

LICENSING SUB COMMITTEE

9 APRIL 2021

Present: Councillor Mackie(Chairperson)
Councillors Sattar and Wood

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - RHIWBINA
TAP, HEOL Y DERI

Present

Applicant

Phil Newbould

Other persons

Kathryn & Mark Pinches (also representing Pia Sainz)

Robert Powell

David Collins

Nick Eales

Andrea Waddington

The Application

An application for the Grant of a Premises Licence has been received from Suburban Taps Ltd in respect of Rhiwbina Tap & Cellar, 17A/B Heol y Deri, Rhiwbina, Cardiff.

The applicant applied for the following:

(1) In respect of the following licensable activities:

(2)

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

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

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

“Currently a unit being run as cafe (pre-covid) on Heol-Y-Deri. Unit is opposite Rhiwbina's local Co-op Supermarket and a Tapas restaurant; next to a butcher's shop, Indian takeaway/resturant one side and an estate agent on the other. This would be currently the only micro-pub in the area. The business will run simply as a micro-pub and bottle shop, with a small offering of beer and wine for both consumption on site and to be sold to take home.

The target demographic will be affluent local residents looking for local craft beers and quality wines and the offering will reflect this. The offering will be significantly different to other pubs in the area, focusing on local, independent suppliers. This business is not targeted at the 'lager-lout' or be targeting young drinkers with special offers and alcopop type drinks.

There is a small strip of space on the front pavement which is part of the property which will be ideal for some outside seating in the warmer months, but of course this we be well managed in regard to noise and nuisance; this will also close earlier than the inside space to reduce the opportunity of any issues in this regard. As in our other site (The Radyr Tap), will will not allow any under 18's without an adult and furthermore after 8:30 no under 18's will be permitted whatsoever".

- (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 Saturday: 12:00 to 23:30

Sunday: 12:00 to 22:30

Christmas Eve: 12:00 to 00:30

New Years Eve: 12:00 to 01:00

- (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 Saturday: 12:00 to 23:00

Sunday: 12:00 to 22:00

Christmas Eve: 12:00 to 00:00

New Years Eve: 12:00 to 00:30

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

Christmas Eve: 12:00 to 23:30

New Years Eve: 12:00 to 00:30

A site map showing the premises and a plan of that premises was appended to the report.

Applicant Representations

Mr Phil Newbould was invited to present the application. Members were advised that the application sought to expand a small brewery business into Rhiwbina. The pandemic has brought with it difficult trading conditions. However, the applicants other outlet in Radyr was trading well.

There was now an opportunity to grow the business by opening in Rhiwbina. Rhiwbina has a similar demographic to Radyr, in a village setting and the applicants would seek to provide another community focused amenity. Mr Newbould accepted that local residents would be naturally concerned. Residents of Radyr were similarly concerned, but residents who had objected to that application were now regular customers.

Mr Newbould stated that he had considered the issues of concern raised by local residents in the written representations received. In order to mitigate against those concerns he had decided to amend the application. The premises would close at 2200 hours Sunday to Thursday and 2300 hours on Friday and Saturday. Mr Newbould added that the Radyr Tap does not open on Mondays and Tuesdays and there were no plans to open on Mondays and Tuesdays in Rhiwbina either. Although the premises licence would permit opening on Monday and Tuesday to allow flexibility for Bank Holiday, Christmas and New Years etc.

The Rhiwbina Tap offering would be different to other premises in the area. The Radyr Tap is well-managed and there has never been any anti-social behaviour reported there. Mr Newbould suggested that a more mature clientele and premium pricing for products at the premises would deter anyone intent on causing anti-social behaviour.

In terms of live entertainment there was no intention to have live music. There would possibly be a pub quiz occasionally. Background music will be played at a low level and will only be audible within the premises.

Mr Newbould acknowledges concerns raised around parking but considered that these are not relevant to the application for a premises licence. As a local community facility it was anticipated that customers would generally walk to the premises. Furthermore, any deliveries to the premises would be undertaken within reasonable hours. Weekly deliveries would be received from a small van for beers and for wines.

It was intended that benches would be provided outside the premises with seating for approximately 8 people. An undertaking was given that glass bins be emptied once during the day around half hour before opening.

Mr Newbould closed by stating that the business would seek to protect its licence and it would not allow any behaviour that would have a detrimental impact on the business or the wider community.

In response to questions Mr Newbould explained the provision for smokers using the premises. In Radyr ashtrays are provided on the tables outside, and drinks can only be taken outside if customers are seated at a table. Management cannot control people who smoke in the street away from the premises. There are far fewer smokers now.

