

DRAFT MINUTES

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Meeting ID	7752
Committee	Licensing Sub Committee
Date	28/01/2022
Attendees	<p>Councillor Norma Mackie (Chair)</p> <p>Frank Jacobsen (Committee Member)</p> <p>Councillor Ashley Wood (Committee Member)</p> <p>Graham Porter (Clerk)</p> <p>Amanda Jones (Officer)</p> <p>Clive Pursey (Officer)</p> <p>Davina Fiore (Monitor)</p> <p>Gary Jones (Monitor)</p> <p>Daniel Cook (Officer)</p> <p>Mark Roberts (Officer)</p> <p>Kate Rees (Monitor)</p> <p>Chris Kelsey (Officer)</p>

Item ID	27904
Item Title	Declarations of Interest
Summary	No declarations of interest were received.

Item ID	27907
Item Title	Application for the Variation of a Premises Licence - Black Salt, Whitchurch Road
Summary	<p>Present:</p> <p>Applicant:</p> <p>Carmella Azzopardi</p> <p>Responsible Authorities:</p> <p>Tomas Jenkins, Pollution Control Claire Dewhurst, South Wales Police</p> <p><u>The Application</u></p> <p>An application to vary a Premises Licence was received from STK House Limited in respect of Black Salt, 188 Whitchurch Road, Cardiff.</p> <p>The application requested the following:</p>

- (i) To amend the sale of alcohol for consumption on the premises and opening hours:

Monday to Sunday: 12:00 to 01:00

- (ii) To add the following licensable activities:

The provision of regulated entertainment in the form of live music:
Monday to Sunday: 18:00 to 01:00

The provision of regulated entertainment in the form of recorded music:

Monday to Sunday: 12:00 to 01:00

The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 01:00

At the commencement of the hearing Mrs Azzopardi confirmed that she had agreed to accept the following hours for sale of alcohol as requested in the representations received from South Wales Police and Pollution Control:

The sale of alcohol for consumption on the premises
Sunday to Thursday 10:00 – 23:30
Friday to Saturday 10:00 - 00:00

The following additional condition was also accepted:

A period of 20 minutes is allowed at the end of permitted hours for the consumption of alcohol on the premises by persons taking meals there provided the alcohol was supplied ancillary to a meal.

Mrs Azzopardi advised the Sub Committee that although she had agreed to accept the conditions above, she has since had time to reflect and she would therefore be seeking sale of alcohol and late night refreshment until 12.00 midnight Monday to Sunday.

Applicant Representations

Mrs Azzopardi addressed the Sub Committee. Mrs Azzopardi indicated that she was seeking sale of alcohol until 12.00 midnight throughout the week in order to have the flexibility to cater to her clientele, who were generally family groups and mature people. Members were advised that since the premises opened in May 2021 the business has been welcomed and embraced by local residents. The premises is a fine-dining family restaurant and there have been no incidents to report.

Mrs Azzopardi stated that the business provides a place where clientele feel comfortable and she has been overwhelmed with the response. The 12.00

midnight cut off for sale of alcohol would provide the business with the flexibility to cater for family occasions like birthdays and anniversaries. The additional 30 minutes would not be used often and it was unlikely that there would be many customers on the premises for the additional 30 minutes.

Mrs Azzopardi did not accept that it was necessary to employ an SIA approved doorman at the premises to allow for the additional 30 minutes sought. She considered that this would portray the wrong image for the business. Members were advised that Mrs Azzopardi had previously operated a licenced premises in the city centre for 30 years and she was aware of the potential problems. However, the clientele at this restaurant were families and more mature persons.

Responding to a question from the Sub Committee, Mrs Azzopardi stated that the permission sought would allow the business to have the option to stay open until 12.00 midnight but the premises would not operate until that time every day. Furthermore, Mrs Azzopardi now considered that the provision for regulated entertainment and recorded music should also be brought back until 12.00 midnight.

