CARDIFF COUNCIL CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 21 May 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 060952

Name of Premises: Gin Ne Sais Quoi, 15-16 Mill Lane, Cardiff, CF10 1FL

Ward: Cathays

1. Application

- 1.1 An application for the Grant of a Premises Licence has been received from Gin Ne Sais Quoi Ltd in respect of Gin Ne Sais Quoi, 15-16 Mill Lane, Cardiff, CF10 1FL.
- 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 regulated entertainment in the form of recorded music (indoors).
 - (iii) The provision of regulated entertainment in the form of live music (indoors).
 - (iv) The provision of late night refreshment (indoors and outdoors).
 - (2) Description of Premises (as stated by applicant):

"Gin Ne Sais Quoi (formerly Carluccio's and Gourmet Burger Kitchen, which have now been combined into one unit) which is to operate as a bar, restaurant and functions space."

(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:

Sunday to Thursday: 08:00 to 00:30 hours Friday and Saturday: 08:00 to 02:30 hours

- (4) To provide licensable activities during the following hours:
 - i) The sale by retail of alcohol for consumption on and off the premises:

Sunday to Thursday: 08:00 to 00:00 hours Friday and Saturday: 08:00 to 02:00 hours

ii) The provision of regulated entertainment in the form of recorded music (indoors):

Sunday to Thursday: 23:00 to 00:00 hours Friday and Saturday: 23:00 to 02:00 hours

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

Monday to Sunday: 23:00 to 00:00 hours

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

Sunday to Thursday: 23:00 to 00:00 hours Friday and Saturday: 23:00 to 02:00 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 this representation can be found in *Appendix C.*
- 3.2 A representation has been received from Licensing (Enforcement), a copy of this representation can be found in *Appendix D*.
- 3.3 A representation has been received from the Noise Pollution team, 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
 - c) Reject the whole or part of the application.
- 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>

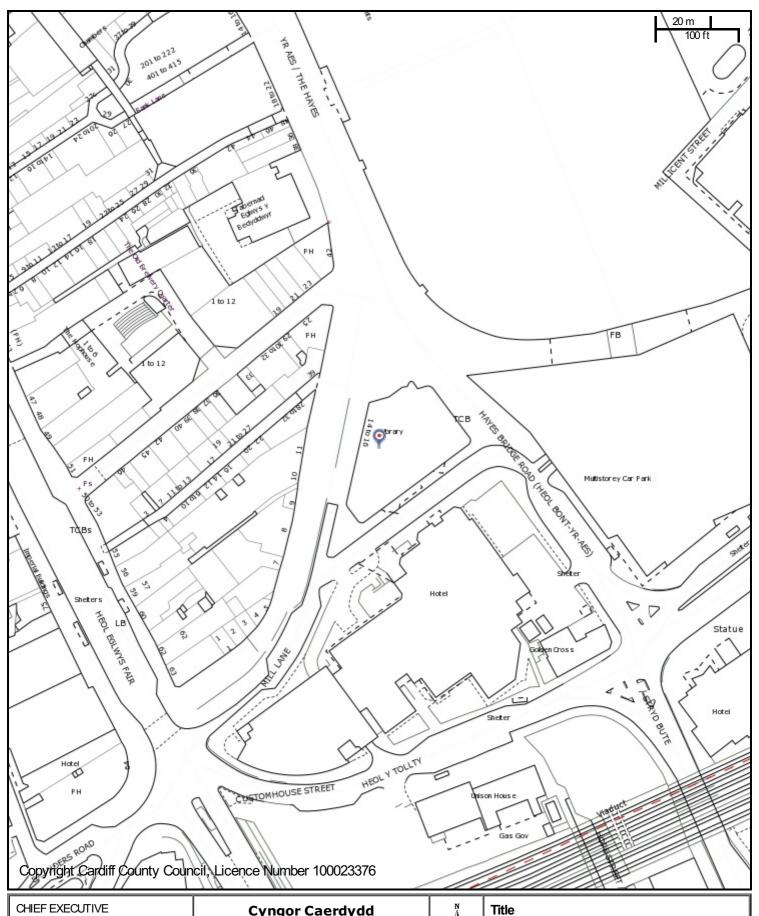
5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland Regulatory Services

