

LICENSING SUB COMMITTEE

29 JUNE 2021

Present: Councillor Mackie(Chairperson)
Councillors Asghar Ali and Lancaster

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - SOCIAL EATS, SALISBURY ROAD

Present

Applicants: Laura Archbold and Michael Robbins

Responsible Authorities: PC Rob Gunstone, South Wales Police
Sam Page, Pollution Control
Rhys Morgan, Licensing

The Application

An application for the Grant of a Premises Licence has been received from Laura Archbold and Michael Robbins in respect of Social Eats, 20 Salisbury Road, Cathays, Cardiff.

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

“Coffee shop and Café”
- (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: 10:00 to 23:00 hours
Sunday: 10:00 to 22:00 hours
- (4) To provide licensable activities during the following hours:
 - i) The sale by retail of alcohol for consumption on and off the premises:

Monday to Saturday: 11:00 to 23:00 hours
Sunday: 11:00 to 22:00 hours

A site map and a floorplan of that premises were appended to the report.

Applicants' Representations

Laura Archbold presented the application. Members were advised that an application for a premises licence was made for a coffee shop/café for Monday to Saturday 1000 hours to 2300 hours and Sunday 1000 hours to 2200 hours. Following consultation with South Wales Police the applicants agreed to amend those hours in line with the written representations received from South Wales Police. Ms Archbold advised that the applicants also accepted the other conditions set out in the written representations received from South Wales Police. Furthermore, Ms Archbold referred members to the revised operating schedule that was circulated via email prior to the hearing.

Ms Archbold noted that the premises was selling alcohol without a licence during the consultation period and provided an explanation of the circumstances when the business surrounding this. Ms Archbold stated that she and her business partner ran other businesses. This was their first business venture in the hospitality sector. As a new business they had applied for a number of licences with the local authority, including the premises licence. Ms Archbold had assumed that the premises licence had been conditionally granted and that the business was permitted to sell alcohol pending the granting of the premises licence. Members were advised that Ms Archbold received an email from a Council officer confirming that the business could use the seating in the external area prior to the pavement licence being issued. She had mistakenly assumed that this permission related to the premises licence.

The applicant had made considerable investment in the fabric of the building and the Social Eats concept. Their intention is to bring a high-quality, healthy eating establishment to Cathays. Ms Archbold accepted that the initial application had been completed without any input from a licensing consultant. However, the business has since engaged a consultant who had helped make the necessary amendments to the application.

Social Eats have been open since March 2021. The applicants stated that they recognised that there were not many healthy eating establishments in the City and there weren't many high quality establishments catering for the student community in Cardiff. The business has invested in high-end coffee roasting equipment and a coffee machine. The business offers good quality healthy food and a nice welcoming environment for its customers.

Responding to questions, Ms Archbold confirmed that the external seating will consist of four tables (8 seats) socially distanced in Salisbury Road and Cranbrook Street. There are future plans to develop the rear yard area. The business no longer had plans to use the green open space opposite the business. There were plans however to work in partnership with The Depot in Cardiff and the Goodsheds in Barry on events hosted by them.

Ms Archbold confirmed that the intention is to serve alcohol to accompany food. The business also planned to offer wine tasting and cocktail making events. During the day coffee and lunches would be offered. During the evening there would be an evening menu and sale of alcohol. It was not intended to operate the business as a

bar. Ideally table bookings would be for those customers intent on dining as the business model would rely on those customers its profits. There are 15 covers inside the premises. Ms Archbold stated that the business was not considering a condition on the licence permitting alcohol only being sold ancillary to a meal.

Responsible Authority Representations

PC Rob Gunstone addressed the Sub Committee. PC Gunstone advised that since the application was submitted there has been further consultation between South Wales Police (SWP) and the applicants. All the conditions set out in the written representations have been accepted by the applicant in addition to a reduction in the hours for sale of alcohol by 30 minutes. SWP are satisfied with that outcome and therefore SWP agreed to withdraw their objection. PC Gunstone confirmed that the external seating areas are covered by the CCTV condition.

Sam Page of Pollution Control stated that during the time that the premises was selling alcohol without a licence during the consultation period, 13 complaints were received in relation to noise disturbance from the premises. The complaints related to loud music, shouting and singing at the premises on 29 May 2021. The premises was located in a highly residential area and Pollution Control have concerns that the applicants would not be able to uphold the prevention of public nuisance licensing objective as there are residences backing onto and adjoining the premises. The premises is the only commercial business at this end of Salisbury Road and it was formally a coffee shop. The application provided no indication with regard to how the business intended to meet the licensing objectives in its operating schedule. Pollution Control held concerns regarding sale of alcohol from the premises particularly the use of the external rear yard area and how that area would be managed. Sam Page considered that the conditions agreed between the applicants and SWP would not address those concerns. The Licensing Manager provided clarification that the rear yard area is included in the plan for the premises licence application and therefore could be used for licensable activity if the licence was granted.

