CARDIFF COUNCIL CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 23 August 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 039134

Name of Premises: Brew Monster, 31-32 High Street, Cardiff, CF10 1PU

Ward: Cathays

1. Application

- 1.1 An application for the Grant of a Premises Licence has been received from Brew Monster Bars (Cardiff) Limited in respect of Brew Monster, 31-32 High Street, Cardiff, CF10 1PU.
- 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 and off the premises
 - (ii) The provision of late night refreshment (indoors)
 - (2) Description of Premises (as stated by applicant):
 - "The venue comprises approximately 850 square foot of ground floor space, fronting High Street that will be used as a bar/casual dining restaurant."
 - (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: 11:00 to 00:00 hours

Non Standard Timings:

Christmas Eve: 11:00 to 03:00 hours New Years Eve: 11:00 to 03:00 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: 11:00 to 23:30 hours

Non Standard Timings:

Christmas Eve: 11:00 to 02:30 hours New Years Eve: 11:00 to 02:30 hours (ii) The provision of late night refreshment (indoors)

Monday to Sunday: 11:00 to 23:30 hours

Non Standard Timings:

Christmas Eve: 11:00 to 02:30 hours New Years Eve: 11:00 to 02:30 hours

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

2. <u>Promotion of Licensing Objectives.</u>

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 has been received from South Wales Police in respect of this application. A copy of the Police representation can be found in *Appendix C*.
- 3.2 A representation has been received from Cardiff Council's Licensing Department in respect of this application. A copy of this representation can be found in *Appendix D*.
- 3.2 A representation has been received from Cardiff Council's Pollution team in respect of this application. A copy of this representation can be found in *Appendix E*.

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

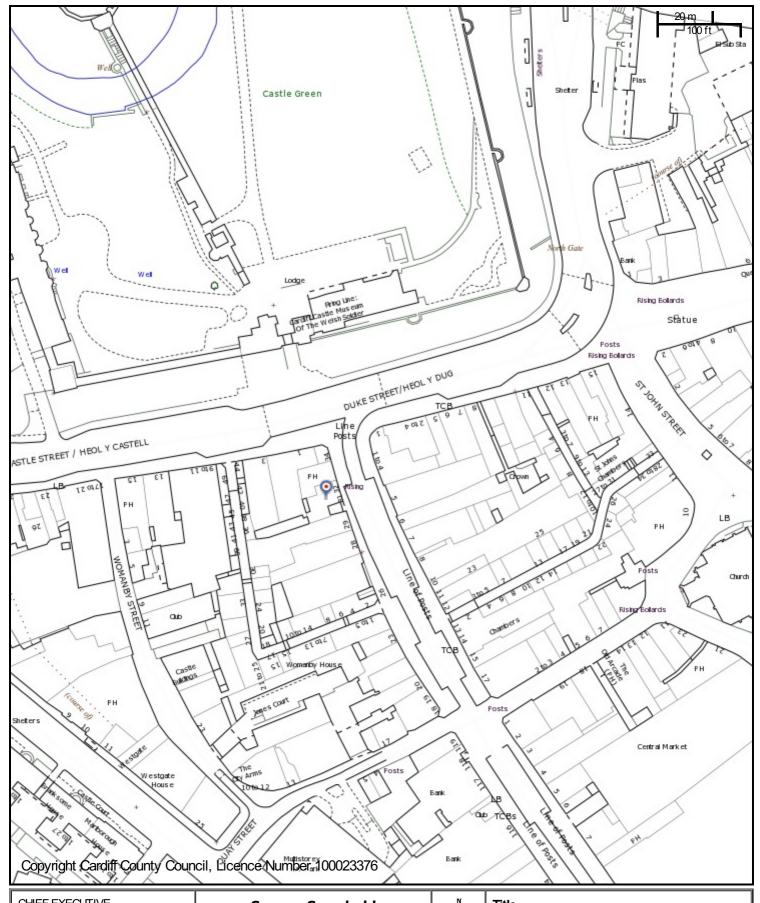
Council e.g. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. <u>Issues for Discussion.</u>