5 May 2021

APPENDIX A

Site Map & Plan



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



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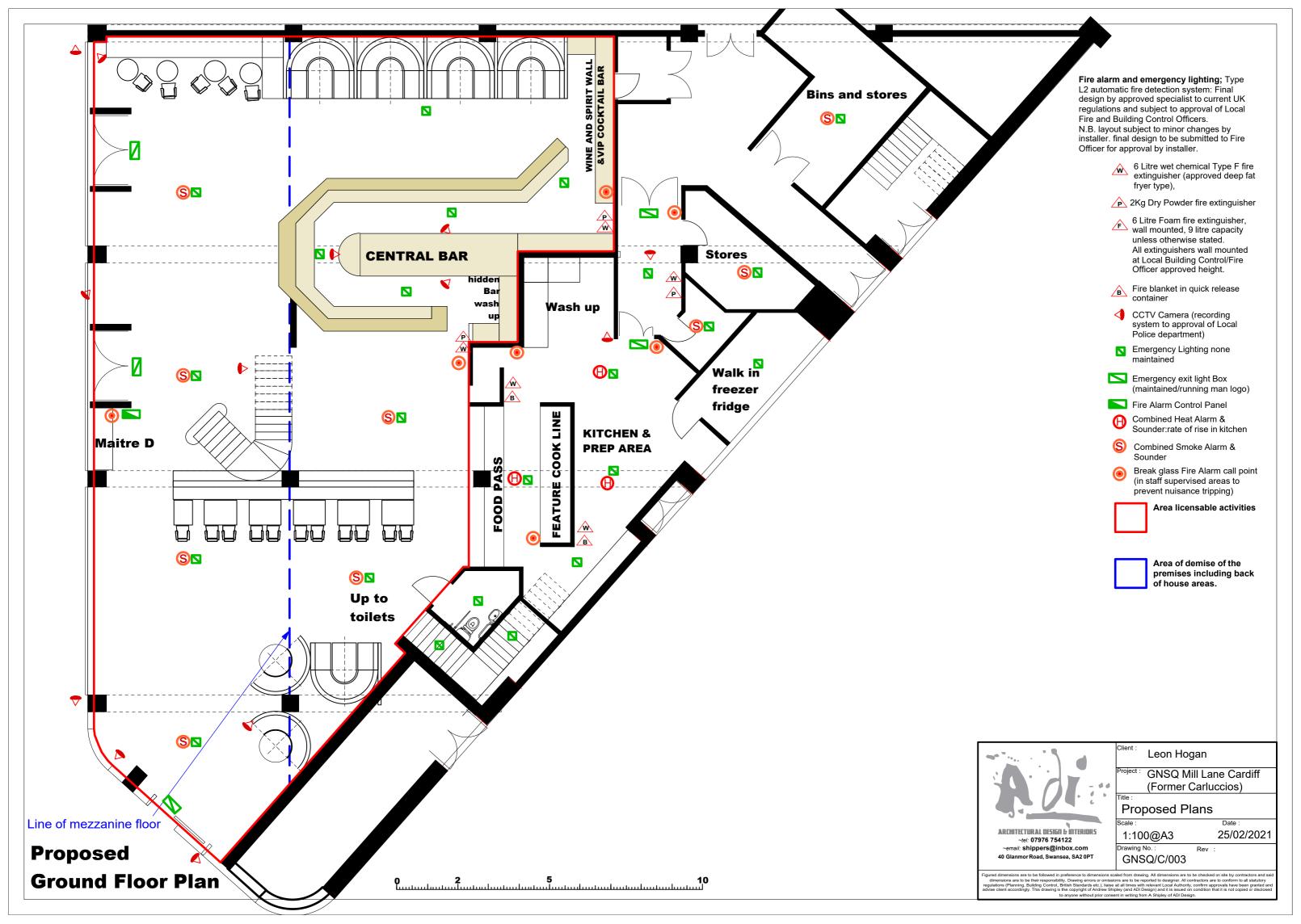