Rhys Morgan of the Licensing Authority addressed the Sub Committee. Members were advised that the Licensing Authority would usually make representations based on its Licensing Policy or the cumulative impact policy. However, there representation on this application was primarily based on complaints received and information that came to light prior to the end of consultation period that alcohol was being sold prior to the determination of the licence application. Members were requested to have due regard to the applicants operating schedule and ensuring that the licensing objectives are not undermined.

Summing Up

Sam Page stated that 13 complaints regarding noise nuisance from the premises during the consultation period. Concerns remain that the applicants will promote the licensing objectives given that the premises are located within a highly residents area.

Rhys Morgan suggested that the applicants be mindful of what their direction for the business and be clear regarding what conditions are required for the business.

Ms Archbold advised that a member of staff employed as security is no longer employed by the business following the incidents referred to. Windows and doors will be closed in future. Ms Archbold read the revised conditions in the revised operating schedule aimed at promoting the prevention of public nuisance licensing objective. The applicants apologised for their genuine misunderstanding. There were plans to increase the number of staff employed. Barista course, wine tasting and cocktail making courses were also planned. The applicants were intending gaining their personal licences but an employee has a personal licence and would be Designated Premises Supervisor.

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.

The Sub Committee heard from the applicant and listened to all the evidence and submissions and considered the written material. The Sub Committee also considered the Licensing Act 2003, the Section 182 Guidance, our own Statement of Licensing Policy and the representations made by South Wales Police, Environmental Health (Pollution Control) and the Licensing Authority, and considered all written representations made to us.

The Sub Committee noted that the applicants were willing to accept the proposed conditions of South Wales Police in Appendix C of the report, and proposed additional measures for the Sub Committee to consider.

After carefully considering the representations made today, Members accepted that there is evidence that during the consultation period alcohol was being sold without a licence and this led to a number of complaints of public nuisance. It was noted that the premises is located in a residential area and the Sub Committee did not feel that the application or representations have not demonstrated that prevention of public nuisance licensing objective will be promoted.

In light of the above, the Sub Committee did not consider that the applicants have demonstrated that they would be able to deal with the issues associated with managing a licensed premises.

The Sub Committee therefore resolved to refuse the application.

3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BACARETO, CHURCH STREET

Present

Applicants: Rebecca Thomas
Nia Metcalfe
Niall Gallacher

Responsible Authorities: PC Rob Gunstone, South Wales Police
Jay Sampson, Licensing

The Application

An application for the Grant of a Premises Licence has been received from Bacareto Ltd in respect of Bacareto, 13 Church Street, Cardiff.

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 films (indoors), live music (indoors and outdoors) and recorded music (indoors and outdoors).
- (iii) The provision of late night refreshment (indoors and outdoors).

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

“13 Church Street is a 3-storey terraced premises. The ground floor and part of the first floor is a cafe/bar unit, part of the first floor is a shop unit, and the top floor is private offices. We will be supplying alcohol for consumption on the premises and the outside front seating area, consistent with other licensed premises on the street (pavement cafe license is being applied for separately). We also wish to provide off-sales of alcohol to takeaway from the premises either in takeaway containers or bottles of wine and beer”.

(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 Wednesday: 08:00 to 00:00 hours
Thursday to Saturday: 08:00 to 01:00 hours
Christmas Eve: 08:00 to 01:00 hours
New Year's Eve: 08:00 to 02:00
Sunday preceding a Bank Holiday: 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:

Monday to Wednesday: 08:00 to 00:00 hours
Thursday to Saturday: 08:00 to 01:00 hours
Christmas Eve: 08:00 to 01:00 hours
New Year's Eve: 08:00 to 02:00
Sunday preceding a Bank Holiday: 08:00 to 01:00 hours

(ii) The provision of regulated entertainment in the form of films (indoors), live music (indoors and outdoors) and recorded music (indoors and outdoors):

Monday to Wednesday: 08:00 to 00:00 hours
Thursday to Saturday: 08:00 to 01:00 hours
Christmas Eve: 08:00 to 01:00 hours

New Year's Eve: 08:00 to 02:00
Sunday preceding a Bank Holiday: 08:00 to 01:00 hours

(iii) The provision of late night refreshment (indoors and outdoors):

Monday to Wednesday: 23:00 to 00:00 hours
Thursday to Saturday: 23:00 to 01:00 hours
Christmas Eve: 23:00 to 01:00 hours
New Year's Eve: 23:00 to 02:00
Sunday preceding a Bank Holiday: 23:00 to 01:00 hours

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

At the commencement of the hearing Members were advised that the applicants had agreed to the conditions suggested in the written representations received from Pollution Control. The objection received from Pollution Control was therefore withdrawn.

