

LICENSING SUB-COMMITTEE: 17 August 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 076451

Name of Premises: Coppa, 18 The Hayes, Cardiff, CF10 1AH

Ward: Cathays

1. **Application**

1.1 An application for the Grant of a Premises Licence has been received from Various Eateries Trading Limited in respect of Coppa, 18 The Hayes, Cardiff, CF10 1AH.

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):

“All day-dining restaurant and bar over ground and first floor levels. Coppa already operates successfully in ten locations around London, the South East and West”.

(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: 09:00 to 00:30

New Years Eve: 09:00 to start of permitted hours on New Years Day

(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: 09:00 to 00:00

New Years Eve: 09:00 to start of permitted hours on New Years Day

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

Monday to Sunday: 23:00 to 00:00

New Years Eve: 23:00 to 05:00

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**.

2.2 The applicant has agreed to attach a further condition as proposed by South Wales Police. A copy of the email exchange can be found attached as **Appendix C**.

3. Relevant Representations

- 3.1 A representation has been received from a local resident. A copy of the representation can be found attached as **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.

Helen Picton
Regulatory Services

1st August 2022

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

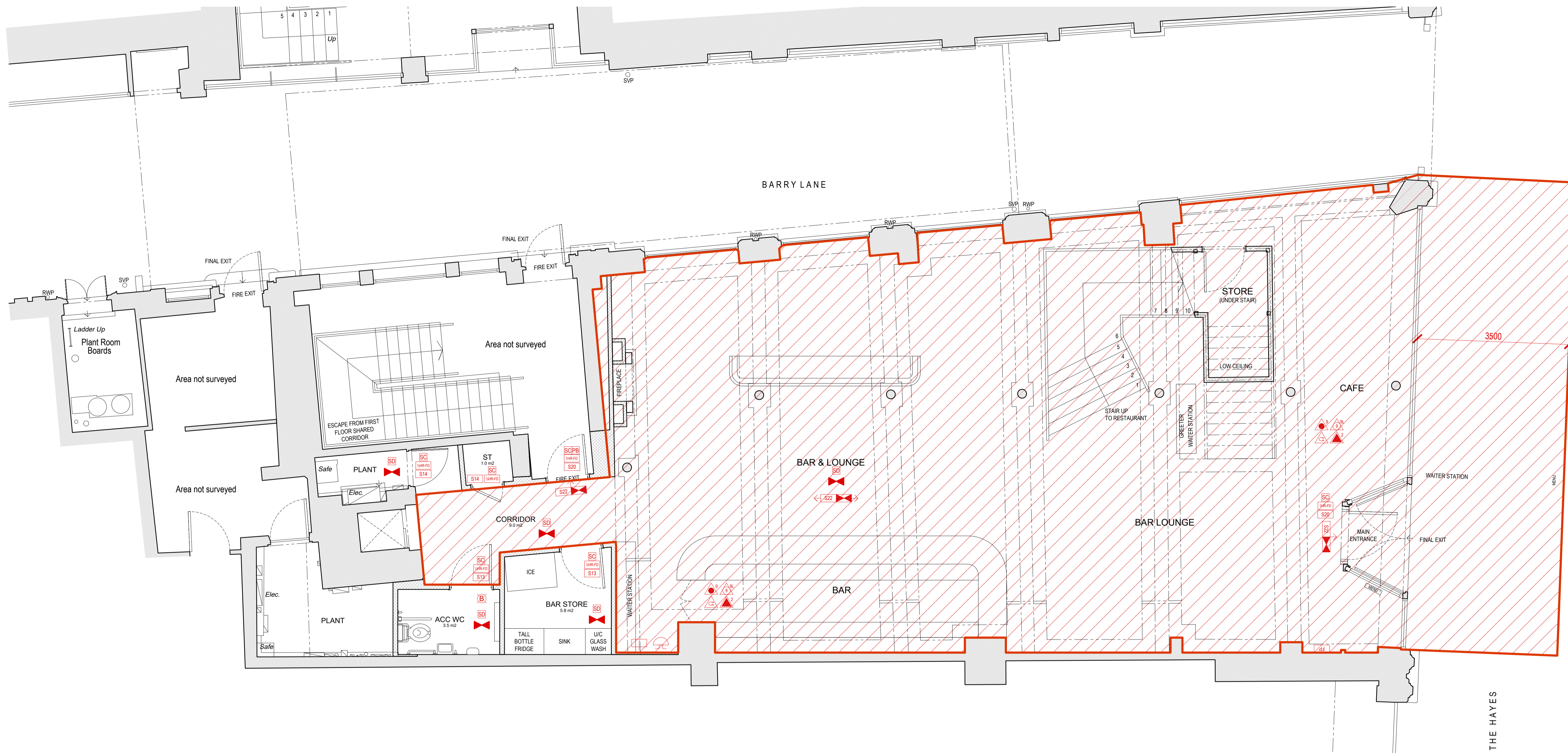
Date: 1/8/2022 at 13:13 PM

Coordinates:

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

Ordnance Survey 100023376 (2014).



