

LICENSING SUB COMMITTEE

26 NOVEMBER 2021

Present: Councillor Derbyshire(Chairperson)
Councillors Jacobsen and Goddard

1 : DECLARATIONS OF INTEREST

There were no declarations of interest.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MAD DOG BREWERY TAP ROOM, CASTLE STREET

Present:

Applicants: Tim Waters

Responsible Authorities: Tony Bowley – South Wales Police, PC Will Tapper – South Wales Police, Councillor Norma Mackie

Application

An application for the Grant of a Premises Licence has been received from Mad Dog Brewery Co Ltd in respect of Mad Dog Brewery Tap Room, 17-19 Castle Street & 2 Womanby Street, Cardiff, CF10 1BS.

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
2. Description of Premises (as stated by applicant): "A family-friendly Micro-brewery & seated Taproom with small kitchen supplying beers, wines, spirits and food to the public".
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 Sunday: 11:00 to 23:00 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 Sunday: 11:00 to 23:00 hours

Applicant Representation

The Applicant outlined the key points of the application. The Applicant and his son acquired the brewery in May. It had been struggling through the Covid pandemic and it became apparent that a move to new premises was necessary.

The Applicants were aware that the new premises were in a cumulative impact zone but were of the opinion that as a family business they were an exceptional case. The tap room will be predominantly seated and the intention is to create a family

environment. Parents with children will be welcome during the day with games provided.

There will be a microbrewery at the rear with different varieties of beer available in 1/3 and as well as ½ and 1 pint glasses. The licence application is until 11pm. Overt Security has been employed to provide door staff. The Applicants intend to join the Licensee Forum and participate in the Police radio network scheme. All staff will have Challenge 25 training as well as safety training associated with lone females leaving the premises late at night.

The Applicants have liaised with South Wales Police and thank the Police for their guidance and assistance in regard to the conditions to be put in place. The Applicant has also met with Cllr Mackie to discuss the plans.

The proposal will safeguard 4 jobs at the brewery and create between 8 and 10 new ones. The Applicant considers it important to support the hospitality sector which has suffered through the pandemic and the effects of Brexit.

The Applicant drew attention to the fact that the premises has previously held a licence as an off-licence. The building has been granted a change of use and has an A3 licence. The Applicants hope to maintain a reputable operation where people can feel comfortable and enjoy themselves.

Members enquired as to whether arrangements had been made for glass collection and what time such collections would be made. The Applicant advised Members that Biffa had been engaged in common with other premises in Womanby Street. Glasses would be emptied into bins inside the premises to limit noise disturbance outside. Full bins would be wheeled out into Womanby Street to be emptied into the Biffa vehicles. Collection before 9am has been requested due to a post-10am restriction on access into the street.

Members sought advice on what actions would be taken to mitigate drunken behaviour in and around the premises. The Applicant advised that a professional security firm had been engaged to control the entrance. The firm is in liaison with other establishments in the city. In addition, the premises will have internal and external CCTV. The target clientele is couples and families. The business model is not driven by volume of drinking. The Applicant's son who was chef at the Fat Duck in Bray will be responsible for the food offer. The business will not be offering cheap alcohol in order to attract a large, late night drinking crowd. Prices will be high in order to attract appropriate clientele.

The Applicant in response to questions from Tony Bowley, South Wales Police, confirmed that the brewery is currently situated in Penperlleni near Goetre in Monmouthshire. It is unviable in its present location due to a lack of footfall and passing trade. The brewing and storage area will take up 55-60% of the new premises. The seated tap room will occupy the rest. New customer toilets and a kitchen will be installed. The seated customer capacity will be 70. Lunches will be served as well as light snacks throughout the day. Guest chefs will be invited at weekends. There will also be a corporate and ticket only events. In addition to beers brewed on the site, guest beers, wines and spirits will be served.

The Applicant advised Members that there will be stools fixed to the floor in front of the bar to encourage customers to sit rather than stand at the bar. There will be 3 high tables to allow up to 10 customers to stand and drink.

Members sought advice on arrangements for event days. The Applicant advised Members that there would be extra security and alcohol would be served in plastic containers. The food offer would be modified to avoid the use of cutlery.