Mrs Azzopardi confirmed that the Challenge 25 scheme would be operated at the premises. There would be 4 staff on duty at the premises when the business is operating.

Members were advised that it had not been possible for the premises to apply for a temporary event notice previously to allow for these occasions to be accommodated because they did not always get advanced notice when bookings are taken. Mrs Azzopardi stated that customers were not routinely advised that the premises were operating until 11.00pm. In her experience it was not commonplace for restaurant businesses to do this and there were no plans to manage customer expectations on terminal hours.

Responsible Authority Representations

Claire Dewhurst addressed the Sub Committee. Members were advised that South Wales Police had tried to reach agreement on the permitted hours prior to the meeting and it was her understanding that an agreement had been reached. South Wales Police were objecting to the granting of a variation to the licence. Representations were made to the application and further conditions were requested. Claire Dewhurst summarised the conditions as set out in the written representations received from South Wales Police as follows:

The sale of alcohol for consumption on the premises:

Sunday to Thursday 10:00 – 23:30
Friday to Saturday 10:00 - 00:00

The provision of regulated entertainment in the form of recorded music:

Sunday to Thursday 23:00 – 23:30

Friday to Saturday 23:00 – 00:00

The provision of regulated entertainment in the form of live music shall not exceed beyond the deregulated hours of 23:00

The provision of late-night refreshment:

Sunday to Thursday 23:00 - 2330

Friday to Saturday 23:00 – 00:00

To include the additional conditions:

- 1) When the Premises are open to the public past midnight on Fridays, Saturdays and those Sundays immediately prior to Bank holidays, SIA trained door supervisors will be employed from 22:00 until the premise closes.
- 2) A register of door supervisors shall be kept at the premises. The register shall show the full name, SIA registration number of each door supervisor and expiry date of their current SIA licence, stating the start and end duty times from each door supervisor. The register shall be kept by the DPS for a minimum of 12 months and will be made available to a police employee on request.
- 3) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Members were advised that Claire Dewhurst tried to contact Mrs Azzopardi and she received a voicemail message Mrs Azzopardi expressing concerns at the condition requiring for an SIA approve door supervisor. Claire Dewhurst stated that Mrs Azzopardi had previously confirmed that she was happy to agree the hours suggested in the written representations from South Wales Police, with the addition of an additional 20 minutes 'drinking up time' on Friday and Saturday.

Reference was made to a number of incidences that had occurred at a licence premises in the city centre that was operated by Mrs Azzopardi. That premises now has a condition requiring SIA approved door staff.

Claire Dewhurst then provided a summary of a further email exchange between herself and Mrs Azzopardi discussing the proposed 'drink up time' condition.

Claire Dewhurst stated that the premises is located in a primarily residential area. The restaurant is on the ground floor and concerns were raised regarding the use of the first floor. Members were then giving of the hours of operation for the other licenced premises in the vicinity, including the premises SO, which has a condition requiring SIA door supervisors. Further

reference was also made to incidents that had occurred at the premises formerly operated by the applicant.

Claire Dewhurst stated that it was the position of South Wales Police that if the premises is seeking to operate until 12.00 midnight then it would be necessary to employ SIA door supervisors in order for the licencing objectives to be promoted. Concerns were expressed that if the licence were granted then it would set a precedent for other licensed premises in the area and this would result in an increase of crime and anti-social behaviour.

Responding to a question from the Sub Committee, Ms Dewhurst confirmed that the need for SIA door supervisors would be removed if the applicant had agreed to operate until 11.00pm on Friday and Saturday. A list of the other licensed premises in the area, their type and their hours of operation was provided. Only 1 restaurant had a condition requiring SIA door supervisors. That condition is only applied when there were events that have more than 75 people in attendance.

Pollution Control Representations

Tomas Jenkins of Shared Regulatory Services addressed the Sub Committee.

