the street homeless who used to sit outside the Nisa shop and in the bus stop. She stated that local ward member's objections stand and that to agree the application would add to the negative impact of the CIP and increase ASB in the area; she asked that the subcommittee very strongly reject the application.

The applicant asked Cllr Mackie if she thought him being a member of the licensee's forum would help to promote the licensing objectives. A discussion took place around the role of the Licensee's Forum and that they are not there to manage individual premises, but more so to provide information and training.

The applicant asked Cllr Mackie if she thought him being an upgraded member of FOR Cardiff would help to promote the licensing objectives. Cllr Mackie advised that FOR Cardiff had nothing to do with promoting licensing objectives.

The applicant asked Cllr Mackie if there was any evidence to show a condition on the number of staff required in the Nisa shop. Cllr Mackie did not have that information.

The applicant asked Cllr Mackie if there was any evidence around street drinkers buying alcohol from off licenses and any evidence around street homeless people on Castle Street. Cllr Mackie explained that she lives there and sees it for herself

Summing Up

South Wales Police – Mr Crowther said it was evident that people are aware of the issues in the CIP and the applicant had not rebutted this assumption. The City centre is already saturated with off licenses and he asked the subcommittee to carefully consider the objections and representations when determining the application.

Licensing Authority – Mr Sampson said it was evident that this applicant in no way rebuts the presumptions in the CIP and his objections stand.

Public Health Wales – Ms Idowu said if the application was granted it would increase the availability of alcohol in the CIP and that the applicant has not demonstrated how he would negate that.

Other Persons

Local Ward Member – Cllr Mackie expressed her concerns around the applicant's attitude about handling difficult customers and she strongly felt he had shown nothing to rebut the presumptions and that the application should be rejected.

Cardiff Licensee Forum - Mr Newman stated that based on feedback from colleagues, street drinkers almost exclusively buy alcohol from off licenses and the City centre does not need another one.

Applicant – Mr Taiyab did not believe the application would add to the negative impact of the CIP; there was no evidence to support the issues outlined. Applications should be considered on their own merit. He would put control measures in place, he had business experience; he would be a member of the Licensee Forum and FOR Cardiff. He would respect the decision of the subcommittee about opening hours.

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, REFUSED the application.

6 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - FLOWERHORN BREWERY, WESTERN AVENUE

This item was withdrawn following an agreement between South Wales Police and the applicant.

7 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 12.35 pm