Responsible Authority Representations

Mr Bowley stated that South Wales Police had made an objection to the application based on the Council's Statement of Licensing Policy due to the premises being in the saturation zone. The Police have a particular difficulty in making representations in regard to new premises where there was not previously licensed premises, albeit there had been an off-licence on the site. In addition to there being no track record in relation to the site, there is also none in relation to the Applicant. The Police are reassured by the fact that the Applicant has entered into consultation, and have drawn up a list of conditions to be placed on the licence should the Committee be minded to grant the application. The conditions include actions to be taken in regard to event days. It falls on the Applicant to convince the Committee that the application will not have a negative impact on the Licensing Objective of the Prevention of Crime and Disorder, and that the application brings something culturally different to the city centre.

The Applicant confirmed that he was happy to comply with the conditions set out by the Police.

Cllr Mackie stated that there had been concerns about the establishment of a drinking premises in the cumulative impact zone. Discussions had revealed that the Applicant had taken time and effort to address most of the issues. It was understood the Angel Hotel was supportive of the application. Taking into account the conditions set out by the Police Cllr Mackie stated she had no concerns other than the fact the premises was in the cumulative impact zone.

Summing Up

Mr Bowley stated that it had been important to have the opportunity to question the Applicant to gain more information about the application. The Police were reassured about the premises' slow capacity, expected high prices and 11pm closing time.

The Applicant stated that it was their hope to create an establishment that was innovative and exceptional and maintain a high reputation. Immediate steps would be taken to remedy any problem behaviour.

RESOLVED:

We have heard from the applicant, 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 the representations made by South Wales Police and the local ward Member and have 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. We have agreed that the Cumulative Impact Policy would apply to this application.

We note that prior to the meeting you met with the local ward Member and the manager of the Angel hotel nearby, to allay any concerns about the proposed operation of the premises.

In light of your submission today, the literature submitted to us and your Operating Schedule, we feel that you have successfully demonstrated that this application would not add to the negative cumulative impact in the area, and this application will not negatively impact on the licensing objectives.

We therefore resolve to grant the application, subject to the addition of the conditions proposed by South Wales Police at Appendix C of the report.

3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CURRY HUT, SALISBURY ROAD

Present:

Applicants: Jeyaratnam Pathmasri, Pakshuna Pathmasri (daughter)

Responsible Authorities: Councillor Norma Mackie – Ward Councillor

Application

An application for the Grant of a Premises Licence has been received from Family Choice Private Ltd in respect of Curry Hut Cardiff, 96 Salisbury Road, Cathays, Cardiff, CF24 4AE.

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 late night refreshment (indoors).
2. Description of Premises (as stated by applicant): "At the moment the premises already has Off License. Over the past ten years I have run the premises as a retail store and also a takeaway business. We have converted the space into a restaurant and takeaway for Srilankan and Indian cuisine. As I will be providing the dine in option I would also like to be able to provide alcohol for consumption on the premises. Also I would like to extend the time I can sell alcohol to 24 hours. I would also like to extend the time we can sell hot food to 24 hours".

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:
24 hours a day, 7 days a week
4. To provide licensable activities during the following hours: (i) The sale by retail of alcohol for consumption on and off the premises: 24 hours a day, 7 days a week (ii) The provision of late night refreshment (indoors): Monday to Sunday: 23:00 to 05:00 hours

Applicant Representation

The Applicant outlined the key points of the application. The Applicant has 15 years' experience running off-licences and takeaways. The application is for a restaurant to serve the South Indian and Sri Lankan community. Many members of the community work in hospitals on shifts and eat late in the evening. The Applicant is secretary of a Tamil community organisation and is aware of the demand within the community for a restaurant. The restaurant will seat 25 and have a takeaway counter and minibar. The Applicant, applicant's wife and friend have DPS licences. After 11pm there will be a person at the door.

The Applicant's daughter stated that the original application had been for 24-hour opening but that after discussions with South Wales Police this had changed. The reason for the extended opening was that many members of the community had expressed the view that there is nowhere for them to eat authentic traditional South Indian and Sri Lankan food, especially around festivals. Fine dining customers would not be admitted after 11.30pm. Dining customers would require a booking. There would be no live music. Party bookings would be of a formal nature.

The Applicant has asked for hot food hours to be extended for the benefit of NHS customers. The extended off-licence is to permit takeaway customers to purchase drinks with their meals. The Applicant has agreed to the altered times suggested by South Wales Police.