FIRE ALARM SYSTEM:

A Fire Alarm system will be installed to BS 5839: Part 1, 2002 Code of Practice for system design, installation, commissioning and maintenance, comprising of devices as indicated. The system category to be a L4 system. System to be zoned in accordance with Fire Officer's recommendations and fully compliant with current regulations.

FIRE CURTAIN

IF PRESENT - FIRE CURTAIN LINKED TO FIRE ALARM SYSTEM. ALL TO COMPLY WITH CURRENT REGULATIONS. SPECIFICATION BY ELECTRICAL CONTRACTOR. MUST BE 1 HR MINIMUM.

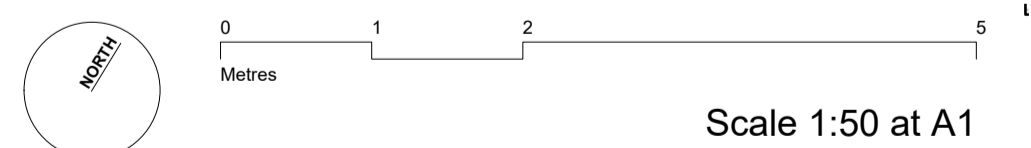
FIRE ALARM PANEL:

Split box with fused isolator and DP key switch as installed for Fire Alarm Panel - Proposed fire alarm to be fully integrated into building system & zoned according to main panel, where applicable. To include both G.F./J.F.L & Basement where applicable. All in accordance with current regulations.

FIRE ALARM CIRCUIT SCHEDULE:
INTERFACE TO HVAC PANEL

SPRINKLER SYSTEM:
REQUIREMENT TO BE CONFIRMED BY BUILDING CONTROL CONSULTANT

ALL FIRE OFFICERS REQUIREMENTS WILL BE ADHERED TO ON COMPLETION OF ALL THE PROPOSED ALTERATIONS TO THE EXISTING LAYOUT AND INDEPENDANTLY CHECKED BY BUILDING CONTROL INSPECTORS FOR APPROVAL.



WALL KEY:
 EXISTING WALLS AND PARTITIONS
 NEW WALLS AND PARTITIONS

FIRE FIGHTING EQUIPMENT & SIGNS:
 9 LITRE WATER FIRE EXTINGUISHER
 2 KG CARBON DIOXIDE FIRE EXTINGUISHER (OR HALON)
 9 LITRE FOAM FIRE EXTINGUISHER
 FIRE BLANKET IN CONTAINER
 SIGN: 'FIRE DOOR KEEP SHUT', 5 MM LETTERS (BOTH SIDES)
 SIGN: 'FIRE DOOR KEEP LOCKED'
 SIGN: 'FIRE ESCAPE KEEP CLEAR'
 SIGN: 'FIRE EXIT', OR GRAPHIC EQUIVALENT; 75 MM LETTERS
 DIRECTIONAL ARROW TO BE PROVIDED WITH S22 NOTICE

