



County Hall
Cardiff
CF10 4UW
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Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	WEDNESDAY, 16 AUGUST 2023, 10.00 AM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Michael (Chair) Councillors Driscoll and Ferguson-Thorne

1 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 **Application for the variation of a premises licence - Cosy Club, Cardiff Bay** *(Pages 3 - 16)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Thursday, 10 August 2023

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 16 August 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 087679

Name of Premises: Cosy Club, Unit 24, Mermaid Quay, Cardiff Bay, Cardiff, CF10 5BZ

Ward: Butetown

1. Application

1.1 An application to vary a Premises Licence has been received from Loungers UK Limited in respect of Cosy Club, Unit 24, Mermaid Quay, Cardiff Bay, Cardiff, CF10 5BZ.

1.2 The applicant has applied for the following:

(1) Description of the nature of the variation (as stated by applicant):

"The premises is a food led café bar. The variation is to do the following:

1. To allow for off sales of alcohol at all times on sales of alcohol are currently permitted by the licence i.e. 1000-2330 Sunday to Wednesday and 1000-0100 Thursday to Saturday.

2. To remove the non-standard timings for New Year's Eve for the sale of alcohol, the provision of late night refreshment and opening hours.

3. To include in Annex 2 the following condition "The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day."

4. To allow for the provision of regulated entertainment between 2300 New Year's Eve and 0800 New Year's Day.

5. To remove restrictions to opening hours on New Year's Eve and New Year's Day".

2. Current Licence

2.1 The current Premises Licence permits the following:

(1) The premises may currently be open to the public during the following hours and for any hours consequential to the non-standard timings:

Sunday to Wednesday: 08:00 to 00:00 hours

Thursday to Saturday: 08:00 to 01:30 hours

New Years Eve: 08:00 to 02:30

(2) The sale by retail of alcohol for consumption on the premises:

Sunday to Wednesday: 10:00 to 23:30 hours

Thursday to Saturday: 10:00 to 01:00 hours
New Years Eve: 10:00 to 02:00 hours

- (2) The provision of late night refreshment (indoors):

Sunday to Wednesday: 23:00 to 00:00 hours
Thursday to Saturday: 23:00 to 01:30 hours
New Years Eve: 23:00 to 02:30

- 2.2 A site map showing the premises and a copy of the plan attached to the current Premises Licence can be found in **Appendix A**.

Promotion of Licensing Objectives

- 3.1 The conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B** along with a copy of the current licence conditions.

Relevant Representations

- 4.1 A representation has been received from South Wales Police. A copy of the representation can be found attached as **Appendix C**.

Legal Considerations

- 5.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives, which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