Members sought clarification on which persons had DPS licences. The Applicant's daughter stated her father, mother and uncle did. The Applicant owns off-licences in Swansea, Cardiff and Newport.

Members sought advice on the security measures that would be in place to prevent rowdy customers entering and leaving late at night. The Applicant advised that there would be a member of staff with DPS on the door after 11pm. Only takeaways would be served and seating customers would not be able to enter after 11pm. Customers would not be able to purchase alcohol without food. CCTV would be in place.

Members enquired as to arrangements for the emptying of bins, collection of glass and bottle deliveries. The Applicant's daughter advised that the matter had been discussed with the Police. No activity with bins or deliveries would take place between 9pm and 9am. Due to lack of space at the site bins would be taken to the Texaco site in North Road for collection.

The Applicants confirmed they would keep the existing licence pending the outcome of the application. If the application was successful they would surrender the existing licence.

The Applicants advised that takeaway sales would be restricted to a maximum of 4 pints of beer per customer with food. Drunk customers would be refused alcohol. The premises did not have space to store large quantities of alcohol.

Members sought clarification on whether pre-booked customers would be permitted entry after 11.30pm. The Applicants advised that they would not. Party bookings would be refused if they were not considered appropriate. After 11pm, fine dining customers would only be served drinks in bottles and takeaway customers cans.

Cllr Mackie sought clarification on the time the takeaway licence would extend to. The Applicants advised that they had asked for it to extend to 3am. The Police had suggested 2.30am on weekends and 12.30am on weekdays, which the Applicants were happy with. Dining customers entering at 11.30pm were expected to remain for up to 2 hours.

Members questioned whether customers leaving at 2.30am or 3am would not disturb residents. The Applicants advised that customers were not expected to stay that long on most evenings, but only customers booking for special occasions.

Responsible Authority Representations

Cllr Mackie advised that the ward councillors' objection was based on the late hours requested for takeaway sales and the location with its large student population, who might be expected to attempt to purchase food and drink until 3am. The closing of the restaurant to diners after 11pm while takeaway sales continued until 3am might give rise to difficult situations, especially if some were refused. Residents have complained about the prospect of noise and antisocial behaviour. There are a large number of people living in houses and flats nearby who are likely to be disturbed. Cllr Mackie questioned whether NHS workers would wish to purchase food and drink late at night or in the early hours of the morning.

Members sought clarification on why the ward councillors were continuing to object when other responsible bodies had withdrawn their objections. Cllr Mackie advised that the ward councillors were concerned that the Applicants had not considered the behaviour of students returning from the city centre late at night who would be likely to request food and drink. They were concerned that it could cause further disruption to local residents in addition to that already occurring.

The Applicants advised that they had run an off-licence on the site for 15 years and a restaurant on another street. The Applicant's daughter lives in the flat above the premises. The Applicants stated that they understand the position that Salisbury Road residents are in and are happy to accept amendments to the times as long as they are able to open late for occasion bookings.

Cllr Mackie enquired as to whether the Applicants could apply for a TEN licence when they expected an occasion booking. The Applicants stated that it would be difficult to predict when such a booking might occur and that it would be helpful to have the ability to take such bookings on at least 1 or 2 days a week.

Summing Up

Cllr Mackie reiterated that the objection was not to the restaurant but to the late hours requested for the takeaway which it was considered could cause disturbance to local residents. If the Applicants could compromise on the hours it would go some way to meeting the objections.

The Applicants stated that they were happy to consider suggestions regarding the hours and understood the concerns of residents.

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 considered the representation made today by the local ward member and we have considered all written representations made to us.

We note that prior to the meeting you accepted the proposed conditions of South Wales Police in Appendix C and Environmental Health Pollution Control in Appendix D of the report.

We note that the area is a mix of residential and commercial premises and there are a number of licensed premises nearby with similar timings, and this premises is not located in an area covered by a cumulative impact policy.

After carefully considering the submissions today and the written material, we feel that proposals within the application do not have the potential to undermine the licensing objectives.

We therefore resolve to grant the application, subject to the addition of the proposed conditions within Appendix C and D of the report and the existing Premises Licence (CCCP00345) being surrendered, following the exhaustion of the appeal period.

4 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TONIGHT
JOSEPHINE, CAROLINE STREET

5 : URGENT ITEMS (IF ANY)

None were received.

The meeting terminated at Time Not Specified