Members were advised that upon the receipt of the application the Pollution Control has some initial concerns regarding the hours for sale of alcohol, late night refreshment, recorded music and regulated entertainment. Those concerns were discussed with the applicant and it was considered that recorded music and regulated entertainment in particular were disproportionate in a residential area and the application did not address how the music would be managed. It was recommended that regulated entertainment did not go beyond 11.00pm and recorded music beyond 11.30pm. Sale of alcohol was recommended to 11.30pm Sunday to Thursday and 12.00 midnight on Friday and Saturday.

Tomas Jenkins confirmed that there was some dialogue with the applicant regarding the recommended hours of operation. It was considered that the applicant has failed to address how they intend to manage the risk of nuisance being caused. Therefore, the Sub Committee was requested to apply the hours previously agreed by the applicant and set out in the written representations.

Summing Up

Claire Dewhurst invited the Sub Committee to take on board the concerns of South Wales Police regarding the hours of operation. The recommended conditions put forward by South Wales Police will help mitigate any potential issues and promote the licensing objectives.

Tomas Jenkins stated that hours originally applied for were not appropriate in a residential setting. Officers have endeavoured to be accommodating to the applicant by suggesting hours that were more proportionate.

Mrs Azzopardi stated that she has made considerable investment in the business and has brought asset to the area. The business has been welcomed and embraced by local residents and it is the only restaurant of its kind in the area. Members were invited to grant the application.

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, as follows:

1. sale of alcohol for consumption on the premises and opening hours:

Monday to Sunday: 10:00 to 00:00

2. the following licensable activities:

The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00

3. The provision of regulated entertainment in the form of recorded music:

Monday to Sunday: 12:00 to 00:00

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.

Members also considered the representations made by South Wales Police and Environmental Health Pollution Control and considered all written representations.

The Sub Committee noted that during the meeting the applicant agreed to reduce the hours for sale of alcohol, regulated entertainment in the form of live and recorded music from 01:00 hours to 00:00 hours (midnight).

The Sub Committee noted 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 and the written material, the Sub Committee considered that that some of proposals within the application have the potential to undermine the licensing objectives.

The Sub Committee therefore resolve to grant the following:

i) To amend the sale of alcohol for consumption on the premises and opening hours:

Monday to Sunday: 10:00 to 00:00

(ii) To add the following licensable activities:

The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00

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

Monday to Sunday: 12:00 to 00:00

The request for regulated entertainment in the form of live music and recorded music was refused.

Item ID	27910
Item Title	Application for a Betting Premises Licence - Boyle Sports, Clifton Street
Summary	<p>Applicants: represented by Paddy Whur and Lee Otter</p> <p>Interested Other: Owen Jones, Local Ward Member</p> <p><u>The Application</u></p> <p>An application for the grant of a Betting Premises Licence was received from BoyleSports (UK) Limited for BoyleSports, 21-22 Clifton Street, Adamsdown, Cardiff. Members received a site map showing the location of the premises was appended to the report. Members received a copy of the risk assessment submitted with the application prior to the hearing.</p> <p>The Chairperson invited the applicants to present their application. Members were advised that BoyleSports have an operators licence that was issued by the UK Gambling Commission. The Gambling Commission will assess whether the business is suitable to uphold the licensing objectives prior to any applications for premises licences. The Gambling Commission has assessed the policies, submitted as part of the application, to ensure that the licensing objectives are being followed. By issuing a licence the Gambling Commission accepted that BoyleSports are a bona fide company who are capable of promoting the licensing objectives.</p> <p>BoyleSports currently operate 21 licenced betting shops in the UK. An additional 4 licences have been issued but the premises are not yet operating. They also have premises in the Isle of Mann and over 350 premises in Ireland. BoyleSports have never been refused a premises licence application or had a review of their premises licence.</p> <p>Prior to making the application the applicants considered the authority's Statement of Licensing Policy. A detailed local area gambling risk assessment was prepared and submitted as required. Members were</p>

asked to note that the risk assessment was prepared with an understanding of the location and the Statement of Licensing Policy. No representations were received on the application from the responsible authorities. Mr Whur considered that this was an indication that the applicant has robust policies such as staff training and age verification testing.