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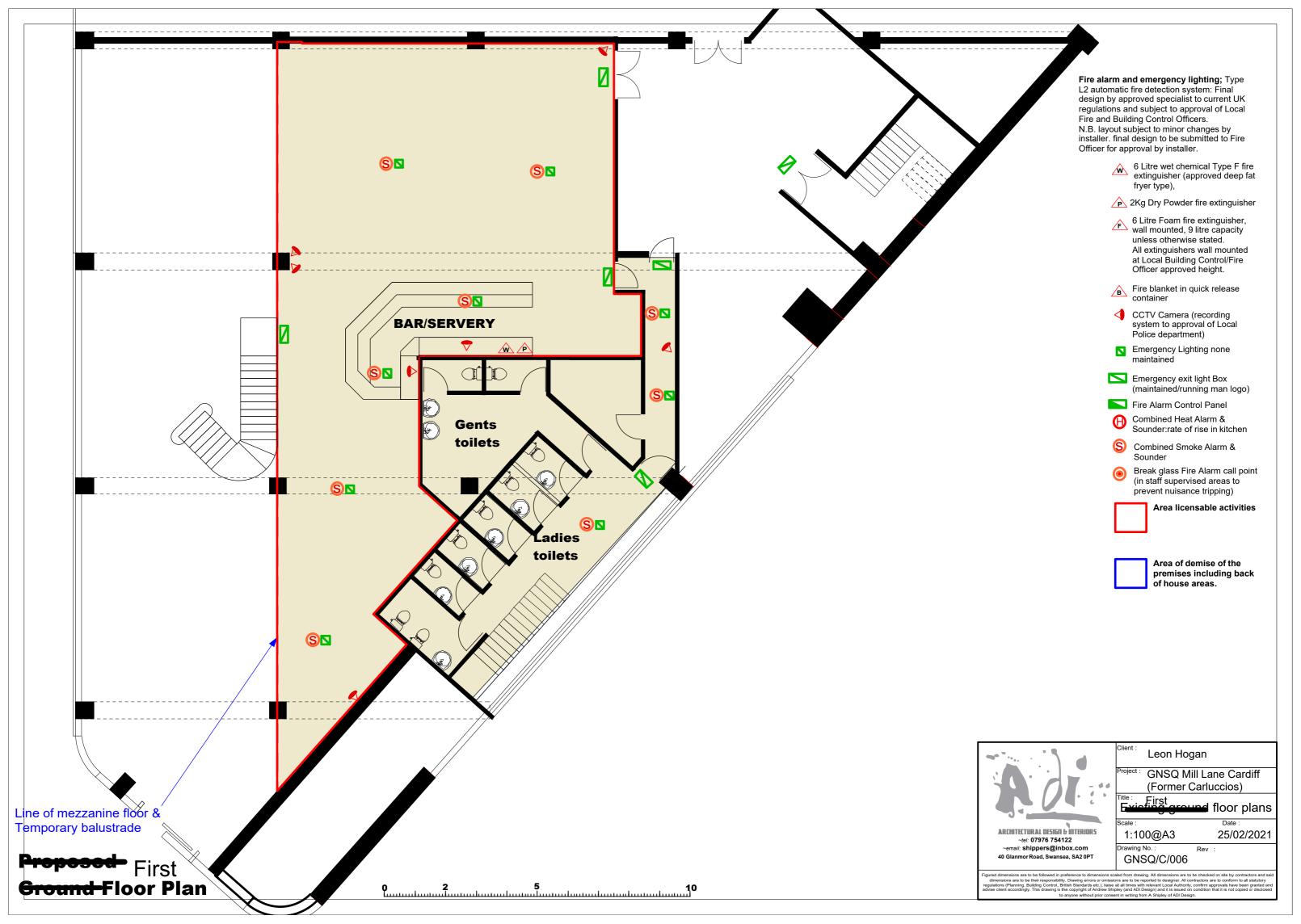
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Ordnance Survey 100023376 (2014).