- 5.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

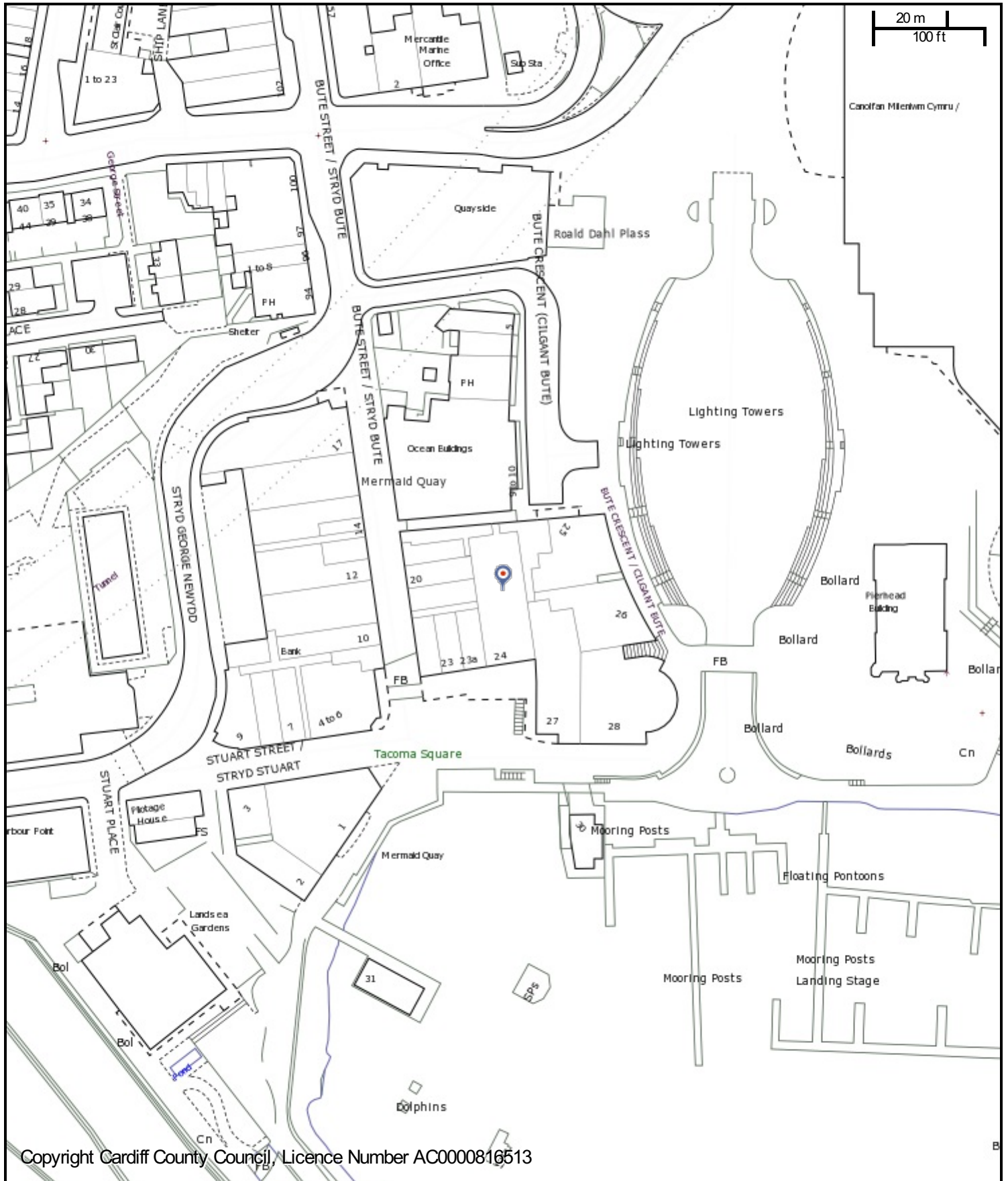
- 5.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

Issues for Discussion

- 6.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

APPENDIX A

Site Map and Plan



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CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd
 CAERDYDD CF10 4UW
 Tel: 029 20872088

County Hall, Atlantic Wharf
 CARDIFF CF10 4UW
 Tel: 029 20872087

Cyngor Caerdydd

Cardiff Council



Title

Scale: 1:1417

Date: 7/8/2023 at 9:05 AM

Coordinates:

