

LICENSING SUB COMMITTEE

6 AUGUST 2021

Present: Councillor Derbyshire(Chairperson)
Councillors Bowen-Thomson and Sattar

10 : DECLARATIONS OF INTEREST

No declarations of interest were received.

11 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE- CORNER COFFEE, HIGH STREET

Present:

Applicants: Laura McDonald, Corner Coffee Union Ltd

Responsible Authorities: Tony Bowley, South Wales Police; Rhys Morgan,
Licensing Enforcement

The Application

An application for the Grant of a Premises Licence has been received from Corner Coffee Union Ltd in respect of Corner Coffee, 13 High Street, 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): "We are a small coffee shop located in Cardiff City Centre. The coffee shop bar and sitting area are located on the Ground floor, which has a door into High Street Arcade, as well as a door onto High Street. We have a toilet, kitchen, and Staff Office in the Basement. We have 13 covers inside on the Ground floor, as well as 10 covers in High Street Arcade, and 22 outdoor covers at the front of the cafe, on High Street. We have seen the development of our end of town as a destination for people to visit for a higher-end drink and meal out, enhanced by the likes of Pasture arriving. It has been great to see the area become such a hub, with a lovely buzz in the evenings as so many neighbouring bars are offering fantastic outdoor dining experiences. Our outdoor seating area gets the sun later than any other business on our street so this would be a great advantage, and we believe a quality alcohol offering would fit well with our brand, location, and customer base. The alcohol selection would be limited but high quality - mainly local craft beers (cans and bottles only) and quality wines. We would like to allow patrons to consume these drinks on all covers mentioned above, as well as to take away".

(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 and Tuesday: 09:00 to 17:00 Wednesday to Sunday: 09:00 to 23:00

(4) To provide licensable activities during the following hours: (i) The sale by retail of alcohol for consumption on and off the premises: Wednesday to Sunday: 15:00 to 23:00

Applicant's Representation

The Applicant outlined the key points in the application. Since Corner Coffee opened the High Street area has become busier with the arrival of Pasture adding to the business. In the circumstances the Applicant thought it would be good for the business to have an alcohol licence to sell beer and wine during the evening. Currently Corner Coffee closes at 21:00 despite being the only establishment in the area where the sun shines on the tables at that hour.

Corner Coffee aims to provide high quality coffee during the day and the Applicant would like to emulate that with the sale of quality beer and wine during the evening. They hope to attract couples having a drink before moving onto a meal at a local restaurant, or people on their way home from work. They hope to create a relaxed atmosphere with table service only.

Members sought clarification on whether the Applicant planned to sell alcohol from the counter or at the table only. The Applicant confirmed they had no intention of introducing vertical drinking and alcohol sales would be confined to table service only. They had applied for off-premises sales too but were willing to forego that.

Members sought clarification on whether the Applicant was prepared to accept the conditions put forward by South Wales Police. The Sub-Committee were advised that the Applicant was happy to accept all the conditions with the exception of Condition 2, alcohol to be sold with table meals. They could not accept this condition because they do not serve table meals in daytime.

Mr Bowley enquired as to whether the Applicant had previous experience of selling alcohol in bars or restaurants in Cardiff city centre. The Applicants confirmed they had worked in pubs and bars in the UK and abroad over several years.

Mr Morgan enquired as to whether off-sales would be in sealed containers, the Applicant confirmed they would.

Responsible Authority Representation

Mr Bowley stated that South Wales Police objected to the application under the licensing objectives Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance. The premises is within the City Centre Saturation Zone and is subject to the Cumulative Impact policy. There is a disproportionate amount of crime and disorder associated with outlets selling alcohol and the addition of a further outlet would add to the problem. The Police are seeking 8 conditions all of which appear to be agreed with the exception of alcohol only be served to customers with a table meal.

Mr Bowley stated that the application was for a bar and it was South Wales Police's view that the City Centre already had enough bars, but they had no objection to restaurants. The application does not sit within the Green or Amber zones of premises type within the CIP policy, and the Police asked the Sub-Committee to refuse the application on that ground.

The Applicant enquired as to whether South Wales Police considered the application to present a risk of crime and disorder in the City Centre. Mr Bowley stated that the Police's data indicated that the more outlets there were selling alcohol, the more alcohol-related crime there was associated with them. The addition of another outlet could only add to the problem. Some alcohol-serving outlets operate without any problems on their premises. How customers behave later on with the accumulation of drinks is difficult to measure.

Members sought clarification on the level of crime and disorder recorded near the premises. Mr Bowley said the information was in the documents on a street by street basis. He did not have any information specific to the premises, which has not previously had an alcohol licence.

Members enquired as to whether there was information about the level of crime and disorder around different types of establishment. Mr Bowley said he had no specific information he could present to the Sub-Committee today. As an experienced licensing officer he could say that the largest number of incidents were in nightclubs, followed by late night refreshment houses, pubs, bars, restaurants and cafes. The more controlled customers were the more positive the impact on anti-social behaviour.

Mr Morgan stated that Licensing Enforcement's assessment of the application indicated that it had the potential for vertical drinking, putting it under the Cumulative Impact Policy within the red category. The submission by the Applicant indicates the establishment is not a restaurant and it is not practical for it to become one in order to have alcohol sales. The Sub-Committee would need to review the information and assess whether any of the Licensing objectives were being undermined. The Applicant's proposals would permit drinking on the premises until 2300 hours. Food is offered until 1700 hours.

Members were advised that the Applicant has accepted the conditions put forward by Licensing Enforcement. The purpose of the policy is to encourage well-run establishments. The Sub-Committee was urged to accept the measures put forward by the Applicant and assess whether they promote the Licensing Objectives. Under its current form the premises would be considered as falling into the red category, but it was apparent from the information presented that if the measures were adopted it would be possible to draw it towards the amber category.

Members sought clarification as to whether Licensing Enforcement would still be objecting to the application given the Applicants' acceptance of the conditions. Mr Morgan advised that the Committee should consider the application because it was Licensing Enforcement's view that it fell under the red category, however Licensing Enforcement has put in steps to in effect 'merge' what would be a red category into an amber category. Some of the proposed measures have been adopted by the

Applicant but without all of them being adopted and the business being predominantly food-led, it would still be a red-listed premises.

Summing Up

Mr Bowley summed up the case for the Police stating that the question for the Police was whether, if this application were allowed, it would undermine the Council's licensing objectives.

Mr Morgan reiterated that the Applicant's business model falls between different categories. It was a business that was looking to expand after the restrictions of recent times, but it was important to keep in mind the overarching principles of cumulative impact. If the Sub-Committee considered the measures put forward sufficient to overcome those concerns Licensing Enforcement would recommend they be considered as conditions.

The Applicant reiterated that they were a small business and they intended the measure to increase turnover and offer a relaxed atmosphere on the street.

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 subject to agreed conditions.

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

The Sub-Committee also considered the representations made by South Wales Police and Licensing Enforcement and considered all written representations.

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 has agreed that the Cumulative Impact Policy would apply to this application.

The Sub-Committee notes that the applicant accepted the proposed conditions of South Wales Police in Appendix C except for the proposed Condition 2, and have also accepted all of the proposed conditions from Licensing Enforcement in Appendix D of the report.

After carefully considering the submissions today and the written material, the Sub-Committee feels that proposals within the application do not have the potential to undermine the licensing objectives.

The Sub-Committee therefore resolves to grant the application subject to the agreed conditions detailed above.

12 : URGENT ITEMS (IF ANY)

There were no urgent items.

The meeting terminated at 11.30 am