

LICENSING SUB-COMMITTEE: 29 June 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 061705

Name of Premises: Social Eats, 20 Salisbury Road, Cathays, Cardiff, CF24 4AD

Ward: Cathays

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from Laura Archbold and Michael Robbins in respect of Social Eats, 20 Salisbury Road, Cathays, Cardiff, CF24 4AD.
- 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
 - (2) Description of Premises (as stated by applicant):
"Coffee shop and Café"
 - (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 Saturday: 10:00 to 23:00 hours
 - Sunday: 10:00 to 22:00 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 Saturday: 11:00 to 23:00 hours
 - Sunday: 11:00 to 22:00 hours
- 1.3 A site map showing the premises and a plan of that 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 has been received from South Wales Police. A copy of the representation is attached as **Appendix C**.

- 3.2 A representation has been received from Pollution Control. A copy of the representation is attached as **Appendix D**.
- 3.4 A representation has been received from Licensing Enforcement. A copy of the representation is attached as **Appendix E**.
- 3.5 A representation has been received from other persons (a local resident). A copy of the representation is attached as **Appendix F**.

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.

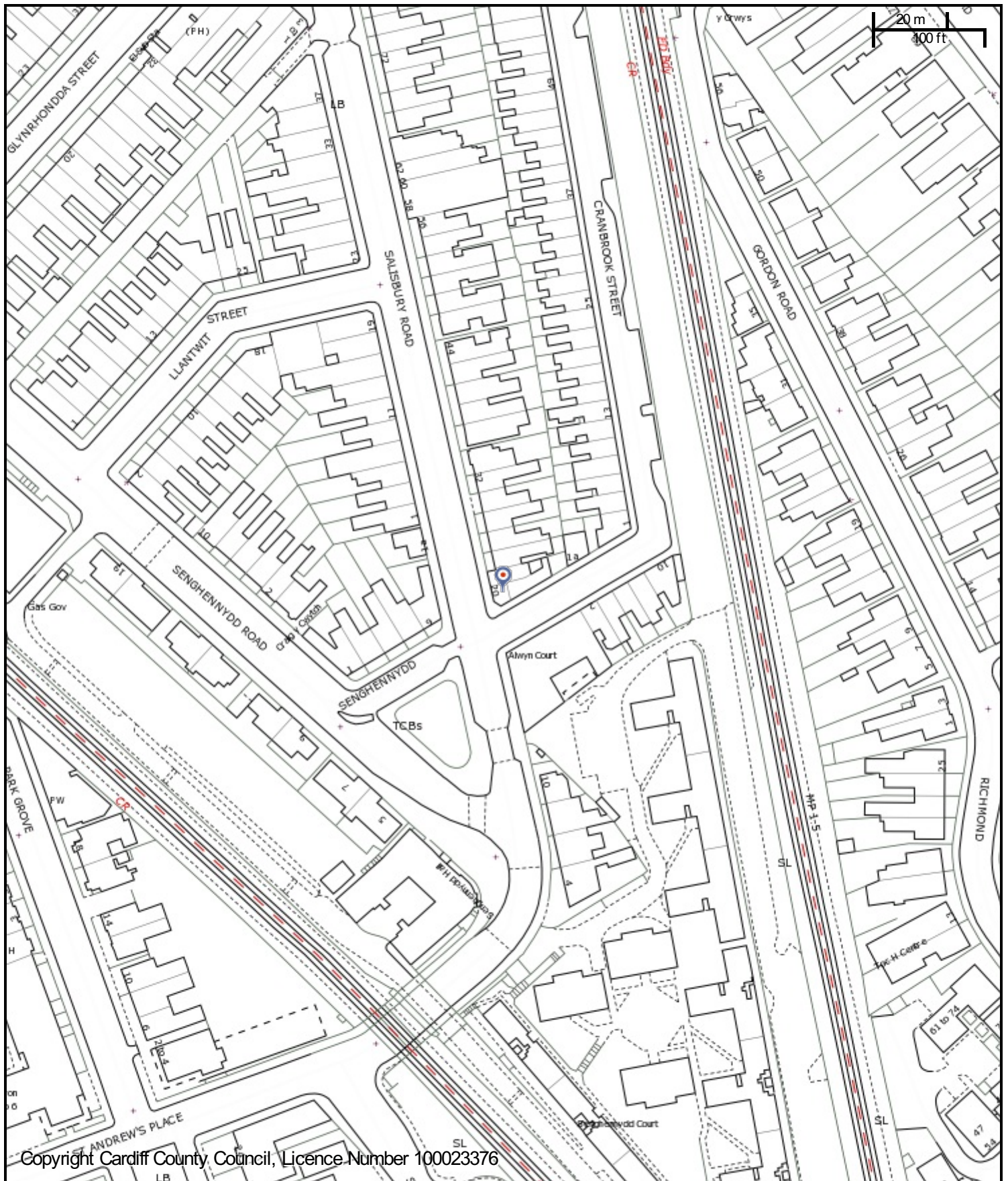
- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (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.