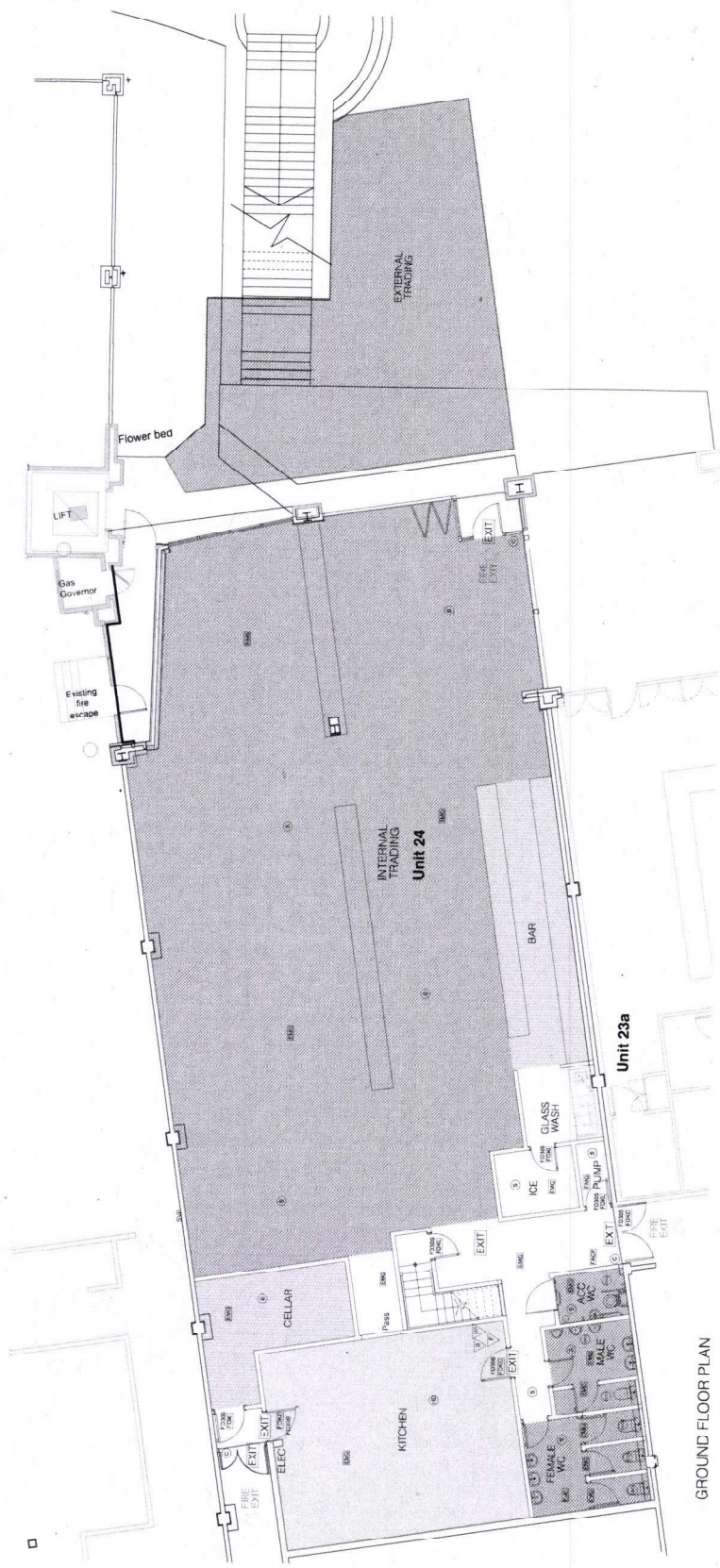
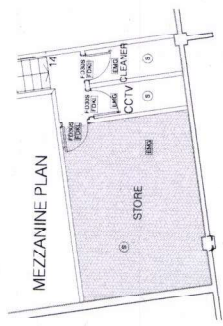
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This copy is produced specifically to supply County Council information NO further copies may be made.

Ordnance Survey AC0000816513 (2023).

LICENSING KEY

EXIT	Required for Exit sign	AS2	Fire Alarm Control Panel
①	Smoke glass lift panel for lift shaft	AS3	Fire Alarm Indicator
AS1	Fire alarm call point for lift shaft	AS4	Fire Alarm Control Panel
AS2	Fire alarm call point for lift shaft	AS5	Fire Alarm Indicator
AS3	Fire alarm call point for lift shaft	AS6	Fire Alarm Control Panel
AS4	Fire alarm call point for lift shaft	AS7	Fire Alarm Indicator
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AS94	Fire alarm call point for lift shaft	AS97	Fire Alarm Indicator
AS95	Fire alarm call point for lift shaft	AS98	Fire Alarm Control Panel
AS96	Fire alarm call point for lift shaft	AS99	Fire Alarm Indicator
AS97	Fire alarm call point for lift shaft	AS100	Fire Alarm Control Panel



A. 03-15 2H Updated - revised scheme
 Plan Date: 15/03/15
 Project: Proposed Cozy Club at Unit 24
 Mermaid Quay Cardiff S Wales CF10 5BZ
 Client: LoungeBRLtd
 Title: Premises Licensing
 Drawing No: LNC3907/05A
 Scale: 1/75 @A1
 Date: APRIL 2019
 Project: Proposed Cozy Club at Unit 24
 Mermaid Quay Cardiff S Wales CF10 5BZ
 Client: LoungeBRLtd
 Title: Premises Licensing
 Drawing No: LNC3907/05A
 Scale: 1/75 @A1
 Date: APRIL 2019

APPENDIX B

Operating Schedule and Current Conditions

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the

ANNEXES: CONDITIONS continued ...

permitted price.

5. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

6. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

1. All customers using the outside area will be seated at tables with waiter/waitress available at all times. The use of outside area will terminate at 23:00 hours.

2. A CCTV system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas to which the public have access (excluding toilets) and all exits and entrances used by customers. Images shall be kept for a minimum of 31 days. The images shall be produced to a Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.