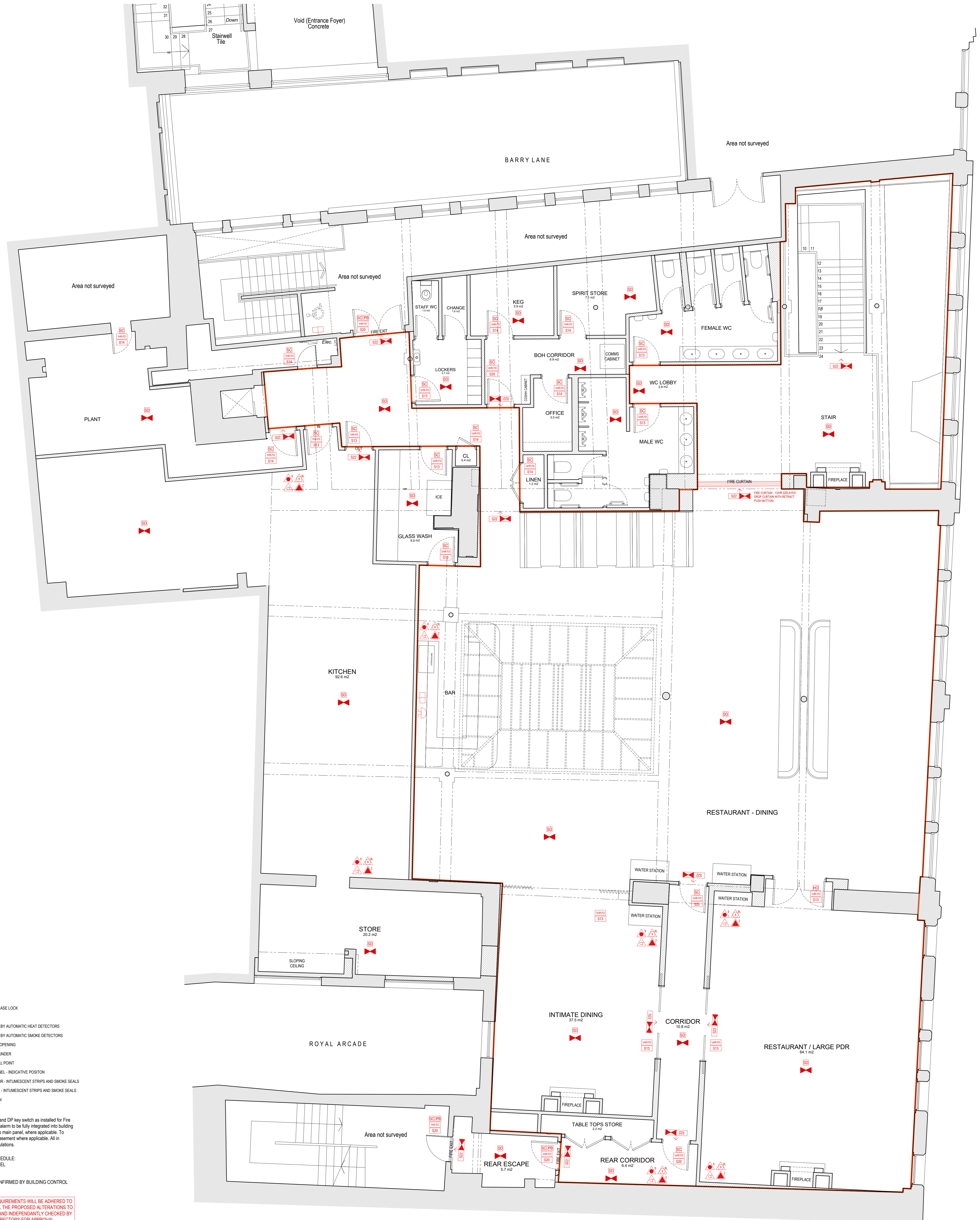
FIRE ALARM SYMBOLS:
 PANIC BOLT
 SELF CLOSER
 MAGNETIC RELEASE LOCK
 HOLD OPEN
 AREA COVERED BY AUTOMATIC HEAT DETECTORS
 AREA COVERED BY AUTOMATIC SMOKE DETECTORS
 ESCAPE CLEAR OPENING
 FIRE ALARM SOUNDER
 FIRE ALARM CALL POINT
 FIRE ALARM PANEL - INDICATIVE POSITION
 FIRE DOOR 1/2 HR - INTUMESCENT STRIPS AND SMOKE SEALS
 FIRE DOOR 1 HR - INTUMESCENT STRIPS AND SMOKE SEALS
 CEILING BEACON

EMERGENCY LIGHTING SYSTEM:
 An independent self-contained non-maintained system, type XOA180, will be installed in accordance with BS 5266-1:2005, Emergency Lighting - Part 1: Code of Practice for Emergency Lighting of premises other than cinemas and certain other specified premises for entertainment, and BS EN 50172: 2004, BS 5266-5: 2004 Lighting Applications - Emergency Lighting, Luminaires to be located in the approximate positions indicated on this drawing. All signs and notices will comply with BS 5499: Part 1 - Fire Safety Notices and Graphic Symbols.
 ILLUMINATED SIGN WITH DIRECTIONAL ARROW
 ILLUMINATED SIGN WITH DIRECTIONAL ARROW
 AREA COVERED BY EMERGENCY LIGHTING - NON MAINTAINED
 DEDICATED EMERGENCY LIGHT FITTING
 REFER TO SEPERATE DRAWING FOR EMERGENCY LIGHTING AND FIRE PROTECTION SCHEDULE - IF APPLICABLE TO THE SITE INDICATED ON PLAN