Applicants Representations

Rebecca Thomas presented the application. Members were advised that Bacareto is a new independent café bar that has been inspired by Venice conceived by the team that also run 'Spit and Sawdust'. Spit and Sawdust is a multi-function community space in East Cardiff funded in 2014 that comprises a skate park, café bar and art programme. Both Bacareto and Spit and Sawdust are non-profit social enterprises. Profits are reinvested into a programme of community, sporting, social and artistic activities, examples of which were provided.

Ms Thomas stated that Bacareto would provide a valued, distinctive offering for the City Centre with a majority of plant-based food and drink options. Local seasonal sustainable goods from independent producers would be highlighted. A well respected head chef has been engaged and a menu is being developed.

Bacareto is inspired by the European model of café bar culture which is inclusive, family friendly and inter-generational; supporting responsible consumption of alcohol alongside food. During the day primary sales will be lunches, cakes and coffee. An evening menu will also be provided.

Bacareto will also be an exemplary employer. The company will provide secure, rewarding hospitality jobs with the aim of providing a fairer work life balance and better working environment that is the norm within the sector.

The business has consulted with South Wales Police and have taken their advice on how to best creating a safe environment for staff and customers through use of CCTV, door staff and a robust Challenge 25 policy. Ms Thomas stated that Bacareto are fully committed to the licensing objectives.

The team behind Bacareto are experienced in running a well-known local business. They are confident that they will be able to build on that success at Bacareto by

creating positive experiences for those visiting and making Cardiff a more creatively rich and exciting place.

Responding to questions Rebecca Thomas explained how the business would provide off licence sales. The business would like to offer good quality wines from a deli-counter. The off licence condition was in line with other premises in the city centre.

It was confirmed that the application did include opening hours for Sundays.

Responsible Authority Representations

PC Rob Gunstone addressed the Sub Committee. Members were advised that the premises is located within the cumulative impact zone. Church Street has evolved into a street with virtually 100% hospitality-led premises. The ground floor and part of the first floor will be a café/bar. The application seeks to provide sales of alcohol in an outside seating area also consistent with other premises.

The position of South Wales Police is that, despite the measures offered by the applicant, the application is objected to under the provisions of the Cardiff Council Cumulative Impact Policy. However, throughout the consultation period the premises were visited during the construction phase and SWP were able meet with the applicants and their architect and were able to make a number of recommendations. There is a rebuttal presumption that the application will be refused. However, a total of 16 conditions have been agreed with the applicants and SWP are satisfied that those conditions will uphold and support the licensing objectives.

PC Gunstone drew the Sub Committee's attention to the amended condition in relation to the use of SIA approved door staff that had been amended from its original proposal and the amended condition around the use of glass vessels on match days.

Jay Sampson of Licensing Enforcement stated that the Licensing Authority objection was made under the prevention of public nuisance licensing objective. Concerns were raised initially with the playing of music externally, the off-sales of alcohol and that food will not be available until the terminal hour. The business will primarily be 'wet-led' at a certain point during the day and therefore it would fall within the red category in the cumulative impact policy. Church Street is saturated with licensed premises and new applications in the area will be refused unless the applicants can demonstrate that there will be no negative effect on the licensing objectives. Jay Sampson was not satisfied that this application has addressed that criteria.

Members asked whether Mr Sampson considered that there were any particular areas in the application that could potentially be strengthened to support the licensing objectives. Members were advised that the premises was ultimately a bar serving alcohol until 0100 hours. Conditions could be adopted that would bring the premises towards being food led.

Summing Up

PC Gunstone stated that SWP has approached the application with a view to conditioning a bar and the conditions agreed reflect that use. There had been

considerable dialogue with the applicants and they have taken on board the conditions suggested. SWP are satisfied that the measures in place are consistent with other premises and will uphold the licensing objectives.

Jay Sampson reiterated that the nature of the premises means that it would be operating as a bar in a street that was already saturated.

Ms Rebecca Thomas stated that the applicants are confident that Barcarto will bring something positive to Cardiff City Centre. The business will employ around 20 staff. Food will be offered at all times, even when the kitchen is closed as snack will be available at the bar, in line with continental café culture.

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.

The Sub Committee heard from the applicant and listened to all the evidence and submissions and considered the written material. The Sub Committee considered the Licensing Act 2003 the Section 182 Guidance and our own Statement of Licensing Policy and also heard the representations made by South Wales Police, the Senior Licensing Enforcement Officer and considered all written representations made to us.

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 this application.

Members noted that prior to the meeting the applicants accepted the proposed conditions of South Wales Police in Appendix C of the report. It was also noted that the applicants agreed the conditions proposed by Environmental Health (Pollution Control).

In light of the above and your representation today, the Sub Committee considered that the applicants had 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 therefore resolve to grant the application, subject to the additional conditions that agreed.

4 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 2.00 pm