APPENDIX A

Site Map & 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

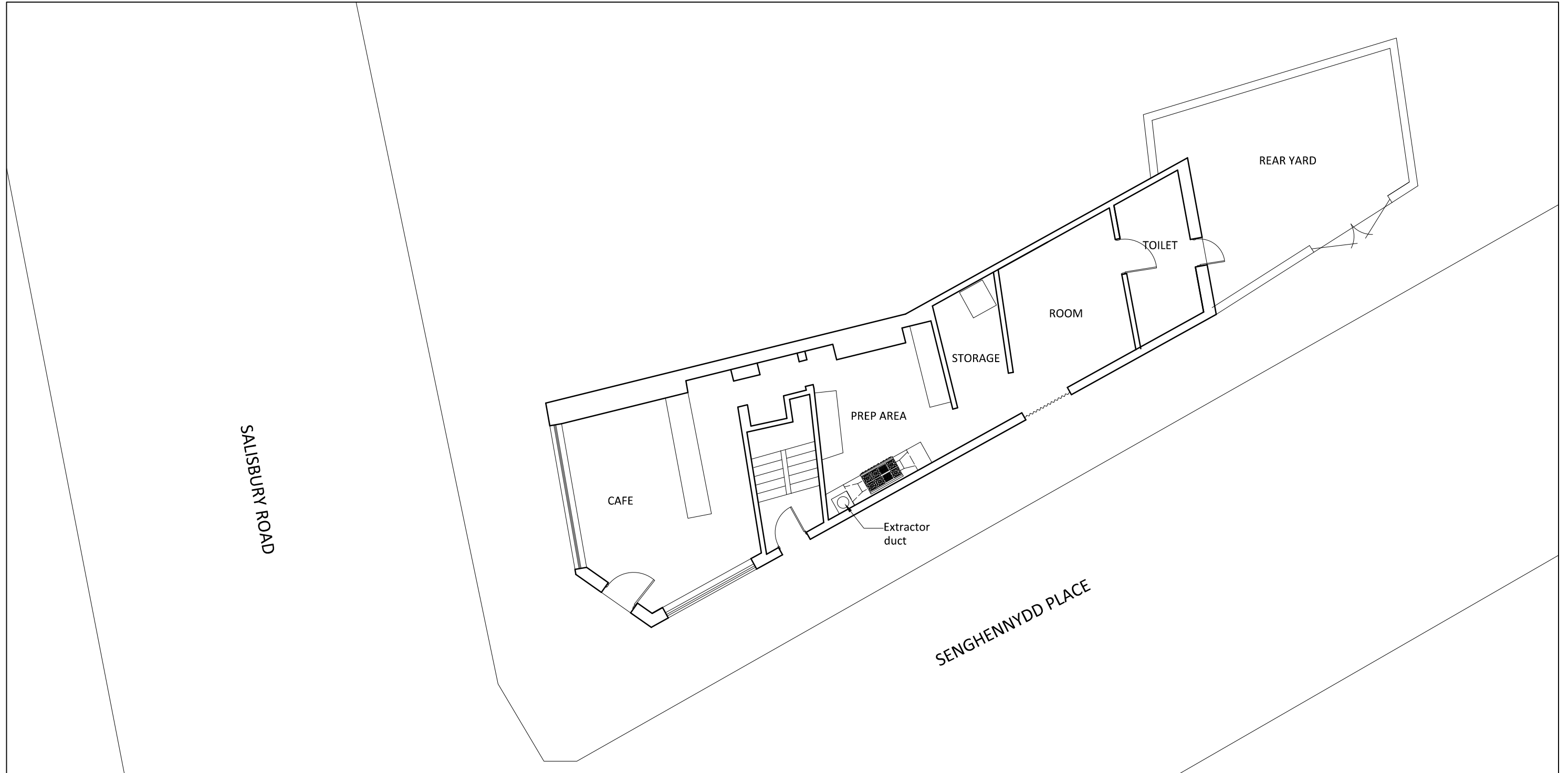
Date: 14/6/2021 at 9:31 AM

Coordinates:


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Ordnance Survey 100023376 (2014).



EXISTING PLAN

<small>© This drawing is copyright. Do not Scale. Contractor to check all dimensions on site and to report any discrepancies directly to the SO.</small>			 SK DESIGNS <small>SK DESIGNS</small> <small>18B, Clewwater Way, Lakeside, Cardiff, CF23 6DJ</small> <small>Tel: 029 20 761 950</small> <small>Fax: 029 20 761 950</small> <small>Email: info@skdesigns.org.uk</small>
Date: APRIL 2021			
Project: 18-20 SALISBURY ROAD			
Client:			
Description: EXISTING PLAN	Job No:	Scale: 1:100 ON A3	
	Dwg No: 101	Drawn By: NZ	

APPENDIX B

Operating Schedule

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Intend to have a few cocktails and wine for wine tasting.
Provide security.
Ask for ID
Refuse entry if drunk and disorderly.

b) The prevention of crime and disorder

Monitor Consumption and refuse to serve anyone who is drunk and disorderly

c) Public safety

Serve until 11pm

d) The prevention of public nuisance

As above

e) The protection of children from harm

Do not allow under age, always ask for ID

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 03 June 2021 19:15
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);

Application for a new premises Licence- Social Eats 20 Salisbury Road.
Attachments: Headed Paper- Social Eats 20 Salisbury Road.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 fgythiadau, 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.

To whom it may concern.

Please find attached representations made by South Wales Police in respect of the application for a premises licence at 20 Salisbury Road Cathays Cardiff. CF24 4AD.