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

Dave Holland Regulatory Services 8 August 2019

APPENDIX A



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: 8/8/2019 at 9:41 AM

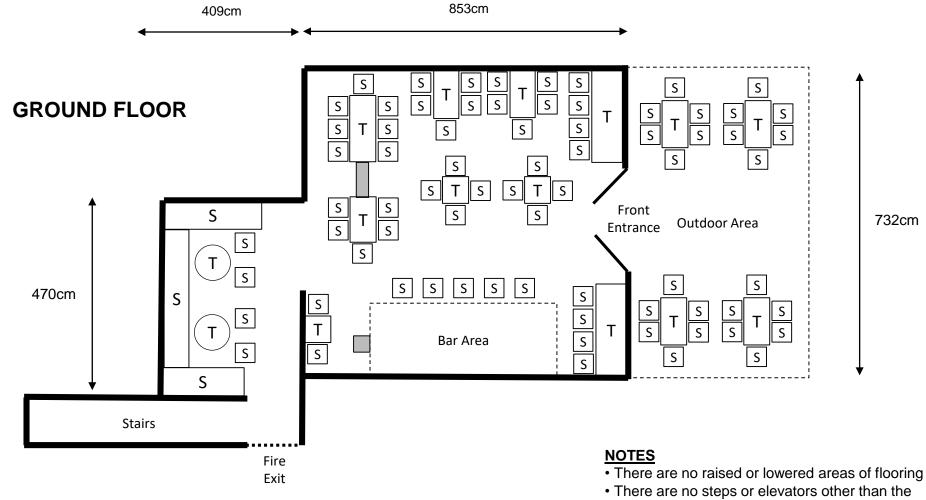
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Ordnance Survey 100023376 (2014).

Submission in support of premises licence application for 31-32 High Street, Cardiff, CF10 1PU



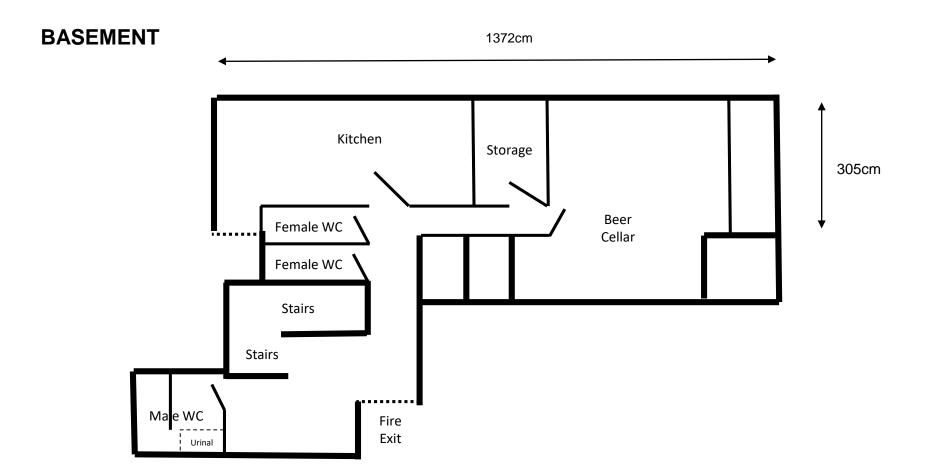
KEY

T = Table

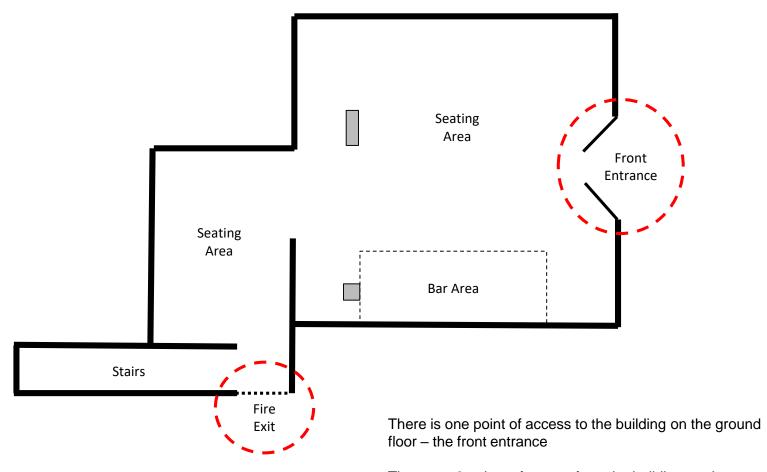
S = Seating

= Pillar

- stairs leading to the basement
- There are no other licensable activities other than those shown in the above plan
- The size and shape of the outdoor area will be subject to discussion and approval by the relevant authority

