

DRAFT MINUTES

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Meeting ID	7744
Committee	Licensing Sub Committee
Date	14/01/2022
Attendees	Councillor Norma Mackie (Chair) Councillor Abdul Sattar (Committee Member) Councillor John Lancaster (Committee Member) Graham Porter (Clerk) Amanda Jones (Officer) Clive Pursey (Officer) Davina Fiore (Monitor) Gary Jones (Monitor) Daniel Cook (Officer) Mark Roberts (Officer) Kate Rees (Monitor) Chris Kelsey (Officer)

Item ID	27780
Item Title	Declarations of Interest
Summary	No declarations of interest were received.

Item ID	27783
Item Title	Application for the Grant of a Premises Licence - Desg, Penhill Road, Pontcanna
Summary	<p>Present:</p> <p>Applicants: Desg Limited represented by Matthew Phipps – TLT Solicitors, Ross Hooper-Nash, Ollie Vincent – Designated Premises Supervisor</p> <p>Other persons: Cllr Iona Gordon – Ward Councillor, Richard Parker, Jane Williams</p> <p><u>Application</u></p> <p>An application for the Grant of a Premises Licence has been received from Desg Limited in respect of Desg, 11-13 Penhill Road, Pontcanna, Cardiff, CF11 9PQ.</p> <p>The applicant has applied for the following:</p> <p>(1) In respect of the following licensable activities:</p>

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

(2) Description of Premises (as stated by applicant): "Office. Individuals/small businesses rent desks or small offices on daily, weekly, monthly or on a yearly basis. This application is to licence the bar area within the offices so staff and invited guests using the space are able to purchase alcohol. The premises may also host the occasional function under a private hire agreement. The office is open 24 hours a day to its tenants but the applicant is not seeking to enable members of the public to be able to walk in off the street and purchase alcohol".

(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 off the premises: Monday to Sunday: 10:00 to 22:30 hours.

Applicant's Representation

The Applicant outlined the key points of the application, including the conditions imposed by South Wales Police which had been agreed. Sub-Committee were advised that the application was for a new premises licence but not for a leisure and hospitality premises, rather for a co-working office premises. The premises are not open to the public and people cannot walk in off the street and purchase alcohol. There is locked access from the ground floor to the first floor and to the room where alcohol is served. The premises are a working environment and guests are invited by those who work in the facility.

Members were reminded that licensing was about proportionality and that it was not possible to eliminate all risk. The proposed Operating Schedule bolstered by the conditions agreed with South Wales Police is proportionate to the activities proposed. The conditions manage out many concerns that would not ordinarily be associated with an office environment.

Members were advised that Desg is a former accountancy office that has been transformed into 2 storeys of hot desks, co-working spaces, private offices, meeting rooms and an event space. It is intended to be a model for a stylish, balanced environment providing a community where freelancers and small business owners and operators can rub shoulders and collaborate. The office is proposed to be open to members 24 hours a day.

The application will seek to allow those who work in the space to purchase alcoholic drinks. The Applicant stated that it is fundamental to the success of a co-working space that tenants cannot undermine the working environment of co-workers.

The Applicant outlined the conditions agreed with South Wales Police.

The Sub-Committee was advised that while access to the premises was restricted to private members, the Application does not create a leisure or hospitality premises as a precursor to a private club. Creating a leisure space in close proximity to working offices is not the intention of the Applicant. Individuals requiring a comprehensive drinks offer would attend one of the public houses in the vicinity. The Application is limited to no later than 10.30pm. The Applicant stated that parking was an issue across Cardiff and that there was residents' parking in the area.

The Applicant stated that they would have no objection to a prohibition on the disposal of bottles within night-time hours.

Members were advised that privacy glass was being ordered for the premises.

The Sub-Committee was advised that it was unlikely that people would rent space in the premises for the sole purpose of consuming alcohol, as the alcohol offer would be very limited and the space was laid out for offices. In addition there are public houses in the vicinity and the premises will limit the service of alcohol to 60 or 120 minutes before public houses. The review procedures and protocols in addition to criminal sanctions for breach of conditions ought to offer the Sub-Committee comfort.

Members sought clarification on how the service of alcohol would be accomplished. The Applicant drew Members' attention to the plans and pointed out on them where it was proposed alcoholic beverages would be stored and dispensed. Members were advised that tenants would be served by staff. It was anticipated that service would predominantly be in the late afternoon and evening. The Application would also allow alcohol to be served during an all-day business event. The alcohol would be served by the Designated Premises Supervisor and a bar-trained assistant. On days when the premises is hosting an event the DPS must be present.

Members sought clarification on whether the Application covered outside areas. The Applicant advised that it did not.

