

LICENSING SUB COMMITTEE

17 AUGUST 2022

Present: Councillor Michael(Chairperson)
Councillors Kaaba and Wood

1 : DECLARATIONS OF INTEREST

No declarations of interest were received.

2 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - COPPA,
THE HAYES

Present

Applicants: Thomas O'Maoileoin - Thomas & Thomas Partners LLP
Raj Manek - Property Director, Various Eateries Trading Ltd
Paul Whitefield - Various Eateries Trading Ltd

Other Persons : Dougald Robinson representing David Morgan's Owners
Association

The Application

An application for the Grant of a Premises Licence was received from Various Eateries Trading Limited in respect of Coppa, 18 The Hayes, 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.
 - (ii) The provision of late night refreshment (indoors).
- (2) Description of Premises (as stated by applicant):

"All day-dining restaurant and bar over ground and first floor levels. Coppa already operates successfully in ten locations around London, the South East and West".
- (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: 09:00 to 00:30
New Years Eve: 09:00 to start of permitted hours on New Years Day
- (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: 09:00 to 00:00 New Years Eve: 09:00 to start of permitted hours on New Years Day

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

Monday to Sunday: 23:00 to 00:00
New Years Eve: 23:00 to 05:00

A site map showing the premises and a plan of that premises was included at Appendix A of the report. Members were also advised that additional conditions were proposed by the applicants in order to meeting the licensing objectives and a number of further conditions were agreed with South Wales Police. These were set out in Appendix B and Appendix C of the report respectively.

Applicants Representations

The Chairperson invited Thomas O'Maoileoin of Thomas and Thomas Partners to present the application on behalf of the applicants. Members were advised that this was a new premises licence application for a Coppa restaurant. The restaurant would be one of several trading under that name in the UK but the first in Wales.

The applicants noted that the chosen location for the premises was within the authority's cumulative impact area and they had reflected on how the application should be presented and had considered the Statement of Licensing Policy and the Cumulative Impact Area Policy accordingly. Mr O'Maoileoin stated that the hours of operation had been curtailed from those presented in the original application and the application was made with the best of intentions, taking into account the concerns of the residents living in the vicinity.

The applicants accepted the concerns set out in the written representations received from the owners association. There had been positive dialogue with the owners association representative and it had been agreed to further reduce the hours permitted for licensable activity as follows:

Sunday to Thursday licensable activity would cease at 2300 hours
Friday and Saturday licensable activity would cease at midnight

An additional consideration was also agreed with the South Wales Police to provide 2 SIA trained security staff on duty at the premises on major event days in the city centre.

Members were asked to note that the premises licence granted for The Ivy restaurant was granted until 0100 hours 7 days a week. However, the other conditions on The Ivy's premises licence were similar to those proposed here.

Mr O'Maoileoin referred to the written representation received from the owners association. Members were advised that the applicant accepted the concerns raised, particularly those in relation to security and nuisance. However, it was fair to say that some of the issues raised related to planning matters or to the residents own tenancy leases. Mr O'Maoileoin was confident that continued dialogue would ensure that the premises would operate in accordance with the licensing objectives.

In relation to noise nuisance, Members were advised that it has been agreed that acoustic attenuation would be provided in the form of secondary glazing as a means of mitigation. It was anticipated that this would be installed with the agreement of the landlord and the local authority.

Mr O'Maoileoin stated that the committee could be confident that granting the licence would not give rise to any negative impact upon the licensing objectives.

Other Persons Representations

Mr Dougald Robinson addressed the Sub Committee. Mr Robinson stated that he broadly welcomed the application and, although there were some differences, it was hoped that these would be addressed mutually.

Mr Robinson indicated that he has met with the applicants on two occasions and the resulting changes to the application were very helpful, particularly with regard to addressing concerns around disorder and safety.

Residents currently have exclusive use of Barry Lane and the applicants have confirmed that they do not require access to that part of the building. There were still some concerns about noise and light nuisance. Mr Robinson's bedroom windows were in close proximity to a permanently open window at 18 The Hayes. Mr Robinson considered that the mitigations referred to previously would not yet be agreed and some further discussion was required on this issue.

Mr Robinson welcomed the reduction in hours proposed by the applicants. Members were advised that residential tenants in the building have 'draconian' conditions in their tenancy agreements which enforce a quiet building policy. Some remaining concerns were referred to regarding the timings of deliveries, collections of waste and the provision of an outside smoking area.

All parties were invited to make closing statements.

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 heard from both the applicant and the objector and listened to all the evidence and submissions, as well as considering all written material. Members considered the Licensing Act 2003, the Section 182 Guidance, our own Statement of Licensing Policy and considered all written representations made.

The Sub Committee noted that prior to the meeting, number of additional conditions were agreed. The applicants also confirmed that an additional condition is proposed with regards to collections of waste at the premises and agreed to reduce the terminal hour proposed for licensable activity on a Sunday to Thursday.

Members gave regard to the representations received from a member of the public and were pleased to hear that discussions are ongoing between the applicant and the owners association for the apartments. The Sub Committee were of the opinion

that the granting of this application would not undermine the licensing objectives. Where there is no evidence that a Premises Licence will undermine the licensing objectives, there is a presumption to the grant the application.

Members therefore resolved to grant the application, subject to the agreed conditions.

3 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 10.45 am