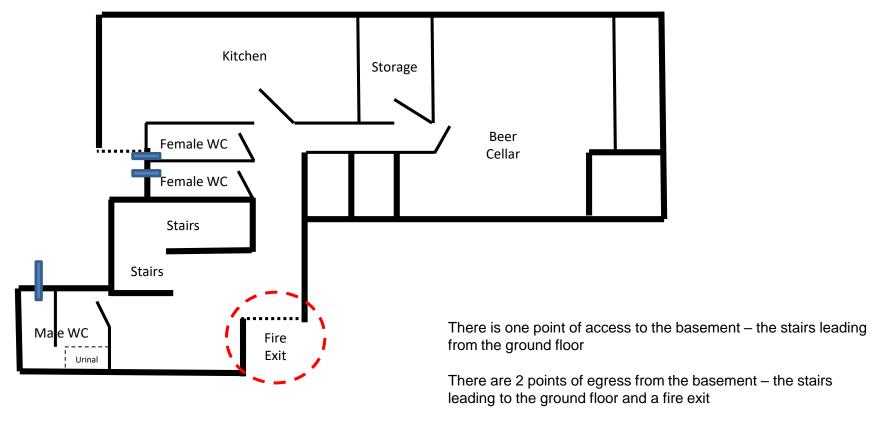


GROUND FLOOR



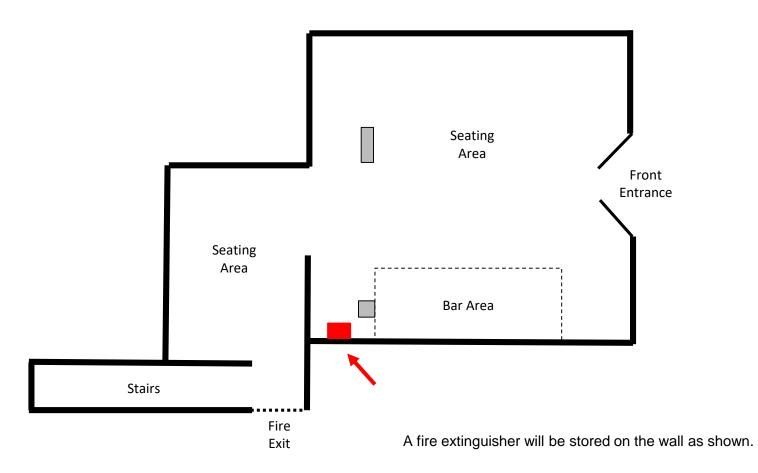
There are 2 points of egress from the building on the ground floor – the front entrance and a fire exit

BASEMENT

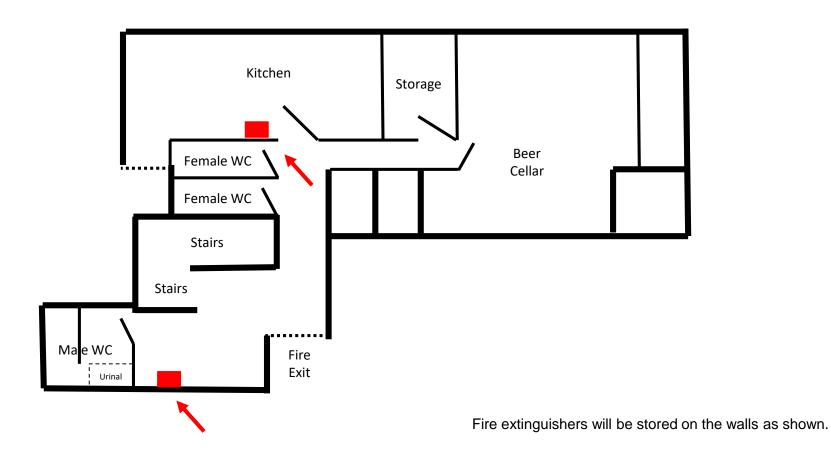


Note that customers will only be permitted to access the basement to use the WC. Customers will not be permitted to access the kitchen, storage area or beer cellar. Customers will not be permitted to loiter in the basement.