APPENDIX B

Operating Schedule

GIN NE SAIS QUOI - OPERATING SCHEDULE

15-16 Mill Lane, Cardiff, CF10 1FL

- Sale Of Alcohol (On & Off The Premises)- Sunday to Thursday 0800 0000 and Friday and Saturday 0800 – 0200
- Recorded Music Sunday to Thursday 0800 0000 and Friday and Saturday 0800 0200
- Live Music 0800 0000 daily
- Late Night Refreshment Sunday to Thursday 2300 0000 and Friday and Saturday 2300 – 0200
- Opening Hours Sunday to Thursday 0800 0030 and Friday and Saturday 0800 0230

The Prevention of Crime and Disorder

A CCTV system shall be maintained and operated at all times when the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets), including all entrances and exits, extending to the middle of the highway and any external area associated with the premises. The images will be kept for a period of 31 days and 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. The CCTV will be operating in accordance with the relevant Data Protection Legislation. There will be sufficient trained staff to facilitate the above.

The need for door security shall be assessed by the Premises Licence Holder or Designated Premises Supervisor and additional door staff shall be employed when and where the risk assessment deems this appropriate.

An incident log shall be maintained on site. It kept at the premises and made available on request to an authorised officer of the City Council or police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported at 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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

A refusals register shall be maintained, and audited on a regular basis by the Designated Premises Supervisor or appropriate manager, and this will be made available for inspection by the Police and Trading Standards, and allowed to be cross referenced with CCTV footage to ensure continuity.

All customer-focussed bar staff shall receive initial training in relation to age-related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. Refresher training shall be conducted every 12 months. The DPS shall keep records of such training for a period of at least 18 months.

On days classified as 'major event days' by the South Wales Police, all drinks will be dispensed into plastic vessels, with the exceptions being hot drinks (ceramics) and wine, champagne and cocktails, if served with a table meal to seated patrons, unless otherwise agreed with the police, in writing, on request made no less than 14 days before such event.

On major event days there will be no beers, lagers or ciders for sale for consumption off the premises. The applicant is to write to the South Wales Police Licensing department 14 days in advance of any major event day in which the prohibition on the sale of beers, lagers or ciders off the premises is to be lifted for that particular event.

The full menu will be available throughout the trading day (subject to a permitted wind-down period before the terminal hour of service).

The Designated Premises Supervisor will be an active member of the Cardiff Licensee's Forum for so long as the forum remains in existence.

Public Safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

1. The DPS/ manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

The Prevention of Public Nuisance

The use of the outside area by customers eating and drinking will end at 23:00 hours each day.

External speakers will cease to operate at 23:00 hours.

All doors and windows will be kept closed from 23:00 hours except for entrances and exits, to allow entry and egress

Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open to the public.

Evacuation measures will be in place and managers and staff will be trained to effectively manage.

Guests attending the premises will be dispersed at the end of the evening as quickly and as quietly as possible by disciplined and effective management.

A 30 minute drinking up time on top of the last permitted sale of alcohol to allow customers to use the toilet facilities and disperse from the premises.

Noise shall not be permitted to emanate from through the premises so as to cause a nuisance to the occupiers of nearby properties.

A dispersal policy ('the policy') will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each night's trading session do so quickly and quietly.

A smoking policy shall be in place at the premises to ensure that customers smoking outside the premises do so quietly.

A notice shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of neighboring properties and to use the area quietly.

All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles and refuse outside between 23:00 hours and 08:00 hours or any movement of waste, equipment or materials between these hours.

The Protection of Children from Harm

A Challenge 21 policy shall operate in the premises in relation to the sale of alcohol.

All staff shall be aware of the law regarding the refusal of service to any person who is drunk or is underage and shall be aware of how to seek ID from anyone who appears to be underage.

All staff training on the issue of underage sales to be documented and made available to responsible authorities upon request.

A challenge 21 policy is to be employed whereby those who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification.

The only type of identification that will be accepted is a photo driving licence, passport, PASS (Proof of Age Standards Scheme) or accredited Military identification cards.

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:

Sent: 14 April 2021 15:41

To:

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

Subject: GNSQ Gin Ne Sais Quoi Cardiff CI GNSO CARDIFF SIGNED.docx **Attachments:**

*** 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. ***

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.

Good Afternoon,

Please find attached South Wales Police representation into the enquires made in the application for a premises licence for GNSQ Gin Ne Sais Quoi Cardiff. 15 – 16 Mill Lane, Cardiff, CF10 1FL

Yours sincerely

Claire

Claire-Louise Dewhurst 👂

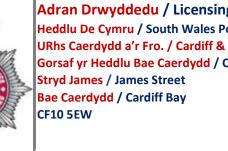
Swyddog Trwyddeduy Heddlu / Police Licensing Officer

Adran Drwyddedu / Licensing Department

Heddlu De Cymru / South Wales Police

URhs Caerdydd a'r Fro. / Cardiff & Vale BCU

Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station



Ymateb nad yw'n Argyfwng\ Non-**Emergency Response**

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.



Do you need to speak to the police but don't require an emergency response? Call 101... The number can be used to report a non-emergency to any force in Wales and England. In an emergency, always dial 999.

