

LICENSING SUB-COMMITTEE: 17 MAY 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 034676

Name of Premises: Dickens, 48 Charles Street, Cardiff CF10 2GF

Ward: Cathays

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Charles Street Dining Ltd in respect of Dickens, 48 Charles Street, Cardiff CF10 2GF.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

- (i) The sale by retail of alcohol for consumption on the premises
- (ii) The provision of regulated entertainment in the form of recorded music (indoors) and the performance of dance (indoors).
- (iii) The provision of late night refreshment

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

“Tea rooms and kitchen, serving light refreshments and meals located in main city centre thoroughfare. The premises comprise of one main room, divided between tables and chairs (rear part) with more comfortable armchairs, sofa and low level tables at the front of the room. There is a small, enclosed outside forecourt at the rear of the premises. There are two, chilled serving displays and a fully functioning kitchen. The premises was fully licensed for diners and regulated entertainment until the end of 2018 when the previous business ceased trading. All licensed conditions imposed on the previous business, such as a full CCTV with 30 day recording, is already installed and fully functioning. It is requested all conditions imposed on previous license for Dickens should remain the same.”

(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: 07:00 to 00:30 hours

- (4) To provide licensable activities during the following hours:
- (i) The sale by retail of alcohol for consumption on the premises:
Monday to Sunday: 11:00 to 00:00 hours
 - (ii) The provision of regulated entertainment in the form of recorded music (indoors) and the performance of dance (indoors)
Monday to Sunday: 11:00 to 00:30 hours
 - (iii) Late Night Refreshment (indoors)
Monday to Sunday: 23:00 to 00:30 hours

1.3 A site plan of the premises can be found in *Appendix A*.

2. Promotion of Licensing Objectives.

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in *Appendix B*.

3. Relevant Representations

3.1 A representation was received from South Wales Police in respect of this application but was subsequently withdrawn as the applicant and the Police agreed to have specific conditions imposed on the licence if the application is granted. A copy of the Police representation and the applicant's agreement can be found in *Appendix C*.

3.2 Representations have also been received from two 'other persons' as defined by the Licensing Act 2003. Copies of these representations can be found in *Appendix D*.

4. Legal Considerations.

4.1 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

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

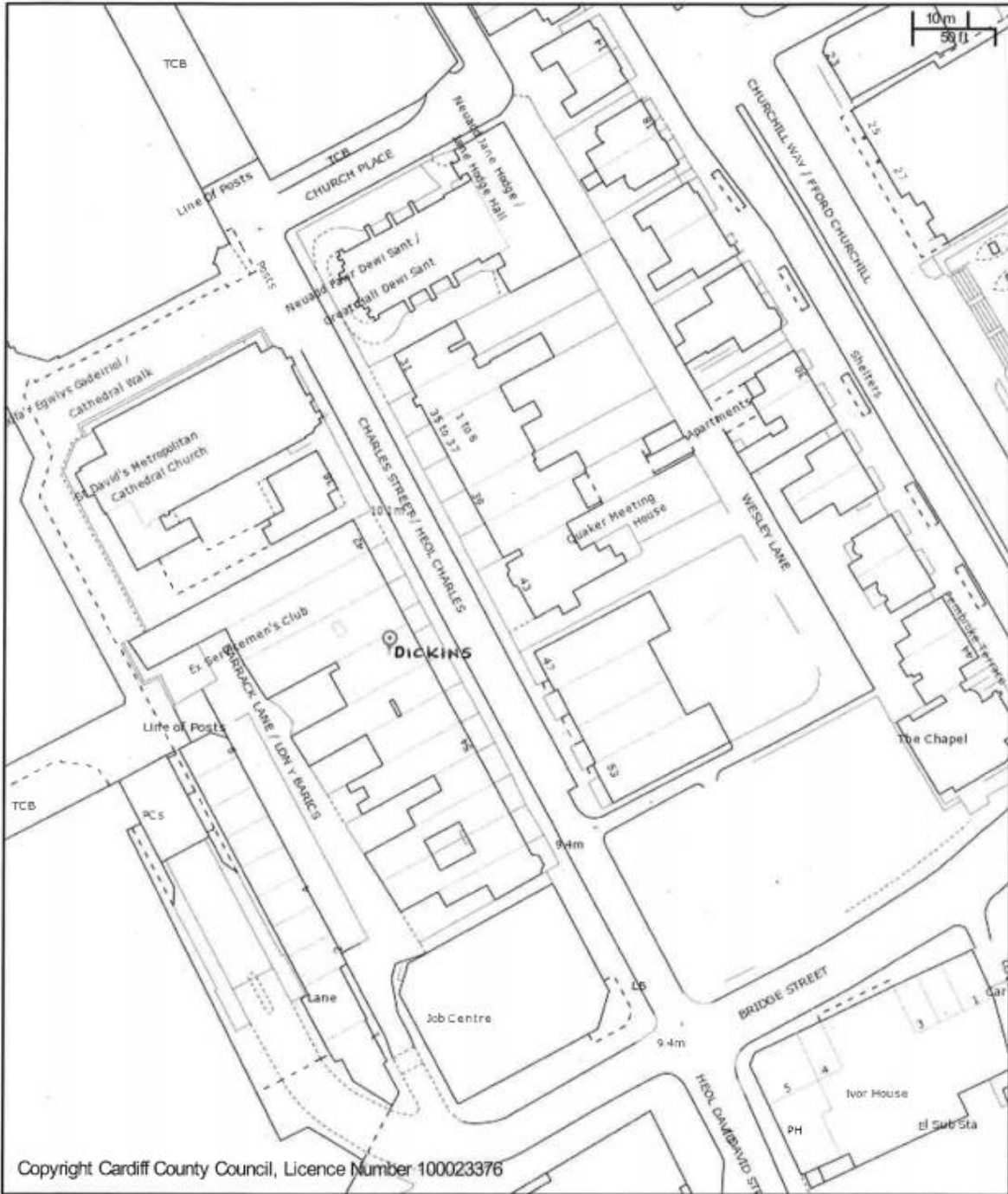
- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.