GROUND FLOOR



BASEMENT



APPENDIX B

Continued from previous page	•••	
SUNDAY		
Star	rt 11:00	End 24:00
Star	rt 🗌	End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We would like to open for extended hours as follows:

Christmas Eve - Opening hours 11:00 to 03:00 (next day)

New Years Eve - Opening hours 11:00 to 03:00 (next day)

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We would like to open for extended hours as follows:

Christmas Eve - Opening hours 11:00 to 03:00 (next day)

New Years Eve - Opening hours 11:00 to 03:00 (next day)

Section 18 of 21

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.

We are a micro-brewery based in Cwmbran. We produce high quality multi-award-winning craft beers and real ales, which are available across the UK. We currently operate 2 licensed premises, both of which attract a target demographic that consists of older, more affluent people.

- 1. A micropub on Holton Road in Barry. This was previously a retail shop until last August when we successfully changed it to A3 use and obtained a premises licence. It was the first venue of its kind to open in the Vale of Glamorgan. Since opening the micropub has been very well received in the area, bringing high quality real ale and craft beer from across Wales. It tends to attract people of a higher age and income/wealth. It has received several awards and is operating profitably. To date there have been no instances of violence or drunken/disorderly behaviour at the venue, which is a testament to the way in which the venue has been run and the nature of the customers we attract.
- 2. A brewery tap room in Cwmbran. This venue is based at our brewery in Cwmbran. It opens on Friday and Saturday evenings only. It is similar to the micropub in that it too tends to attract people of a higher age and income/wealth, and to date there have been no instances of violence or drunken/disorderly behaviour at the venue, which is a testament to the way in which the venue has been run and the nature of the customers we attract.
- 31-32 High Street would be our third venue. We would seek to attract a similar customer base to those that come to our other venues, in order to contribute in a positive manner to the local economy of Cardiff and to maintain our excellent reputation for running high quality establishments. This will be achieved as follows:

Strong Food Offering - We plan to have a strong food offering through partnerships with successful local artisan food producers. We have already reached agreement with Barrio and Lewigi, a local business who produce Neapolitan style pizza, to come on board to provide food at the venue. We believe that the provision of high quality, artisan food, will complement our alcohol offering, and appeal to our target demographic (older, more affluent).

Premium Pricing - Alongside real ale and craft beer, we would offer local artisan spirits and craft cider. All alcoholic drinks will be sold at a premium price relative to many of the other licenced venues in central Cardiff. We believe that offering premium drinks at premium prices will give greater appeal to our target demographic (older, more affluent).

Opening Hours - Reduced opening hours (stop serving alcohol at 23:30 and closing at midnight) will deter younger

Continued from previous page...

drinkers, and offer greater appeal to our target demographic, and reduce the scope for excessive drinking by customers. Location – Our venue will be in the heart of the Castle Quarter, an area that is filled with high end establishments and food led venues, that attracts a similar target demographic to us. We feel that the location of the venue will help to attract our target demographic (older, more affluent).

The DPS will ensure that all staff are trained in their responsibilities with regard to the sale and supply of alcohol. Training records will be maintained for all members of staff and made available for inspection by any authorised officer at any reasonable time. This will include training of underage sales, drugs awareness and drunk and disorderly behaviour. Training records will be reviewed on a regular basis.

A minimum of 70% of the licensable area (excluding toilets and areas not accessible to customers) will be occupied with tables and chairs.

b) The prevention of crime and disorder

A CCTV system shall be installed. The system will be maintained and operated at all times the premises are open to the public, and shall cover all parts of the licensable areas to while the public have access (excluding toilets) and all outside areas and exits and entrances used by customers. Images shall be in high definition and shall be kept for a minimum of 31 days. The images shall be produced to a Police employee as soon as is reasonably practical upon request. There will be sufficient staff training to facilitate the above.

On major event days we will serve all alcohol in plastic/polycarbonate glasses

On major event days we will have an SIA accredited doorman from at least 4 hours before the start time of the major event. An incident book shall be kept at the premises and maintained on site. It shall be made available on request to an authorised officer of the local authority or member of the Police. The register will record all crimes at the premises, complaints received of a licensing nature, any incidents of disorder, any refusal for the sale of alcohol and any visits by the emergency services.