LICENSABLE ACTIVITIES:
 RED LINE INDICATES DEMISE OF LICENSABLE ACTIVITIES

HATCH ADDED	drawing 22/06/22 IF	Licensing: Plan: GROUND FLOOR as Proposed	<p>architects</p> <p>12 Blackstock Mews London N4 2BT</p> <p>t: +44 (0) 20 7998 7651 m: +44 (0) 78 8267 6709 e: mail@harchitecture.co.uk</p> <p>This drawing and design is for use solely in connection with the project described below. The drawing and the design is the copyright of H and J architecture and must not be reissued, loaned or copied without written consent. All dimensions and setting out to be checked on site before construction. Do not scale from this drawing. The drawing is to be read in conjunction with all other information relevant to the project. Any apparent discrepancy to be brought to the attention of the architect.</p>	
	drawing number 2215-LC-PL-101	revision A		
	status	scale 1:50		size A1
	project CARDIFF COPPA			

status	
scale	size
1:50	A0
project	CARDIFF COPPA
drawing	
Licensing:	
Plan:	FIRST FLOOR
as Proposed	
drawing number	revision
2215-LC-PL-122	-



WALL KEY:

- EXISTING WALLS AND PARTITIONS
- NEW WALLS AND PARTITIONS

LICENSABLE ACTIVITIES:

- RED LINE INDICATES EXTENT OF LICENSABLE ACTIVITIES

FIRE FIGHTING EQUIPMENT & SIGNS:

- 9 LITRE WATER FIRE EXTINGUISHER
- 2 KG CARBON DIOXIDE FIRE EXTINGUISHER (OR HALON)
- 9 LITRE FOAM FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- SIGN: 'FIRE DOOR KEEP SHUT', 5 MM LETTERS (BOTH SIDES)
- SIGN: 'FIRE DOOR KEEP LOCKED'
- SIGN: 'FIRE ESCAPE KEEP CLEAR'
- SIGN: 'FIRE EXIT', OR GRAPHIC EQUIVALENT, 75 MM LETTERS
- DIRECTIONAL ARROW TO BE PROVIDED WITH S22 NOTICE

FIRE ALARM SYMBOLS:

- PANIC BOLT
- SELF CLOSER
- MAGNETIC RELEASE LOCK
- HOLD OPEN
- AREA COVERED BY AUTOMATIC HEAT DETECTORS
- AREA COVERED BY AUTOMATIC SMOKE DETECTORS
- ESCAPE CLEAR OPENING
- FIRE ALARM SOUNDER
- FIRE ALARM CALL POINT
- FIRE ALARM PANEL - INDICATIVE POSITION
- FIRE DOOR (2 HR) - INTUMESCENT STRIPS AND SMOKE SEALS
- FIRE DOOR (1 HR) - INTUMESCENT STRIPS AND SMOKE SEALS
- CEILING BEACON

FIRE ALARM SYSTEM:

A Fire Alarm system will be installed to BS 5839 - Part 1, 2002 Code of Practice for system design, installation, commissioning and maintenance, comprising of a Fire Alarm Panel - Proposed fire alarm to be fully integrated into building system and zoned according to main panel, where applicable. To include both G.U.F.F. & Basement where applicable. All in accordance with current regulations.

FIRE ALARM CIRCUIT SCHEDULE:

INTERFACE TO HVAC PANEL

SPRINKLER SYSTEM:

REQUIREMENT TO BE CONFIRMED BY BUILDING CONTROL CONSULTANT

EMERGENCY LIGHTING SYSTEM:

An independent self-contained non-maintained system, type NCA180, will be installed in accordance with BS 5266-1:2005, Emergency Lighting - Part 1. Code of Practice for Emergency Lighting of premises other than offices and certain other specified premises for maintenance, and BS EN 60527: 2004, BS 5266-8: 2004 Lighting Applications - Emergency Lighting. Luminaires will be located in the appropriate positions indicated on this drawing. All signs and notices will comply with BS 2469 - Part 1 - Fire Safety Notices and Graphic Symbols.