The applicants noted the objection received from the local councillor. An offer was made to meet with the Councillor prior to the meeting and that invitation was still open. Mr Whur stated that BoyleSports has a good record of engaging with local community groups.

Members were reminded that under 18s are not permitted in licenced premises and there will be prominent 'Think 21' signage at the premises and those appearing to be under 21 will be asked to provide valid photographic identification. This is a key issue for BoyleSports. All staff are trained on age verification and independent age verification testing is conducted throughout the year. This is addressed in the local area risk assessment.

Mr Whur also addressed the issue of vulnerable people. All staff are trained to look out for warning signs of alcohol or drug intoxication and all staff received both Drug and Alcohol Awareness and Conflict Management training. There is strong engagement with customers and the Gambling Commission Guidance 'Know Your Customer' is applied. CCTV coverage is provided throughout the premises. There is significant information available to those who may have problem gambling issues also.

Mr Whur stated that BoyleSports take their policies seriously. The policies are tested by external sources and work to the satisfaction of the Gambling Commission and a significant number of licensing authorities.

Members were reminded that the Licensing Act requires a different statutory test in relation to the granting of gambling licencing premises, which is covered in Section 153 of the Gambling Act which says that licensing authorities are directed to permit the use of premises for gambling, unless the operator is unable to comply with a number of statutory requirements and operate in a manner reasonably consistent with the licensing objectives. Members were requested to look at the statutory test, the applicant's experience as an operator, the work undertaken to understand the local area and the Statement of Licensing Policy, there is nothing to suggest that they would not be consistent with the licensing objectives.

Mr Whur also reference the layout of the premises and the fact that planning permission has been granted at the premises.

Addressing a point raised in the representation received, Mr Whur accepted that there were homeless shelters, care centres and womens' refuges in the area. Mr Whur considered that it was not unusual to have such facilities close to betting shops and the applicant gave an undertaken to work closely with those organisations if there were any issues that needed to be

addressed. There was no suggestion that there has been any regulatory problems with other licenced betting shops in the immediate vicinity in relation to vulnerable people. Any concerns raised in the representations from the local councillor were met by the stringent policies in place and the background of the operator.

Responding to a question, Mr Lee Otter stated that there would be 3 full time members of staff, 2 part time members of staff and a cleaner employed at the premises. Staffing levels would be assessed day to day. A remote security monitoring system would also be provided so at times when there is single manning there is the ability for security support. A busier times there would be 2 or 3 members of staff. This staffing model is adopted by virtually every operator.

Members asked how refusals are dealt with at the premises. Mr Otter explained that if staff believe that a customer was potentially betting in an irresponsible way or if they were a known person that shouldn't be betting then shop staff would intervene. All 'responsible gambling interactions' are captured and sent to the Gambling Commission to ensure that the applicants are fulfilling the requirements of their policy document. Preventing a customer from placing another bet is relatively straightforward. If a vulnerability is identified then management will issue a letter to the individual to say that they not be able to place a bet at the premises. There are very few occasions where confrontation occurs as a result of refusals.

Mr Otter also stated that any individual that was considered to have a gambling problem would be directed to services who could assist them with that. The MOSES (Multi-Operator Self Exclusion System) was also in place whereby individuals are able to voluntarily complete a simple form that would prevent them from placing bets at any betting shop.

Councillor Owen Jones sought clarification regarding the A2 planning permission granted for the premises. Mr Otter stated that the application for planning was made on the basis that the premises would be operated as a betting shop. However, the A2 permission would also allow the premises to have other uses.

Mr Otter stated that staff turnover at BoyleSports was less than their competitors. All new staff are given a comprehensive training regime, guidance and support.