We will stop serving alcohol from 23:30 allowing a 30 minute drink up time for our customers.

c) Public safety

We will make sure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified wherever possible.

d) The prevention of public nuisance

Prominent and clear notices displayed at points where clientele leave the building, instructing them to leave the premises and area quietly.

Recorded music will not be played in any outside area at all times on any day.

Customers using the area to the front of the premises will be sat at tables and chairs. Customers will not be permitted to take alcohol out of this area into the street.

There will be no off sales from the premises (with the exception of sales of products to be consumed in the designated outdoor area).

e) The protection of children from harm

The use of an accredited proof of age scheme (Challenge 25) including and especially the use of Photocard Driving Licences and Passports when patrons are purchasing alcohol.

Children will not be allowed into or to remain on the premises after 20:00.

No performance of striptease, lap dancing, entertainment or a sexual nature or other similar adult entertainment will be permitted on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

From:

To: <u>Jon.Marchant@south-wales.pnn.police.uk</u>

Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

Subject: Re: BREW MONSTER LICENCE APPLICATION

Date: 30 July 2019 17:18:24

Hi Jon

I acknowledge receipt of the Police representations and confirm that I am in agreement with all of the representations listed

Thanks

Glenn White Managing Director Brew Monster Ltd Tel: 07772 869856

On 30 Jul 2019, at 11:08 am, <<u>Jon.Marchant@south-wales.pnn.police.uk</u>> <<u>Jon.Marchant@south-wales.pnn.police.uk</u>> wrote:

Morning Glenn (Stephen White)

Please find attached police representation signed by the Chief Inspector Redrup' representative, the signed original is available should you require.

Kindly acknowledge receipt of the Police representations via email also please forward to Cardiff Licensing authority and myself confirming you are in agreement of the representations.

Regards Jon.

Jon Marchant <image002.png>
Swyddog Trwyddedu / Licensing officer.
Adran Drwyddedu / Licensing Department

<image001.png>

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

2: 02920 634 159 | Ext: 34207 | Mobile: 07584 771056 <image004.png

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101... Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

CADW DE CYMRU'N DDIOGEL • KEEPING SOUTH WALES SAFE

Mr Stephen White Brew Monster Bars (Cardiff) LTD. Unit C Avondale Business Park Cwmbran NP44 1XE



Police Licensing Department. Cardiff Bay Police station. James Street, Cardiff. CF10 5EW.

26 July 2019

Dear Sir

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.

BREW MONSTER 31-32 HIGH STREET CARDIFF CF10 1PU

I, Chief Inspector J. REDRUP of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application for the grant of a premises licence for the above premises.

This objection is made under the licensing objectives of;

The prevention of crime and disorder,

Public safety.

The prevention of public nuisance.

The police will object under the Cardiff Council's Cumulative Impact Policy.

Should the committee be minded to grant this application South Wales Police ask that the below conditions be attached to 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.

POLICE REPRESENTATION

- 1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits. The outside area will also be covered and coverage extended to the whole width of the street. The images will be kept for a minimum period of 31 days. The images will be produced to a police employee, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above. Signs will be prominently displayed, advising customers that CCTV is in operation at the premises.

 The above proposed condition sets out exactly what is required of such a condition to the avoidance of doubt.
- 2. On Major Event Days a minimum of two SIA (Security Industry Authority) registered door supervisors will be employed at the premises from either 4 p.m. that day but no less than four hours before the commencement of the event, whichever is earlier, until closure of the premises. This is an amended condition of that which has been offered by the applicant.
- 3. A minimum of two SIA registered door supervisors will be employed on duty on Friday, Saturday, any Sunday before a Bank Holiday, and New Year's Eve, from 21:00 hours until close, when open to the public beyond 00:00 hrs.

This condition is requested to assure public safety at the venue.

4. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

This condition is requested to assure public safety at the venue.

