

LICENSING SUB COMMITTEE

18 OCTOBER 2023

Present: Councillor Michael(Chairperson)
Councillors Driscoll and Shimmin

1 : DECLARATIONS OF INTEREST

No declarations of interest.

2 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - MO MARKET

Present:

Responsible Authority: PC Jason Jones, South Wales Police

Applicant did not attend.

The Application

An application to vary a Premises Licence was received from Mo Market Cardiff Ltd in respect of Mo Market, 326 Cowbridge Road East, Canton, Cardiff.

The applicant applied for the following:

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

“I want to remove condition 17 of annex 2 conditions consistent with the operating schedule which states that 'there will be no sale of individual cans of beer, cider or lager'. The variation will not have a negative effect on the licensable activities as I will still take care to follow the challenge 25 policy, I will ask for ID when in doubt and I will refuse the sale where I believe the customer is already drunk or displaying anti-social behaviour. I will continue with CCTV in operation.

The area is a residential area, it is a good area and the shop is a grocery shop and therefore family friendly. We do not have any issues with customers being rude or drunk and it is a quiet residential area and it is a very good area so I believe removing this condition will not cause any nuisance or public safety issue. We do not have people drinking on the streets in this area. People who purchase alcohol are adults who are taking their drinks home. They come to my shop because they live walking distance from it so it is convenient.

(2) The application requests the following:

To remove the following condition 17.

There will be no sale of individual cans of beer, cider or lager.

A site map showing the premises was included in the report.

Responsible Authority Representations

PC Jason Jones of South Wales Police addressed the Sub Committee. Members were advised that South Wales Police objected to the variation of the premises licence based on the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objectives.

The Cowbridge Road East was currently experiencing anti-social behaviour from problematic 'street-drinkers', such as begging and drunkenness. Individuals were known to beg for enough money to purchase a single can and then consume the alcohol on the street. The condition that the applicant was seeking to remove had been accepted by the applicant following an agreement with South Wales Police in January 2023. PC Jones considered that the condition had been effective since its implementation and removal of the condition would have a negative effect upon the licensing objectives.

PC Jones provided a summary of the reported crime in the area, including a large fight between intoxicated persons, a manager of a shop being threatened with a knife following refusal of a sale of alcohol, and a number of instances of shoplifting, theft and public nuisance. A Dispersal Order had been applied in the area by South Wales Police as a result of the increase in crime and disorder.

Members asked whether any of the reported crime related to the other licenced premises in the area and whether other premises were permitted to sell single items. PC Jones stated that the issues had occurred in the Cowbridge Road East area and he considered that single items would constitute a very small percentage of sales in larger stores.

The Sub Committee carefully considered the objection from South Wales Police and felt that the proposed variation would negatively impact the licensing objectives.

The Sub-Committee considered the application on its individual merits and considered all the committee papers, the statutory guidance made under section 182 of the Licensing Act 2003, the Council's Statement of Licensing Policy, submissions made by the applicant and all other parties.

The Sub-Committee carefully considered the representation from South Wales Police, acting in their capacity as a responsible authority, objecting to the application and heard the oral representation from PC Jason Jones during the hearing.

The Sub-Committee accepted that there was an issue with crime and disorder and street drinking within the area and the ability for the premises to sell single cans of beer, cider or lager would undermine the crime and disorder licensing objective.

The sub-committee did not agree with the applicant's comment that people who purchase alcohol are solely adults who are taking their drinks home.

After carefully considering all the information, the sub-committee resolved to REFUSE the application.

3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - KINGS ROAD YARD

Present

Applicants: Keith Munro and Caroline Munro

Responsible Authorities: PC Jason Jones, South Wales Police
Rhys Morgan, Cardiff Council Licensing

Interested Others: Cllr Caro Wild
Robert Chapman
Rhodri Hughes
Sue McGuire

The Application

An application for the Grant of a Premises Licence was received from Caroline Christiane Jeanne Marie Munro and Camille Marie Josephine Munro in respect of Kings Road Yard, 183a Kings Road, 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 regulated entertainment in the form of films (indoors) and live music (indoors and outdoors).
- (iii) The provision of late night refreshment (indoors and outdoors).

(2) Description of Premises (as stated by applicant):

Caroline Munro currently holds a premises licence referenced CCCP02050 for Kings Road Yard Courtyard for a limited number of occasions per annum for the retail sale of alcohol at farmers markets, but the applicants are looking to develop the business and expand the offering by increasing the footprint of the licensed area to include the small 1st floor terrace (maximum capacity - 10 seated or 15 standing) and units on the ground floor, as well as the existing courtyard to be able to host events throughout the year, including the addition of The Wardrobe coffee shop (A&B), Alex Gooch Pizzeria (1A) and Nomad Kitchen (7A), Red Doors Studio (5A), Dance Hall (3A) and ground floor kitchen (2A1) all of which will be included in this new premises licence.

The courtyard will still host farmers' markets and other markets and generally the site will be used throughout the year for events such as cocktail or wine evenings, for example.

This application does not include any area currently licensed under the premises licence operated by Pipes Brewery.

- (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: 09:30 to 22:30 hours
New Year's Eve: 10:00 to 01:30 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: 10:00 to 22:00 hours
New Year's Eve: 10:00 to 01:00 hours

- (ii) The provision of regulated entertainment in the form of films (indoors):

Monday to Sunday: 10:00 to 22:00 hours
New Year's Eve: 10:00 to 01:00 hours

- (iii) The provision of regulated entertainment in the form of live music (indoors):

New Year's Eve: 23:00 to 01:00 hours

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

New Year's Eve: 23:00 to 01:00 hours

A site map showing the premises and the plan of the premises submitted with the application was appended to the report.

Dan Cook, Licensing Manager, provided a summary of the application.