- c) Reject the whole or part of the application.
- 4.3 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.
- 5. Issues for Discussion.**
- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

23 April 2019

Site Plan – Dickens, 48 Charles Street, Cardiff CF10 2GF



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| <p>CHIEF EXECUTIVE</p> <p>Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088</p> <p>County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087</p> | <p>Cyngor Caerdydd</p> <p>Cardiff Council</p>  |  | <p>Dickens, 48 Charles St</p> <p>Scale: 1:1000</p> <p>Date: 23/4/2019 at 11:55 AM</p> <p>Coordinates</p> <p>© Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made.</p> <p>Ordnance Survey 100023376 (2014).</p> |
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Operating Schedule - Conditions Proposed by Applicant

Continued from previous page...

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

The premises licence will only remain in force as long as the main use of the premises is that of a restaurant.
At least 70% of the public space is occupied by tables and chairs
All meals are consumed at tables with non disposable crockery
The sale of alcohol for consumption on the premises is ancillary to the ordering of food.

b) The prevention of crime and disorder

A CCTV system is already installed to an agreed standard as approved by South Wales Police and is maintained and operated at all times when premises are open to the public. The system covers all areas of the premises to which the public have access (excluding toilets) including all entrances and exits. The images will be kept for a minimum of 31 days and will be produced to a police employee or an authorised officer from the relevant authority in a readily playable format upon request when the premises are open to the public and at all other times as soon as reasonably practical. There are sufficiently trained staff to facilitate this condition.
Maintain a record of incidents.

c) Public safety

Registered door staff will be provided on a risk assessed basis if the premises is open to the public beyond 00:00 hours. In addition there will be registered door staff on duty at the premises when it is being used for pre-booked functions of over 60 persons.
There shall be a personal license holder present on the premises on the occasion of pre-booked functions.
On major event days in the city centre all drinks will be served in non glass vessels with the exception of wine and sparkling wine with a substantial meal.

d) The prevention of public nuisance

The outside seating area will be closed by 23:00 each day.
Clear signs will be placed requesting quiet and respect on leaving the premises.

e) The protection of children from harm

No person under the age of 18 shall remain on the premises after 23:00

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Police Representation

CADW DE CYMRU'N DDIOGEL • KEEPING SOUTH WALES SAFE



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

27th March 2019

Mr Peter Barry
Dickens
48 Charles Street,
Cardiff
CF10 2GF

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
DICKENS, 48 CHARLES STREET, CARDIFF CF10 1AW

I have caused enquires to be conducted into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

We therefore ask that the Licensing Committee hear the representation made by South Wales Police when determining the grant of this application.

Should the applicants agree to comply with the representation made to meet the Licensing Objectives before a hearing then please accept that the South Wales Police will automatically withdraw the request for a hearing with the Licensing Committee.

Police Representation

1) CCTV system shall be installed to a standard agreed with South Wales Police as per the Home office recommendations. The system shall be maintained and be operational 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.

2) The outside seating area will be closed by 21:00 each day.

3) Registered door staff will be provided on a written risk assessed basis if the premises is open to the public beyond 00:00 hours. On these occasions SIA registered door staff will be employed from at least 21:00 hours until close of business. In addition, there will at all times be registered door staff on duty at the premises when it is being used for pre-booked function over 60 persons and alcohol offered for sale or consumption.