FIRE ALARM SYSTEM:

A Fire Alarm system will be installed to BS 5839 - Part 1, 2002 Code of Practice for system design, installation, commissioning and maintenance, comprising of a Fire Alarm Panel - Proposed fire alarm to be fully integrated into building system and zoned according to main panel, where applicable. To include both G.U.F.F. & Basement where applicable. All in accordance with current regulations.

EMERGENCY LIGHTING:

- ILLUMINATED SIGN WITH DIRECTIONAL ARROW
- ILLUMINATED SIGN WITH DIRECTIONAL ARROW
- AREA COVERED BY EMERGENCY LIGHTING - NON MAINTAINED
- DEDICATED EMERGENCY LIGHT FITTING

REFER TO SEPARATE DRAWING FOR EMERGENCY LIGHTING AND FIRE PROTECTION SCHEDULE - IF APPLICABLE TO THE SITE INDICATED ON PLAN

ALL FIRE OFFICERS REQUIREMENTS WILL BE ADHERED TO ON COMPLETION OF ALL THE PROPOSED ALTERATIONS TO THE EXISTING LAYOUT AND INDEPENDENTLY CHECKED BY BUILDING CONTROL INSPECTORS FOR APPROVAL.

APPENDIX B

Operating Schedule

Coppa

18 The Hayes Morgan Quarter Cardiff CF10 1AE

New Premises Licence Application Summary

Applicant: Various Eateries Trading Limited

DPS: Paul Peter Whitefield

NDRV: £ Not listed

Brief Description of Premises

All day-dining restaurant and bar over ground and first floor levels. Coppa already operates successfully in ten locations around London, the South East and West.

Proposed Licensable Activities

Sale of Alcohol (on & off sales)	Late Night Refreshment (indoors)	Opening Hours
Monday to Sunday: 09:00 to 00:00	Monday to Sunday: 23:00 to 00:00	Monday to Sunday: 09:00 to 00:30

Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours New Year's Day

Proposed Conditions

1. At least 70% of the public space will be occupied by tables and chairs.
2. All meals will be consumed at tables with non-disposable crockery.
3. The sale of alcohol for consumption on the premises will be ancillary to the taking of a substantial table meal with the exception of those customers in the hatched areas as indicated on the licensing layout drawing. In the hatched areas, substantial food shall be available throughout the premises at all times during the permitted hours.
4. There will be no self-serving, customers will be shown to their table by staff.
5. Food will be served by waiter/waitress service only.
6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
- (a) The need to ensure the responsible sale and supply of alcohol
 - (b) The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - (c) The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old
9. There will be appropriate signage at the premises requesting customers to leave quietly.
10. Staff will routinely check the premises during the opening hours to ensure that the premises are clean and tidy
11. Empty glasses will be regularly collected and any spillage dealt with as soon as practicable.
12. The premises will operate a "Challenge 25" policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The recommended forms of ID that will be accepted are passports, driving licences with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.
13. No bar for the purpose of dispensing alcohol will be set up in the outside area.
14. On major event days in the Cardiff City Centre no glass vessels will be allowed in the outside area.
15. 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 outside areas and exits and entrances used by customers. Images shall be kept for a minimum of 31 days.
16. The images shall be produced to an authorised 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.
17. No recorded music shall be played in the outside area after 23:00 hours each day.
18. There will be no entertainment of a sexual nature such as striptease or lap dancing.
19. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
20. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.

APPENDIX C

Additional Condition Agreed with SWP

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 11 July 2022 11:56
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: RE: COPPA CARDIFF - STR.25.53

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.

Dear Tony

I hope you had a lovely holiday.

Further to our correspondence below, I am pleased to confirm that our client has confirmed that they are happy to agree to the below condition being added to their operating schedule.

I have copied in Licensing so that they are aware.

Look forward to hearing from you.

Kindest regards

From:
Sent: 28 June 2022 13:15
To:
Subject: COPPA CARDIFF

Dear

I have now had the opportunity to look at the application in detail.
I see that the conditions offered are very similar to those agreed/imposed on "IVY" at the hearing for the grant of that licence.

I also see that the condition on the IVY licence requiring "two SIA members of door staff on duty on major event days whilst open" has not been offered.
South Wales Police see this as most important.
Would your client offer this?

Other than that , I think we are close to agreement.
Regards

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.

Cymorth Iaith Gymraeg\Welsh Language Support

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.