Mr Newbould was asked to provide assurance that the premises will not become a hub for people from outside the area causing an increase in public nuisance. Mr Newbould stated that the applicants could not prevent people coming from other areas. It was suggested that an increase of people might be a good for businesses in the area. The Rhiwbina Tap will have signs up reminding customers to be respectful to their neighbours. A 'one chance' policy will be adopted, as in Radyr. Customers will receive one warning and if they continue to cause problems they will no longer be served. The policy has never needed to be applied.

Mr Newbould was asked to explain why the Radyr Tap has promoted special offers when an undertaking had been given that this would not be allowed. Mr Newbould explained that due to ill health he was forced to take 16 months off work. A colleague

did place a special offer on social media during that period without his knowledge. Mr Newbould confirmed that he was currently DPS for Radyr Tap and he intended to as DPS for Rhiwbina Tap in due course.

Mr Newbould also provided details of bin storage at the premises and the policy for managing customers waiting for taxis,

Other Persons Representations

Mr Mark Pinches and Mrs Kathryn Pinches were invited to address the Sub Committee. Mrs Pinches stated that Rhiwbina is designated a garden village and this application would impact on the character of the area. There were a number of licenced premises already on Heol y Deri – 3 restaurants and an off-licence. Residents living in close proximity would suffer an increase in noise levels as a result. Noise nuisance is currently caused by customers leaving another restaurant nearby and also staff clearing up late at night.

Concerns were also raised about the use of the external area, the increased footfall and an increased number of vehicles in the village as a result of the application. They considered that there would be a negative impact upon the level of peace and quiet. Mr and Mrs Pinches also questioned whether Rhiwbina Village needed an establishment such as the Rhiwbina Tap.

Mrs Pinches considered that an alcohol focussed establishment could not be a community hub as it excluded some residents. The village was already very well service by community facilities.

Mr Robert Powell addressed the Sub Committee. Mr Powell stated that opposite the premises there is a bus stop and he was concerned about children crossing the road. Concerns were also raised regarding the use of bins and the potential to attract seagulls into the area. Mr Powell considered that if the application was granted then there would be licensed premises on both sides of the street as such there will be an obstruction for disabled people in wheelchairs and parents with pushchairs.

Mr Powell did not accept the argument that this premises would provide an additional offering or would enhance the area.

Mr David Collins spoke in support of this application. Mr Collins had lived in Rhiwbina over 40 years and been an active member of the community. Mr Collins stated that he has witness the village thriving in the 80s go into decline, and in the last few years improve once again. The village is now becoming more vibrant and he believed that businesses that will enhance the village should be encouraged. Mr Collins agreed that as a premium product is being offered the premises would be used by a different clientele to a traditional pub.

Mrs Andrea Waddington also supported the application. Members were advised that she has lived in Rhiwbina for a number of years. Mrs Waddington considered that this establishment will enhance the area. The Radyr Tap seems a very respectful place where people can meet up and she considered that the Rhiwbina Tap would

add to what Rhiwbina has to offer. Mrs Waddington stated that there was massive support for the application on social media.

Summing up

All parties were invited to make brief closing statements. Mr and Mrs Pinches stated that there are already sufficient premises that serve the local community.

Mr Powell stated that as a veteran he moved to the area as it had all the amenities he needed. This application would take away from the peace and quiet in the area. There was also concern regarding also the issue of children crossing the road. If the application was granted he would need to consider moving out of the village as it would be of great detriment to his quality of life. There will also be a reduction in the value of nearby properties.

David Collins did not accept that this application is equivalent to other licensed premises and it would enhance the offering in the village.

Mrs Andrea Waddington stated that this establishment would add to the flavour of living in Rhiwbina. It was different to other establishments and it would enrich the lives the people that live in Rhiwbina.

Mr Phil Newbould appreciated the comments made both in favour and against the application as it was important for the management of the premises to understand any concerns. The applicants intention was to enhance the village and work in partnership with local residents.

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, APPROVED the application.

The Sub Committee considered the representations made by local residents and all written representations. The Sub Committee noted that the applicant accepted the conditions from South Wales Police in Appendix C of the report and in their submission offered to reduce the hours for the sale of alcohol to:

Sunday – Thursday: 12:00 – 22:00

Friday – Saturday: 12:00 – 23:00

The Sub Committee gave regard to the representations from local residents, but felt that no evidence was presented that the granting of this application would undermine the licensing objectives. Where there is no evidence that the proposed application will undermine the licensing objectives, there is a presumption to grant the licence. If there is evidence that a licensed premises is undermining the licensing objectives, the Licensing Act 2003 allows residents to apply for a Review of the Premises Licence.

In light of the above, the Sub Committee felt that the applicants successfully demonstrated that this application would not negatively impact on the licensing objectives. The Sub Committee therefore resolve to grant the application, subject to

the conditions agreed at Appendix C of the report and the amendments outlined above.

3 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 12.30 pm