3. Management and staff shall be in attendance in the trading area at all times that alcohol is sold or supplied.

4. The premises licence holder shall require the Designated Premises Supervisor, or in his/her absence, other responsible person, to keep an 'incident/refusals' log book in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The log book is to be kept on the premises at all times and kept for a minimum of 12 months from the date of each entry. The log book shall be produced to an authorised officer of the Licensing Authority or a constable when required.

5. Background music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

6. The licence holder shall co-operate with Police or Officers of the Local Authority in the implementation of any initiatives to combat crime, disorder, antisocial behaviour or nuisance in the vicinity.

7. The premises licence holder shall take appropriate measures to ensure that patrons leave the premises in a quiet and orderly fashion.

8. The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odours from food preparation and refuse storage.

9. The premises licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of the premises.

ANNEXES: CONDITIONS continued ...

10. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented, and signed and dated by both the trainer and the member of staff receiving it. Such training logs shall be kept for a minimum of 12 months from the date of each entry. The documentation shall be available for inspection on request by an authorised officer of the licensing authority or a constable.
11. An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.



Helen Picton
Shared Regulatory Services

29 March, 2023

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 14 July 2023 13:40
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003: Application to vary a Premises Licence - Cosy Club, Unit 24 Mermaid Quay, Cardiff Bay, Cardiff, CF10 5BZ
Attachments: CI Draft Letter Cosy Club Letter Headed Paper.docx

***** Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.**

Rhybudd: Mae'r e-bost hwn yn cynnwys atodiad Microsoft Office (Word, Excel, PowerPoint) neu PDF Adobe. Er bod yr e-bost hwn wedi'i sganio ar gyfer unrhyw fygythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Good Afternoon,

Please see the attached response from South Wales Police in relation to the above application.

Kind Regards



 /SWPolice  @SWPolice  @SWPolice  /SWPTV

Ymateb nad yw'n Argyfwng \ Non-Emergency Response

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan <https://www.south-wales.police.uk>, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to the police but don't require an emergency response? You can make a report via our website <https://www.south-wales.police.uk>, send us a private message via an official South Wales Police Facebook or Twitter account, or call 101. 101 can be used to report a non-emergency to any force in Wales and England. In an emergency always dial 999.

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Teliffon: 01656 869211
Mewn argyfwng ffoniwch **999**
Fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Cardiff & Vale BCU
Cardiff Bay Police Station,
James Street, Cardiff Bay
CF10 5EW
Telephone: 01656 869211
In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

SWYDDOGOL - OFFICIAL

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff,
CF10 5EW

12th July 2023

Cosy Club,
Unit 24,
Mermaid Quay,
Cardiff Bay,
Cardiff,
CF10 5BZ

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT
2003 – COSY CLUB, UNIT 24, MERMAID QUAY, CARDIFF BAY, CARDIFF, CF10
5BZ

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within Unit 24 Mermaid Quay, is trading as Cosy Club, a lounge type bar. The bar is currently trading with an outdoor area until 23:00hrs, and the following opening hours:

Sunday to Wednesday 0800-00:00
Thursday to Saturday 08:00-01:30
New Years Eve 08:00-02:00

The application seeks to vary the following licensable activity;

1. To allow for off sales of alcohol at all times on sales of alcohol are currently permitted by the licence

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.
South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



2. To allow the premises to open, sell alcohol and provide late night refreshment from the terminal hour on New Year's Eve to the start of permitted hours on New Year's Day.
3. To allow the provision of regulated entertainment in the form of live music, recorded music and anything of a similar description (indoors):

The applicant's legal advisor has been spoken to and the application has been discussed on 10th July 2023.

As a result of this consultation, I now make the following representations on behalf of South Wales Police.

At this time, South Wales Police object to the proposed variation as applied for under the following licensing objectives, namely those of;

The Prevention of Crime and Disorder
Public Safety
Protection of Children from Harm

However, should the applicant agree to the below representations deemed to be appropriate and proportionate to support the licensing objectives, then the Police will automatically withdraw their request for a hearing before the Licensing Committee.

POLICE REPRESENTATIONS.

1. On occasions when licensable activities are to be held at the premise past 02:00hrs a minimum of 2x SIA Door Supervisors will be employed at the premise from 21:00hrs until close.
2. Alcohol sold for consumption off-premises will only be made in unopened vessels that have been sealed by the manufacturer.

Yours Faithfully

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