Mae Heddlu De Cymru yn croesawu derbyn goheblaeth yn Gymraeg a Saesneg.
Byddwn yn ateb goheblaeth 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.

Prif Gwmstabl **Matt Jukes QPM, MA(Oxon)MSc.** Chief Constable

Police Representation – Continued


If the applicant does not agree with the afore-mentioned representations South Wales Police objections will be based on the following:-

The Prevention of Crime and Disorder,
The Prevention of Public Nuisance

Additional evidence to support the notice of objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you require any further information please contact Police Licensing Officer Claire Dewhurst at Cardiff Bay police station, Licensing Department on 02920 633421 or by email @ claire.dewhurst@south-wales.pnn.police.uk

Yours sincerely



J. Redrup
Chief Inspector

Applicant confirming agreement to Police conditions

Griffiths, Paul (PPE)

Police Agreed.

From: Peter Barry [REDACTED]
Sent: 27 March 2019 16:53
To: [REDACTED]
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: DICKENS, 48 CHARLES STREET

Claire

Thank you for your email, confirming what we discussed as regards to your representations. This is to confirm that I am happy to accept and comply with all the representations made.

Many thanks

Peter Barry
Dickens
Charles street
Cardiff.

Sent from my iPhone

On 27 Mar 2019, at 16:05, <[REDACTED]>
[REDACTED] wrote:

Dear Mr Peter Barry,

Please find attached South Wales Police representations regarding the premises licence submitted for Dickens, 48 Charles Street, Cardiff, CF10 1AW.

If you are happy to accept our representations can I ask you confirm this by return email including Cardiff Council Licensing licensing@cardiff.gov.uk

Many thanks, Kind Regards
Claire

Claire-Louise Dewhurst <image002.png>
Swyddog Trwyddeduy Heddlu / Police Licensing Officer
Adran Drwyddedu / Licensing Department

<image001.jpg>

Heddlu De Cymru / South Wales Police
URS y Dwyrain / Eastern BCU
Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station
Stryd James / James Street
Bae Caerdydd / Cardiff Bay
CF10 5EW

[REDACTED]

Representations from 'other persons'

Griffiths, Paul (PPE)

From: [REDACTED]
Sent: 04 April 2019 09:05
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: 48 Charles St Cardiff
Attachments: Dickens, 48 Charles Street, Cardiff, CF10 2GF.pdf

***** 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. ***

Dear Sir/Madam,

I write to make an objection *in principal* against the licensing application for the above stipulated business.

Whilst I support and wish to see the local vicinity in which I live flourish we must also be mindful of previous issues we have had with the business's occupying 48 Charles st.

I currently live at [REDACTED] and we directly look over the back of the above establishment onto the beer garden.

Previously to the current property the venue was a nightclub by various names, Exit, WOW etc amongst others

In the past I have had to call the noise pollution team out to my property several times late into the evening to witness what has been a unacceptable level of disturbance for myself as a resident.

I understand that Dickens of Charles st has been closed recently for some time, but prior to this the lady business owner also neglected her responsibility as a responsible proprietor and went outside of her licensing agreement, often having loud music, and serving alcohol outside the premises in the garden adjacent to my property - passed her stipulated agreed times.

When trying to deal with this amicably directly instead of once again bothering the relevant authorities, we were met with hostility, as has been the case with the nightclubs owners prior to this.

My worry is that this will only end in the same issue, and that our work life balance will be affected. I work full time as a manager and I am responsible diligent resident who is not at all difficult and very accommodating, however the application gives reason for concern.

Previous occupiers have failed to be compassionate to residents living directly opposite, and thus have caused public nuisance and disorder.

Refuse has also been an issue previously for this establishment and also the business next door, one time having to report inappropriately dumped rubbish on the main street area of Barrack Lane, that spewed its contents everywhere, including used condoms etc. This for a main walking link for the city center shops often frequented by tourists etc is not appropriate.

Whilst we cannot make assumptions this will be the case for the new proprietor, it has to be said that from History it is fact to say there has been issues.

I have not taken this opposition lightly, and as previously mentioned I would hope the proposed license would actually be functional, mutually understanding that here is a residential block directly opposite, but I have my reservations, hence this note of concern in the first instance.

Happy to discuss.

Representations from 'other persons'

Many Thanks

[Redacted]

Tell: [Redacted]

Representations from 'other persons' - Continued

Griffiths, Paul (PPE)

From: [REDACTED]
Sent: 10 April 2019 13:41
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: Barker, Kirstie
Subject: 48 Charles Street CF10 2GF

Dear Sirs

We act for [REDACTED] of premises in Charles Street Cardiff, namely [REDACTED]

As you may be aware our clients have previously expressed concern about the operation of premises at the Eagle and have also previously expressed concern about a premises licence application for the operation of these Charles Street premises.