5. The Designated Premises Supervisor shall maintain a duty register of all persons engaged as door and security staff. This register must include the name and SIA number of the person employed, time and date of duty commenced/finished with a signed acknowledgment by that person. The register must include the company employed or through whom the services of that person are engaged. The register shall be kept so that it can be readily inspected by a police employee or authorised officer of the council. The register shall be kept for a period of three years.

This condition is requested to ensure accountability.

- 6. An incident book, which shall be bound with sequential numbering, shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to a member of police staff, which will record the following:
 - a) All crimes reported to the venue
 - b) Any complaints received
 - c) Any incidents of disorder
 - d) Any refusal of the sale of alcohol
 - e) Any ejections
 - f) Any visit by a representative of a responsible authority or a member of the emergency services
 - g) Any failures of the CCTV system

The above condition will allow the accurate documenting of incidents likely to arise at the premises.

- 7. At all times when the premises are open to the public the premises shall operate a radio system which is monitored by South Wales Police.
- 8. Signs will be prominently displayed at exits, requesting that patrons leave the premise and surrounding area in a quiet orderly fashion.

This is an amended condition of that which has been offered by the applicant.

- 9. There will be no off sales from the premises, with the exception of sales of alcohol to be consumed in the designated outdoor area as per plan reference SW 001 29th July 2019.
- 10. No performances of striptease, lap dancing, entertainment of a sexual nature or other similar entertainment will be permitted on the premises.

This is an amended condition has been offered by the applicant.

11. Persons under 16 must not remain on the premises after 20:00 hours unless accompanied by a responsible adult.

This condition has been requested to protect children from harm.

12. The external area must be clearly delineated so that no doubt exists as to which establishment the area belongs.

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

Should you have any queries regarding the above objection, please contact Licensing Officer 759 Jon Marchant at the Cardiff Bay Police Station 02920 527207 / 07584771056.

Yours Faithfully

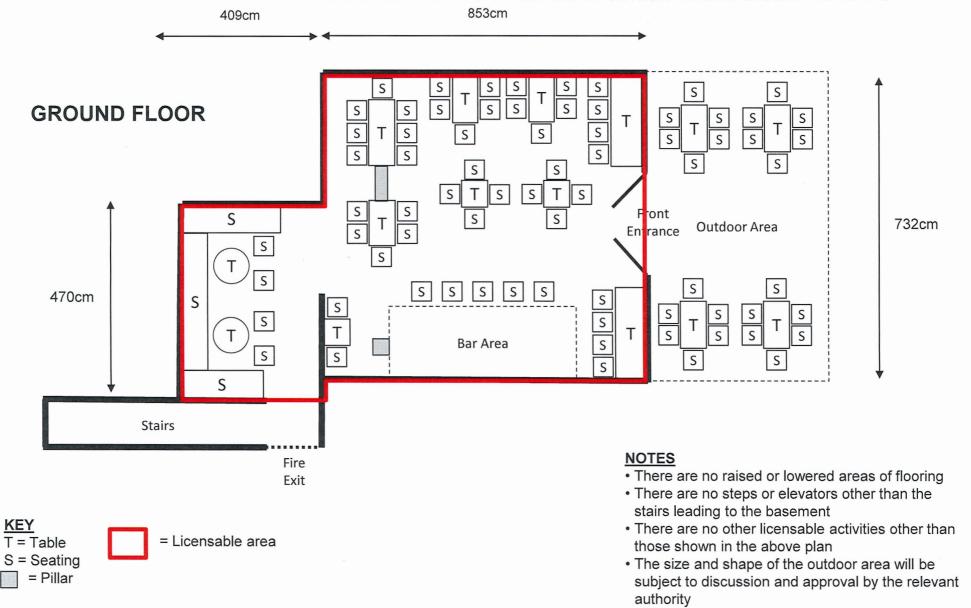
Jason Redrup

Chief Inspector

Premises Layout 31-32 High Street, Cardiff, CF10 1PU

REFERENCE NO. SW 001 29th JULY 2019

PLAN SUBMITTED BY STEPHEN WHITE DEPICTING THE LICENSABLE AREA OF THE BREW MONSTER PREMISES 31-32 HIGH STREET CARDIFF CF10 1PU



APPENDIX D

From: Morgan, Rhys
To: Evans, Kirsty
Cc: Barker, Kirstie

Subject: RE: Licensing Act 2003 - 31-32 High Street - New Premises Licence Application

 Date:
 18 July 2019 17:25:30

 Attachments:
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Hi Kirsty,

Please find representation below.