Cllr Gordon queried whether the condition relating to a 30-minute drinking up time was relevant to the Application. The Applicant advised that as the premises are open 24/7 to allow tenants access to their offices, the condition was important to ensure alcohol was not consumed on the premises beyond a permitted period.

Mr Parker enquired as to why it was considered necessary for the Application to extend to 10.30pm with a further 30 minutes winding down time, as the premises are surrounded by residential properties. The Applicant advised that the time restriction was considered fair and proportionate, and it was important to note that it was earlier than local pubs and bars.

Mr Parker queried how the restriction on taking alcohol outside would be enforced. The Applicant advised that those using hot desks or guests would not have access to other parts of the building apart from the first floor space. The Applicant would be open to having notices on the premises and in the tenancy agreements advising the prohibition on taking alcohol outdoors, and there will be CCTV on the premises.

Mr Parker advised that residents were concerned about visitors loitering in the rear car park which is surrounded by local residences, and raised concerns about private hire events. The Applicant advised that only tenants would be able to hire the premises for private events.

Mr Parker raised concerns about privacy and noise in regard to first floor offices which overlook local residents' gardens. The Applicant advised that the general point in relation to privacy was not relevant to the Application. There was a potential for noise but it was not the Applicant's view that it outweighed the merits of the Application.

The Applicant advised that the Application only related to the sale of alcohol. Amanda Jones confirmed that the playing of background recorded music until 12 midnight is not regulated by Licensing Authorities. If volumes were considered excessive it would be a matter for Environmental Protection. The Applicant drew attention to the fact that they had proposed a condition be attached to the licence to the effect that music should not be played at such a level that it would be likely to cause a public nuisance.

Ms Williams expressed concern that a nuisance could be caused to local residents if the rear car park were used for smoking. The Applicant advised that this was not a matter for the Sub-Committee, however the concern was acknowledged and would have to be addressed by good management of the premises.

The Chair advised that parking was not a matter for the Sub-Committee.

Responsible Authority Representations

The following conditions had been agreed with South Wales Police.

1. CCTV shall be in operation at all times when the premises are open for licensable activity. The system shall cover the premise entrance(s), the bar area and any corridor/hallway/stairway to which users have access. Images shall be kept for a minimum of 31 days. The images shall be produced to a Police employee, in a readily playable format, immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient staff training to facilitate the above.

2. An incident book shall be kept at the premises and maintained on site, for a period of twelve months. It shall be made available on request to a police employee and will record the following:
 - All crimes reported to the venue
 - Any complaints received (of a Criminal or Licensing nature)
 - Any incidents of disorder
 - Any visit by a representative of a relevant authority or a member of the emergency services.
 - Any failures of the CCTV system.
3. The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage. Challenge 25 notices will be displayed in prominent positions throughout the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.
4. All staff will receive training prior to being authorised to sell age-related goods (alcohol) as well as annual refresher training. This training shall include Age-Challenge procedures and refusal of sales (due to age/intoxication and/or proxy sales). A record of this training is to be kept on the premises for a minimum of 18 months and made available to a police employee immediately upon request.
5. The general public will not be permitted access to the premises to purchase alcohol.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
7. A register for all guests at functions/events (tenants' details already having been obtained/retained) to be retained at the premises and made available to officers upon request.
8. All events/functions due to take place on weekends, or where more than fifty persons are attending shall be pre-planned with a minimum booking notice of 48 hours.
9. A Personal License Holder shall be present at all pre-planned events / functions where 12 or more persons are in attendance.
10. The DPS shall prepare a written risk assessment (to determine whether Security Industries Agency (SIA) registered Door Supervisors will be necessary at the premises) whenever there is an event involving 50 or more attendees for Licensable Activities or where Licensable Activities are conducted beyond 23:00hrs when the number of attendees exceeds 50 persons.
11. Whenever the written risk-assessment requires Security Industries Agency (SIA) registered Door Supervisors, there will be a minimum

of two SIA Door Supervisors for the first 50-100 persons, and a further 1(one) SIA Door Supervisor for each additional 100 persons, or part thereof.

12. There will be no self-service of alcohol.

Other Person's Representations

Cllr Gordon advised that she was speaking on behalf of the other Ward Councillors Cllr Wild and Cllr Singh, and local residents. There was a feeling that the Application was inconsistent with Licensing Objective 1, the Prevention of Crime and Disorder, and Licensing Objective 2, the Prevention of Public Nuisance. It was felt that being allowed to sell alcohol within the flexible time limits permitted by the Application was not an appropriate activity in a residential neighbourhood.

Cllr Gordon drew attention to the site plan and the number of residential properties in close proximity or abutting the premises and expressed concern that residents in all those properties would be impacted by people congregating in the rear car park. There was also concern that noise from people consuming alcohol on the premises would cause disturbance and distress to local residents, and spoil their quiet enjoyment of their gardens.