Their concerns arise not just because of the historic and proposed operation of the premises itself (escape of music noise etc) but because of the use and occupation of outside areas, as well as the arrival and departure of customers in what is, particularly late at night, a quieter residential street.

In November 2016 [REDACTED] attended before the licensing committee to support a written representation for a similar application.

The application granted was more limited than that first request and also followed confirmation from the applicants that:-

1. There would be no room for a DJ
2. Live music would be one or two musicians only
3. "High class events" would be vetted for suitability and that there would be active management for smokers outside with the proposed DPS taking responsibility for that.

We do not know whether this new application proposes the same but our clients have instructed us to serve representation objecting to the grant of the licence in its current form.

For clarity we thought it might assist to explain the following:-

Cumulative impact

The premises falls within the cumulative impact policy contained in the City of Cardiff Statement of Licensing policy. Based on what we have seen so far it appears clear that the presumptions against the application have effect.

Conditions

Restaurants are, of course defined within the policy and include such restrictions as 70% of the public space occupied by tables and chairs, all meals to be consumed at tables with non-disposable crockery, sale of alcohol for consumption on the premises to be ancillary to the taking of a substantial table meal, no self-seating customers to be shown to their table by staff and all food to be served by waiter/waitress service (with buffet-style exceptions). It would be helpful to understand if all of those conditions are now proposed. If not our clients view is that they should be so conditioned, if the licence is granted.

Kitchen

The previous operation purported to be as a tea room and in various pieces of dialogue, confirmation was historically received that *"the trade kitchen is not large enough to provide substantial meals"*. Because this application appears to suggest that all alcohol will be served ancillary to substantial refreshment we are bound to question the degree to which the proposed kitchen differs from the old.

Applicant

Furthermore it is our understanding that the applicants and those connected with them also operate at The Eagle located at Basement and ground floor terrace, 39 Charles Street Cardiff CF10 2GB. That causes significant concern. Our client has had issues about the operation of that premises for a substantial period of time, which historically has included

Representations from 'other persons' - Continued

concerns about breaches of licence conditions and activities that have undermined the licensing objectives. We need not go back through all of those points in detail here, but it is fair to say that the concerns about the operation of The Eagle Nightclub and particularly the trouble that our client's tenants have in sleeping on weekend evenings, particularly due to people congregating outside the front of the bar, talking, shouting, laughing, etc (until 4am) invites the conclusion that this proposal will be no less well managed.

One of our client's tenants advises us that she has sought to engage in a dialogue with the management of The Eagle, over the last couple of years only to feel that her engagement was "immediately discarded". Our client's concern put simply is that the if this premises approach licensing with a somewhat high-handed regard to residents living in the immediate vicinity, it does not necessarily bode well with this new application and or operation.

Doorstaff

We note that door staff are proposed, within the context of this new application, on any night when the premises is open beyond 12 midnight. The application does not seek to suggest that the conduct of licensable activities need occur after 12 midnight for the engagement of door staff and so we raise now, and will later develop at the licensing hearing the point that we are proceeding on the basis that either door staff will be engaged or the premises will be closed and cleared of all customers by 12 midnight (if indeed a licence is granted).

Outside Space

Finally and touching on the issues that have bedevilled The Eagle and our client's tenant's relationships for the last several years we would wish to see a restriction on the use and occupation of the outside space. First of all we would not wish to see any drinks whether in glass or polycarbonate outside the front of this premises at any time. Whilst our clients appreciate that licensed premises must accommodate those wishing to smoke we would not wish to see them encouraged to congregate outside and to use it as a social extension of the premises itself (as is witnessed at The Eagle and in other licensed premises).

Secondly if the committee we minded to permit some form of occupation for drinks in the outside space then we would ask that those customers be seated (presumably al those customers will be taking table meals), limited in number and positioned in a defined space. We would further wish them to be monitored and supervised by staff, and CCTV so that if there are any discrepancies or concerns about the way in which they occupy the space CCTV can be provided (to officers upon request). The CCTV coverage will also likely moderate customer behaviour as well.

We would also ask the licensing committee to consider the following:-

1. A limit of two functions per month, if any are permitted.
2. Licensable activity to be limited to 11pm and drinking up time to oblige closure of the premises by 11.30pm
3. A written dispersal policy to be drawn up and implemented to ensure customers leave the vicinity quickly and quietly
4. Documented sound checks to be undertaken whenever entertainment in taking place (whether regulated or otherwise)
5. A limit of five smokers outside at any one time after 9pm
6. At least two door supervisors from 8pm to be employed for any event where more than 40 persons attend the premises for a specific event

Please acknowledge safe receipt

Yours sincerely