Ymwadiad Heddlu De Cymru\South Wales Police Disclaimer

Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <https://www.south-wales.police.uk/cy-GB/heddluoedd/heddlu-de-cymru/ardaloedd/amdanom-ni/amdanom-ni/datganiad-cyfrinachedd-e-bost/>.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <https://www.south-wales.police.uk/police-forces/south-wales-police/areas/about-us/about-us/email-confidentiality-statement/>.

APPENDIX D

Residents representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 25 July 2022 19:14
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Premises Licence Application for 18 The Hayes
Attachments: Cardiff Licence Representation Cover Form 25 July 2022.pdf; DMOA submission re
premise licence application 18 The Hayes 25 July 2022.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,

Please find attached a submission for your consideration in relation to the application for a premises licence for 18 The Hayes, Cardiff, CF10 1AE

I\Should you wish any clarification or further information, I would be happy to assist.

Sincerely,



Virus-free. www.avast.com

CARDIFF COUNCIL

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications



Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	FORMER MOSS BROS. STORE
Address of premises:	18 THE HAYES CARDIFF CF10 1AE
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
PLEASE SEE SEPARATE PAGES

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

THE APPLICATION WILL NOT NECESSARILY
HAVE AN ADVERSE EFFECT ON THE
LICENSING OBJECTIVES PROVIDED
ALL REASONABLE STEPS ARE TAKEN TO
ENSURE MITIGATION OF THE CONCERNS
RAISED BY DMOA. (DAVID MORGAN
OWNERS ASSOCIATION).

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
Cardiff Council
Room 161
City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk

To: Cardiff Council
Licensing Section
Cardiff Council Room 161
City Hall
Cardiff CF10 3ND

By email to: licensing@cardiff.gov.uk

Date: 25 July 2022

18 The Hayes Cardiff CF10 1AE

Premises Licence Application under s.17 of the Licensing Act 2003 (the 'Act')

Various Eateries Trading Limited (20 St Thomas Street, London, SE1 9RS, Company No. 09185571)

This submission is made on behalf of the David Morgan Owners Association (DMOA) which is a recognised Tenants Association in accordance with section 29 of the Landlord and Tenant Act 1985. We represent the significant majority of the 56 residential leaseholders of the David Morgan Apartments, Barry Lane, Cardiff CF10 1FR, ie the apartments that are the immediate neighbours of and are located immediately above the premises to which this licence application relates. Further, through its solicitors, the landlord (Thameside Pension Fund) has recently confirmed its opinion that the residential portion of the building is inseparable from 18 The Hayes for the purpose of building management.

The DMOA has previously commented on an application in 2019 by Troia (UK) Restaurants Ltd for change of use of these premises from class A1 (shop) to A3 (restaurant) (Ref: 19/01197/MNR) and we have made observations that are relevant to the listed building consent that we anticipate will be relevant to the design and use of the premises when these are addressed in due course.

The current applicant, Various Eateries Trading Limited, has proactively engaged in recent weeks with DMOA and constructive face-to-face meetings have been held twice during this period, on 27 June and 18 July. DMOA members, some of whom are more directly impacted by the proposal than others, have voiced their observations and, to the extent that these relate to licensing objectives, and current Home Office guidance in accordance with s.182 of the Act, these are set out below.

Prevention of Crime and Disorder

We are aware of several recent instances of late night, largely drink-related, crime and disorderly behaviour in the local area. In the 14 years since the David Morgan Apartments were first occupied, our experience of such incidents has been broadly consistent with the detailed representations made by South Wales Police at the 2019 Council Planning hearing that considered the question of change of use from A1 to A3.

We therefore ask that these and any further Police representations be given the utmost consideration and, in the event that the licence is granted, steps be taken to ensure maximum compliance with Police recommendations to minimise the risk of incremental crime and disorder.

Public Safety

The safety of David Morgan residents and their guests is of primary concern to our Association and our objective is to ensure that the application under consideration, if granted, will not lead to safety being compromised.

- The physical security system established from the time the apartments were first occupied in 2008 ensures that when residents gain access to Barry Lane from The Hayes during hours when the stores have closed, they are safe as soon as the automated external security gate has closed behind them. This safety is enhanced since the Barry Lane section is also closed off from the Morgan and Royal Arcades during non-trading hours.