Applicants Representations

Keith Munro addressed the Sub Committee. Mr Munro considered that local residents had misunderstood the intention of the application and apologised if this had caused upset. The majority of objections received had highlighted the additional

hours and additional days of the week applied for. However, the intention was not to operate for 7 days per week. The premises would only open Thursday to Sunday with limited hours for the sale of alcohol.

Mr Munro stated that he had sought guidance from Cardiff Council Licensing and he was subsequently advised to apply for the same hours and days of operation as Pipes Brewery. The application also allowed for flexible points of sale for alcohol as these would be temporary and dependent on the types of events being held.

Members were advised that that part of the application which sought to allow films to be shown was mistakenly included on the application form and should be removed. The applicants no longer intended to host a cinema club at the premises.

Responding to concerns regarding noise nuisance, Mr Munro stated that in the 2 decades since the yard has been in his ownership noise had decreased. The property was for over 100 years an industrial yard which included carpentry workshops and garages.

Mr Munro stated that the premises was community-led and the application was seeking to enhance the offering for the community. It was therefore upsetting to hear what residents had said. Mr Munro accepted that communication with the local community could be better and the website had recently being launched that would help in this regard.

Mr Munro considered that some of the complaints received related to Temporary Event Notice events held at the premises. Those events were operated in accordance with the permitted conditions and the complaints were not upheld. Furthermore, as responsible operators all regulations are adhered to.

Responsible Authority Representations

PC Jason Jones addressed the Sub Committee. Members were advised that South Wales Police were objecting to the granting of a grant of the licence based on the Prevention of Crime and Disorder and the Prevention of Public Nuisance licensing objectives. The premises consisted of a few enclosed rooms and a central courtyard and was located in a heavily populated residential area.

Licensing activity was currently limited but the application sought to greatly increase the frequency and numbers of events held. Therefore, there was a risk to the licensing objectives. The overlapping of two premises licences at the premises was also cause for concern.

Responding to questions from the Sub Committee, PC Jones stated that there were no incidences of reported crime associated with the premises. However, South Wales Police receive frequent noise nuisance complaints that are referred to Cardiff Council.

Rhys Morgan addressed the Sub Committee on behalf of Cardiff Council Licensing. Members were advised that the existing licence was limited to Friday and Saturdays with limited hours and conditions attached to mitigate potential issues. When reviewing the operating schedule, a number of issues of concern were identified by

Cardiff Council Licensing. For example, the condition regarding SIA approved door staff was unclear and there were doubts expressed as to whether the condition would be actionable or enforceable in practice, as it was not straightforward to deploy SIA door staff at short notice.

Furthermore, it was not made clear what would happen to the existing licence. Rhys Morgan suggested that a condition should be included that would require the existing licence to be surrendered if a new licence were to be granted. Notes within the operating schedule with regard to control of regulated entertainment were conflicting and it was unclear how the operators would overcome concerns regarding public nuisance.

Responding to a question, Rhys Morgan confirmed that the application sought to holistically increase the hours permitted for licensable activity and represented an intensification of the use of the premises. However, he was not in a position to say that the licence application should be refused. A balance needed to be struck between premises operating under the current licence with additional Temporary Event Notices or have another licence with better conditions that were able to mitigate any potential impact on the licensing objectives. The representation submitted by Cardiff Council Licensing to account of local concerns and the impact of the licensing objectives.

Interested Other Representations

Councillor Wild addressed the Sub Committee as Ward Member for the Riverside Ward. Councillor Wild stated that he was familiar with the premises having frequented events at the Kings Yard and Pipers Brewery. However, there was a problem in terms of conflict between the operation and local residents. The premises were located within the heart of a residential area at the end of people's gardens.

Concerns were expressed regarding local residents' wellbeing. Noise nuisance from the premises was currently causing problems and these would be exacerbated should the application be granted. Cllr Wild also considered that parties held at the premises were not being controlled and strongly objected to the granting of the application.

Mr Robert Chapman spoke on behalf of a number of local residents. Members were advised that residents recognised that they live in an urban area, and a level of urban noise is tolerated. However, the application is a significant escalation in activity and residents are entitled to quiet enjoyment in the homes. Mr Chapman stated that he has made complaints regarding noise from the premises informally but they were not recorded formally. An FOI request indicated that there have been 8 formal complaints since 2018. However, the Council has changed how it records noise complaints. Furthermore it is not clear whether complaints are recorded as licensing or noise issues.

Concerns were also expressed about children living in the immediate vicinity of the premises and the effect the operation of the premises was having on their sleep.

The Sub Committee also heard representations from Steve Beyers and Sue McGuire. Both raised concerns about the increase in licensable activity and the effect that would have on neighbouring properties.

Summing Up

The Chairperson invited all parties to make closing comments.

PC Jones stated that South Wales Police could not support the application as there was likely to be a negative effect on the licensing objectives.

Rhys Morgan stated that the operating schedule submitted with the application is flawed and the application could therefore not be supported as the licensing objectives would be undermined.

Local residents reiterated their concerns and requested the Sub Committee to reject the application.

Mr Munro considered that the premises is unfairly associated with noise from other premises in the Pontcanna and Cathedral Road area. However, on any evening the premises are closed by 2300 hours. Many local people were said to have supported the application and disagreed with the tone of a letter that had been circulated regarding the application to vary the licence.

The venue hosted a number of cultural events. Signage had been erected to ask patrons to be considerate of neighbouring residents.

There were no fire safety concerns and no reported incidents of crime reported that were associated with the premises.

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, REFUSED the application.

The Sub Committee carefully considered the objection from South Wales Police and felt that the proposed variation would negatively impact the licensing objectives.

4 : URGENT ITEMS (IF ANY)

No urgent items.

The meeting terminated at 12.30 pm