South Wales Police object to the grant of the application as applied on the basis that to grant the application as presented would lead to the undermining of the following licensing objectives, namely;

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance.

The Protection of Children from Harm.

In addition, the conducting of Unauthorised Licensable activity at the premises during the consultation period is noted.

Your sincerely,

Rob Gunstone 
Cwnstabl yr Heddlu 3487 / Police Constable 3487.

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Telffon: 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

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

3rd June 2021.

Social Eats.
20 Salisbury Road
Cathays
Cardiff.
CF24 4AD

**APPLICATION FOR A NEW PREMISES LICENCE. LICENSING ACT 2003.
20 SALISBURY ROAD, CATHAYS, CARDIFF. CF24 4AD**

To whom it may concern,

I have caused enquiries to be made regarding this application. The premises has previously traded as a sandwich shop and eatery located at the junction of Salisbury Road and Cranbrook Street which sits within a predominately residential area.

The applicant requests the following licensable activity;

The sale by retail of alcohol for consumption on and off the premises:

Monday to Saturday: 11:00 to 23:00.
Sunday: 11:00 to 22:00

Contained within the application, the applicant describes the nature of the business as Follows; "Coffee shop and Cafe"

The applicant has paid scant regard to those measures which would support and promote the licensing objectives. Those measures offered by the applicant and contained within the application are as follows;



MEASURES OFFERED BY THE APPLICANT.

General;

Intend to have a few cocktails and wine for wine tasting.

Provide security.

Ask for ID.

Refuse entry if drunk and disorderly.

Prevention of Crime and Disorder.