To date, while there is security-monitored CCTV coverage at the entrance to Barry Lane from The Hayes, the coverage does not extend beyond the entrance gate and there is a risk that third parties who may be loitering near the entrance to 18 The Hayes, could 'tailgate' residents entering and leaving their premises. We wish to explore further the operational steps that the applicant could take to minimise this risk to residents.

- The key fob system is particular to the apartment complex and DMOA has received assurances from the applicant that staff working at 18 The Hayes will not require fob-controlled access to Barry Lane which would in turn enable restaurant staff to have unfettered access to the otherwise securely locked apartment complex. We ask that this security concern be noted during consideration of the application.
- Fire Hazard. We note that the kitchen will use gas cookers. Currently there is no gas in the apartments so the combination of a commercial kitchen and gas supply will mean the risk of fire is likely to increase. There is concern that the building design, especially the number of conduits (some of which may be of Victorian construction) could speed up the spread of fire in the event of an incident. This is something on which leaseholders and residents would expect a thorough fire safety analysis and systemic mitigation of risk and we will doubtless be engaging further on this point in the event that planning permission is considered in due course.

Prevention of Public Nuisance

Hours of Operation

The application seeks licence for Late Night Refreshment, Monday-Sunday 23:00 to 00:00 and Sale by Retail of Alcohol (on and off sales), Monday-Sunday 09:00 to 00:00

We note that David Morgan Apartment residential leaseholders are bound by the terms of their residential lease agreements with the building landlord (who is also the landlord for 18 The Hayes) which prohibit residents from "holding meetings at any time and dance music and singing between the hours of 11pm and 8am" due to disturbance to other building occupants, and that use of landlord's common parts during the 11pm-8am period be done as quietly as possible. The application, if accepted without amendment, would introduce a significant asymmetry in that the business occupying the same building would be permitted to act in a manner for which the building's residents would be in breach of their Lease commitments and would be subject to sanctions.

We propose, in the event that a licence is awarded, the hours of operation be restricted so as to be consistent with the residential lease. Unless perhaps by exception, we suggest that the sale of alcohol and the playing of music be ceased by 11pm.

Deliveries and Removal of Waste

Deliveries prior to 8am will cause disturbance to some residents. Likewise disposal of waste (which we understand will make use of commercial bin storage facilities in Bakers Row) after 11pm will also cause nuisance. We ask that deliveries and waste be undertaken at times avoiding the 11pm to 8am residential quiet period.

Noise and Light Emissions

The main dining operation on the first floor will clearly generate a considerable level of noise (music, customers, kitchen etc). We are happy to engage with the applicant's acoustic engineer in due course so as to enable sample measurements to be made. When such an exercise was conducted for the previous applicant in 2019, the results indicated considerable levels of noise transfer between 18 The Hayes and the most closely adjacent David Morgan Apartments.

The void between first floor ceilings and second floor flooring is substantially empty and we understand that the previous applicant intended to install noise-suppressing insulation in this space in order to help mitigate the acknowledged noise problem. However, it appears that the matter remained unresolved after the listed building report raised some objections to the proposed designs.

Stained Glass Lightwell Issues

The stained glass lightwell will be a central feature of the main dining room in the proposed restaurant but this currently has fixed openings a matter of 1.70 metres from one apartment's bedroom windows and another's private terrace. We note the previous (2019) proposal that the air vents would be blocked up and that an opaque insulated screen could be put in place to shield residents from both noise and light disturbance. But again, we observe that this earlier proposal ran into difficulties in relation to the listed building consent.

Furthermore, we note that a solution similar to that previously proposed which involved the blocking of airducts to the lightwell area would result in a reduction of fresh air to the two second floor apartments that directly adjoin this area, not least due to the protective covering that has been erected over the lightwell in order to preserve its integrity. Resolution of this point is needed and the affected leaseholders would be happy to assist in seeking a workable solution that would prevent trapped fetid air immediately outside bedrooms.

Kitchen Exhaust Waste

We understand from the applicant that they propose to build a large flue system which will take the gaseous waste to roof height and force it upwards to a level above roof height. We are not fully aware of how this system would work and whether the external amenity and paint finishes to the residential portion of the estate might be compromised. We propose to further explore this issue during the planning consent process.

Conclusion

While we hope the above points are clear, we would be happy to expand on anything that may require further exploration. If it would be helpful, representatives of the David Morgan Owners Association would also be happy to meet with Council licensing officials to discuss how best the residential interests might be preserved alongside those of the applicant.

Sincerely

on behalf of David Morgan Owners Association