Cllr Gordon stated that she had previously had to refer Desg to the Building Control Officer due to the noise emanating from air control units on the outside of the building. She also referred to a complaint that had been made to the Police regarding excessive volumes of music coming from a Christmas party on the premises on 17 December 2021.

Cllr Gordon advised that during the tenancy of the premises' previous occupants the office hours had been 9am-6pm. Although the current occupants had not had to apply for change of use, the premises were developing into a combined office-leisure facility. There was concern that it would be possible to rent a hot desk for a few hours and then be entitled to invite guests to use the bar area and consume alcohol.

Members enquired as to whether the Applicant had sought to engage with the local community. Cllr Gordon advised that they had not.

Mr Parker expressed concern about noise generated within the premises during social events, and should events spill out into the rear car park or the front of the premises. There is anxiety among local residents that the sale of alcohol and late hours would cause a nuisance and disturbance.

Summing Up

Cllr Gordon expressed understanding that mixed office-leisure facilities were becoming popular but considered that this Application was inappropriate in a residential location. If the Sub-Committee was not minded

to reject the Application perhaps the time limits could be made more restrictive.

Mr Parker reiterated the concern among local residents that the Application was inappropriate for the area.

The Applicant advised that the premises were not a leisure facility but a workplace in which it would be possible to purchase alcohol. It was pointed out that Cllr Singh had not made a representation. The Police had stated that the Application was legitimate provided the agreed conditions were attached. The Environmental Health office had also not objected on grounds of nuisance.

The Applicant advised that a mobile phone number had been provided in response to residents' concerns about privacy and the use of the rear car park. The premises had been modernised by the present occupants and that should be welcomed. The occupants had no wish to be bad neighbours and were aware they would be closely observed by local residents. They believe it is acceptable to consume alcohol in office premises but accept that it should not cause a nuisance. The Applicant accepted there were anxieties around behaviour but urged the Sub-Committee to consider what was realistic and likely to happen. Residents' concerns were addressed by the Comprehensive Operating Schedule. The Application was fair, reasonable, proportionate and balanced.

RESOLVED:

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

The Sub-Committee have also considered the representations made today by the local ward member and local residents and have considered all written representations made to us.

The Sub-Committee note that prior to the meeting the Applicant accepted proposed conditions offered by South Wales Police, these are as follows:

1. CCTV shall be in operation at all times when the premises are open for licensable activity. The system shall cover the premise entrance(s), the bar area and any corridor/hallway/stairway to which users have access. Images shall be kept for a minimum of 31 days. The images shall be produced to a Police employee, in a readily playable format, immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient staff training to facilitate the above.

2. An incident book shall be kept at the premises and maintained on site, for a period of twelve months. It shall be made available on request to a police employee and will record the following:
 - All crimes reported to the venue
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 - Any incidents of disorder
 - Any visit by a representative of a relevant authority or a member of the emergency services.
 - Any failures of the CCTV system.
3. The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage. Challenge 25 notices will be displayed in prominent positions throughout the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.
4. All staff will receive training prior to being authorised to sell age-related goods (alcohol) as well as annual refresher training. This training shall include Age-Challenge procedures and refusal of sales (due to age/intoxication and/or proxy sales). A record of this training is to be kept on the premises for a minimum of 18 months and made available to a police employee immediately upon request.
5. The general public will not be permitted access to the premises to purchase alcohol.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
7. A register for all guests at functions/events (tenants' details already having been obtained/retained) to be retained at the premises and made available to officers upon request.
8. All events/functions due to take place on weekends, or where more than fifty persons are attending shall be pre-planned with a minimum booking notice of 48 hours.
9. A Personal License Holder shall be present at all pre-planned events / functions where 12 or more persons are in attendance.
10. The DPS shall prepare a written risk assessment (to determine whether Security Industries Agency (SIA) registered Door Supervisors will be necessary at the premises) whenever there is an event involving 50 or more attendees for Licensable Activities or where Licensable Activities are conducted beyond 23:00hrs when the number of attendees exceeds 50 persons.
11. Whenever the written risk-assessment requires Security Industries Agency (SIA) registered Door Supervisors, there will be a minimum

of two SIA Door Supervisors for the first 50-100 persons, and a further 1(one) SIA Door Supervisor for each additional 100 persons, or part thereof.

12. There will be no self-service of alcohol.

The Sub-Committee note the concerns of local residents and the local ward councillors relating to nuisance from noise. The Sub-Committee accept that the premises' primary function is that of a workspace and will not be open to the general public, and there is no application for regulated entertainment and customers will not be able take alcoholic drinks outside the premises.

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

The Sub-Committee therefore resolve to grant the application, subject to the addition of the proposed conditions detailed above.

Item ID	27781
Item Title	Urgent Items (if any)
Summary	No urgent items.