Monitor Consumption and refuse to serve anyone who is drunk and disorderly

Public Safety.

Serve until 11pm

The Prevention of Public Nuisance.

As above.

The Protection of Children from Harm.

Do not allow under age, always ask for ID.

POLICE REPRESENTATIONS.

Whilst the above are noted, there are no meaningful measures offered by the applicant, which would promote and uphold the licensing objectives, namely;

The Prevention of Crime and Disorder.

Public Safety

The Prevention of Public Nuisance.

The Protection of Children from Harm.

In addition, South Wales Police are advised that the applicant has conducted licensable activity ahead of the grant of the premises licence as applied for and without the provision of a temporary event notice to cover such licensable activity for the period in question. As such, this licensable activity was unauthorized.



Therefore, South Wales Police object to the grant of the premises licence as applied for in the belief that to do so would lead to the undermining of the above listed licensing objectives.

However, should the Council Licensing Committee be so disposed to grant the application then South Wales Police request that the following conditions be attached to the premises licence;

PROPOSED CONDITIONS.

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 and any external areas associated with the premises. The images will be kept for a minimum of 31 days and shall 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.

2. An incident book shall be kept at the premises and maintained on site at all times. It shall be made available on request to a police employee, and will record the following:

- All crimes reported to the venue
- All ejections of patrons
- Any incidents of disorder
- Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service
- Any faults in the CCTV system

3. The premises will operate the 'Challenge 25' Policy. This policy will be brought to customers' attention through point of sale material at the checkout wherever alcohol is displayed for sale, including the display of appropriate signage. The only forms of identification recognised are photographic identification cards, such as driving licence or passport, PASS card or military identification card.

4. At least 70% of the public space within the licensable area of the premises will be occupied by tables and chairs.

5. SIA registered door staff shall be employed at the premises in accordance with a written risk assessment carried out by the DPS. A copy of the risk assessment will be maintained for 12 months and be made available to the Police immediately upon request.



6. The Premises shall maintain a register (which may be in hardcopy or digital form) of all SIA licensed door supervisors on duty at the premises which will include the following details:-

- a) The SIA registration number and name of the door supervisor;
- b) Date and time when the door supervisor commenced and finished a period of duty with a signed acknowledgement by that person;
- c) If the door supervisor is not an employee of the Premises Licence holder, the name of the person, company or agency by whom that person is employed or through whom the services of that person is engaged;
- d) the register should be kept on the premises and made available for inspection upon request by an authorised officer of the Council or a Police Officer

7. 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.

8. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby premises. In the absence of SIA registered door supervisors, the designated premises supervisor or a suitable staff member will monitor patrons leaving at the closing time.

9. The Designated Premises Supervisor or a Personal Licence holder shall be present at all times that alcohol is offered for sale.

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

11. Open containers of alcohol shall not be removed from the premises save for consumption in any delineated external area.

12. Use of any delineated external area will cease at 21:00hrs daily.

13. Patrons will not be permitted to gather in Cranbrook Street.

In addition, South Wales Police seek a reduction in the hours requested for the sale of alcohol as follows;

Monday to Saturday:	11:00 to 22:30.
Sunday:	11:00 to 21:30

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.



J. Lewis.

A/Chief Inspector.

**COPY TO:
Dan Cook.
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall,
Cardiff.
CF10 3ND**

SWYDDOGOL – OFFICIAL

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.



Jeremy Vaughan
Prif Gwnstabl | Chief Constable

Heddlu De Cymru
South Wales Police



APPENDIX D

Pollution Control Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: James, Sian (SRS)
Sent: 03 June 2021 15:24
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Cc: Barker, Kirstie; Cook, Daniel
Subject: Licensing Act 2003: Application for the grant of a Premises Licence - 20 Salisbury Road, Cathays, Cardiff, CF24 4DY

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

Dear Laura Archbold (applicant), Michael Robbins (applicant) and Licensing Authority,

I, representing a responsible authority (Environmental Health), wish to **object** to the above licensing application for the sale of alcohol (consumption on and off the premises) on the grounds that the application does not promote the licensing objectives of **"The prevention of public nuisance"**.