In regard to the above application to grant premises license, I wish to advise that the Licensing Authority of Cardiff Council will be objecting to the application.

A Cumulative impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance.

The policy creates a presumption that new applications for Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Zone and therefore an objection is submitted in respect to the following Licensing Objectives.

The prevention of crime and disorder.

The prevention of public nuisance.

There has been some detail in the application and within the operating schedule for how the promotion of the licensing objectives will be undertaken along with the prevention of crime and disorder and Public Nuisance. However the premise currently still falls within the red classification under the statement of licensing policy and Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Cumulative Impact Policy.

You will need to demonstrate to the Licensing Sub-Committee that there will be no negative cumulative impact on one or more of the licensing objectives if the Premises Licence were to be granted.

Kind regards

Rhys Morgan

Rhys Morgan

Licensing Section / Adran Drwyddedu

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir Bridgend, Cardiff and the Vale of Glamorgan Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg Telephone | Ffôn 02920 871123

SRS bilingual plus council logos

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch

APPENDIX E

From: Jones, Gillian P

To:

Brew Monster (Bars) Limited, 31-32 High Street, Cardiff City Centre

Date: 10 July 2019 15:13:31

Attachments: image001.png

697434 SRSEP031-CardiffCouncilRepresentationFormWORD 20190710143623.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, meddyliwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

Hello

Please find attached my representation submission form for Brew Monster (Bars) Limited, 31-32 High Street, Cardiff City Centre.

Please contact me to discuss it.

Kind regards

Mrs Gillian Jones

Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir Bridgend, Cardiff and the Vale of Glamorgan Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

Phone | Ffôn: 02920871819

e-mail / e-bost: Gillian.Jones@Cardiff.gov.uk

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay. Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.



CITY OF CARDIFF COUNCIL



Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications				
Details of person or body making representation				
Your Name:	Gillian Jones			
Your Address:	City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND			
Phone Number:	03001236696			
E-mail:	gpjones@valeofglamorgan.gov.uk			
Details of premises representation is about				
Name and Address of Premises:	Brew Monster (Bars) Limited, 31-32 High Street, CF10 1PU			
Application Number: (if known)	697434.			
Please tick one or more of the licensing objectives that your representation relates to:				
Prevention of crime and disorder				
Public Safety				
Prevention of public nuisance			Yes	
Protection of children from harm				

Please summarise your concerns about this application:		
I wish to object to this application, I have concern regarding the application on the grounds of the prevention of public nuisance, especially from loud amplified music and regulated entertainment at the venue if the bar is allowed to open later than the existing shop premises is open. There are 3 flats above 29-31 High Street. At the moment this ground floor premises is a shop selling Welsh gifts which closes at normal shop opening times, notably 18:30 and not at 00:00.		
Please give further details of <u>why</u> you believe this application will have an adverse effect on the licensing objectives:		
I write in relation to the licensing objective, the prevention of public nuisance, I believe that the new premises will disturb the occupiers of nearby residential properties by playing loud music and shouting. In particular as it proposes an outside seating area that will be available for patrons to use until 23:00.		
I have contacted the Local Planning Authority and they have informed me that there is no record of any of the conditions attached to planning permission 17/02625/MNR being discharged, nor are there currently any pending applications to discharge any of those conditions. Therefore, condition 5 of that planning application regarding sound insulation works scheme between the ground floor and the first floor is outstanding. I am keen for the new owners to carry out the following: (1) Investigate the sound insulation properties between the commercial and the residential units.		
The authority deals with all representations received in an open and transparent manner. By law the authority		

The authority deals with all representations received in an open and transparent manner. By law the authority must provide the details of any representation to the applicant. The authority will also provide full details to the Licensing Committee to ensure that members have the full information when determining any application at a

hearing. Details of any hearing must be made publically available and will be available on the Council website. By submitting this form you are giving permission for the authority to make the information supplied publically available.

Return your completed form to:		
By Post:	Licensing Section, City of Cardiff Council, Room 203 City Hall, Cardiff CF10 3ND	
By E-mail:	licensing@cardiff.gov.uk	