Councillor Jones asked how the applicants would identify vulnerable people and groups. Mr Otter stated that guidance is provided by the Gambling Commission but he would also call upon his 25 years of experience being an operator. There are many strands that are called upon when drafting the policy documents. Members were asked to note that the risk assessment document was updated, in respect of vulnerable groups and individuals, as a result of the comments received in Councillor Jones' representations. The risk assessment document is a live document and will be updated regularly when new intel is received. Mr Otter also considered that it was important

to state that not everybody who lives in sheltered accommodation is at risk, although it was accepted that they were potentially more vulnerable.

Mr Otter confirmed that Clifton Street was a target location because it is a viable busy location but there was a lack of any competition for the existing operator that has two shops within 500 yards of each other.

Interested Other Representations

Councillor Owen Jones addressed the Sub Committee. Councillor Jones stated that it was the first time he had appeared before the Sub Committee since being elected in 2017 and therefore he did not take a frivolous approach to objecting to premises licence applications. He had intervened on this occasion as he believed it to be in the ward's interest.

Councillor Jones thanked BoyleSports for the invitation to a meeting but unfortunately he was unable to meet them due to other commitments.

Councillor Jones considered that it was undeniable that trade in Clifton Street was struggling and the area was a focal point for anti-social behaviour and criminal behaviour. The community and traders are trying to address those issues but Councillor Jones was concerned that bring in another betting shop would not help with that.

Members were asked to reference the section of the risk assessment document regarding vulnerable individuals. There was a substantive risk of groups and services for vulnerable individuals listed by they did not include a description of the services provided. Councillor Jones listed the facilities and the services provided. One facility nearby was specifically established to cater for individuals with the most chaotic lifestyles and concerns were raised regarding the applicants commitment to protect vulnerable people from gambling. The list of facilities was also incomplete due to the fact that some of these locations are not widely advertised.

Councillor Jones also considered that the risk assessment report failed to recognise another groups of vulnerable people – refugees and the services provided for them locally, a number of which were listed. Planning permission has also be granted nearby for a facility for care leavers.

It was stated that gambling is increasingly moving online and in order to gamble online you must have a bank account. Many of the vulnerable groups listed struggle to access a bank account. Members were asked to note that BoyleSports own risk assessment document rates some risks as medium. The mitigation for those risks leans heavily on staff training. Councillor Jones knew friends personally who had working in betting shops and who had indicated how hard and isolating a job it is.

Councillor Jones stated that he researched online comments regarding feedback from former employees at BoyleSports. Mr Whur objected to those comments introduced at the meeting without being disclosed in the

Councillors written representations. Members were asked to disregard those comments.

Summing Up

Mr Whur advised that the regulations under the Gambling Act parties should not introduce new information at the hearing in addition to that in their written representations as the applicants do not have an opportunity to respond to that information.

The evidence provided by the applicants indicate that the applicants have operating systems in place that have been verified by the Gambling Commission and local authorities across the UK and there have been no suggestion that the applicants have breached the licensing objectives.

The applicants offered to meet with Councillors Jones and continue to do so. The risk assessment report was also updated taking on board comments received from the Councillor. A commitment was given to work with the local community and the services listed previously to address any concerns.

Members were asked to access the evidence provided by the applicant, the company's track record and the clear submissions from Mr Otter. Members were invited to grant the application.

Councillor Jones apologised for introducing additional information at the hearing.

RESOLVED: That the Sub-Committee having considered all the information, and in accordance with the requirements of the Gambling Act 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 also considered the Gambling Act 2005, and our own Statement of Gambling Licensing Policy.

The Sub Committee also considered the representations made today by a local Ward Councillor and considered all written representations.

The Act places a legal duty on licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives.

After carefully considering the submissions today and the written material, the Sub Committee considered that the applicants successfully demonstrated that the application is consistent with the licensing objectives and there is insufficient evidence that the granting of this licence would undermine those objectives.

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Item ID	27905
Item Title	Urgent Items (if any)
Summary	No urgent items.