Shared Regulatory Services are currently investigating in excess of ten noise complaints made by residents close to 20 Salisbury Road regarding rowdy behaviour arising from the premises. I note that the applicants do not address how they intend to promote the licensing objective of "The prevention of public nuisance" within the application (see section "M"). I also have concerns that the external rear yard and other external areas in this residential area is intended to be used up until 23:00hrs ,Monday- Saturday and 22:00hours on a Sunday which is likely to cause unnecessary nuisance to nearby residents. Cardiff Licensing Policy states that

- *"Operators should take particular care to ensure that customers using external drinking areas, smoking areas or the pavement outside, do not cause unnecessary nuisance to local residents. It is suggested that the terminal hour for external areas that are in close proximity to residential properties does not exceed 21:00hrs."*
- *"Careful consideration should also be given to determining suitable external areas for smoking. Ideally designated smoking areas should be sited at the furthest distance from residential properties and cigarette bins should be provided. Furthermore operators should also ensure as far as possible that large numbers of their customer do not block pavements, thereby causing pedestrians to step out into the roadway"*

Yours Sincerely,

Sian James



Sian James Team Manager

Gwasanaethau Rheoliadol a Rennir/ Shared Regulatory Services

Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

Bridgend, Cardiff and the Vale of Glamorgan

[e-bost/e-mail /:](#)

APPENDIX E

Licensing Enforcement Representation

Barker, Kirstie

From: Morgan, Rhys
Sent: 03 June 2021 17:09
To: Barker, Kirstie; Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Cook, Daniel; Hotchkiss, Neil
Subject: FW: Social Eats Salisbury Road

Good Afternoon Kirstie,

In light of the information present below, the Licensing Authority would wish to object to the above application under the grounds of Prevention of Crime and Disorder. Information came to light from the public that alcohol was on display and following a visit to the premises prior to the completion of the application process it was clear alcohol had been sold without having a licence in place to do so, during the visit it was not clear this was an intentional breach or by mistake and misinterpretation of the licensing process.

It is the Authorities Enforcement decision that the committee should hear the application and have due consideration for the review the applications operating schedule to ensure the objectives are not undermined.

It is also evident that no Temporary Event Notice had been applied for in order to consent the sale of alcohol over the bank holiday or today.

Kind regards

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 |



From: Hotchkiss, Neil
Sent: Thursday, 3 June 2021, 14:21
To: Barker, Kirstie J
Subject: Social Eats Salisbury Road

Hi Kirstie,

I have to bring to your attention the fact that alcohol sales have taken place at the above premises BEFORE any licence has been granted. The consultation period ends at 2359 hrs today. I have social media Info and a number of complainants. I attended and spoke to Laura Archbold. She readily admitted alcohol sales to me but stated she was under the impression she had a "grace" period allowing this. I have advised her there is likely to be a hearing to consider the grant. I have made a full pocket book entry re the visit.

APPENDIX F

Other Persons Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 03 June 2021 11:48
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: Social Eats Alcohol license

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

Good morning,

I can confirm that I would like to log my previous email as a representation in respect of this application.

Regards,

a

-----Original Message-----

From:

Sent: 01 June 2021 21:22

To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
<licensing@cardiff.gov.uk>

Subject: Social Eats Alcohol license

Dear Sir/Madam,

I am writing to urge you to revoke 20 Salisbury Road's alcohol license.

I am a neighbour (on Cranbrook Street) and I fear that Social Eats continuing to serve alcohol would create an unliveable environment for myself and all surrounding houses.

They started serving alcohol within the last week and the noise produced over the weekend of the 29th of May was astonishing.

There was no attempt to keep the noise level low, and in fact, the staff were encouraging loud and unsavoury behavior. Additionally, they were ignoring the Welsh Government's COVID

guidelines. There were no masks worn by the staff who were dotting between tables, and there was extremely loud music with staff encouraging patrons to dance communally and sing along. They had all the windows open, causing the music to echo throughout the surrounding area, which is almost entirely residential.

Yours sincerely,