CADW DE CYMRU'N **DDIOGEL** • KEEPING SOUTH WALES **SAFE**

URhS Caerdydd a'r Fro Adran Drwyddedu

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae, Caerdydd CF10 5EW Teliffon: 01656 869211 Mewn argyfwng ffioniwch 999 Fel arall, ffioniwch 101 Cardiff & Vale BCU **Licensing Department**

Cardiff Bay Police Station, James Street, Cardiff Bay **CF10 5EW** Telephone: 01656 869211 In an emergency always dial 999 for non-emergencies dial 101

14th April 2021

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING **ACT 2003** GNSQ - GIN NE SAIS QUOI, 15-16 MILL LANE, CARDIFF, CF10 1FL

Dear

I have caused enquiries to be made into this application and make the following representation;

South Wales Police wish to object to the grant of this application under the Licensing Objective;

Prevention of Crime and Disorder

Cardiff City Council Cumulative Impact Assessment 2020-2023.

Should the committee be of a mind to grant this application, we ask that conditions are attached to the premises licence as listed below;

Prevention of Crime and Disorder

- 1) The premises will maintain a register for six months to record all pre-booked events/functions including the specific date of the event, nature/title of the event, name and contact details of the event organiser. The register must be available to a Police employee subject to compliance with the current data Protection legislation.
- 2) A minimum of two SIA registered door supervisors shall be employed at the premises whenever a pre-planned event/functions commences from 30 minutes prior to the event till the event concludes (where alcohol is available to attendees) this will be applicable for when 75 or more persons are expected and where the event will not conclude before 10pm Should

Jeremy Vaughan

Prif Gwnstabl | Chief Constable

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.







the numbers attending exceed 150 persons, additional SIA staff will be provided at a ratio of 1:100 or part thereof. Any SIA staff employed for such an event will be considered as an addition to any other requirement being triggered.

- 3) SIA registered door staff shall be employed at a ratio of 1:100 from 21:00 until close on a Friday and Saturday and Sunday before a Bank Holiday.
- 4) On major event days SIA registered door staff shall be employed at the premises 3 hours before the event or 12pm, whichever is later until close of business. At the ratio of 1:100 or part thereof with a minimum of two at any time. High-vis tabards or jackets will be worn by SIA door staff so that they are clearly identified on major event days.
- 5) At all other times, SIA registered door staff shall be employed at the premises in accordance with a written risk assessment to be carried out by the DPS. A copy of the risk assessment must be maintained for twelve months and be made available to a Police employee immediately should it be requested subject to compliance with the current data protection legislation.
- 6) A record of SIA registered door staff employed at the premises shall be kept. It shall keep a record of the full name and SIA number of such staff. It will detail the date and time each member of staff commenced their duty and the time they finished. The record will hold details for at least six months and be made available on request to a Police employee.
- 7) SIA registered door staff shall each carry an internal radio to allow communication between themselves and management.
- 8) There shall be a minimum of one body worn camera devices in use at the premises whenever SIA registered door staff are on duty. Body-worn cameras shall be utilised by door supervisors at a ratio of 1:3 (Body Cameras; SIA staff).

The cameras will be used in accordance with the Information Commissioners Office Guidance. The body worn devices shall be capable of recording video (images) and sound. Recorded images shall be stored for a minimum of 31 days and shall be produced to a Police employee on the provision of satisfactory identification, in a readily playable format, immediately upon request when the premises are open to the public and at all other times a soon as reasonably possible subject to Data Protection Legislation. There will be sufficient trained staff to facilitate the above.

- 9) On days classified as 'major event days' by South Wales Police, all drinks will be dispensed into non glass vessels, with the exception being hot drinks, those drinks served with a substantial table meal to seated persons, or those served with wine, champagne and/or cocktails.
- 10) On Major event days there will be no beers, lagers or ciders for sale for consumption off the premises as within the agreed designated outside area with Cardiff Council's Highway Department.
- 11) The premises shall operate a Cardiff Council and South Wales Police approved radio system at all times.

Jeremy Vaughan

Prif Gwnstabl | Chief Constable

12) The premises to operate a drug safe scheme.

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.





13) At least 70% of the area of the premises shall be occupied by tables and chairs.

Additional evidence to support the notice of objection will be presented at any subsequent hearing before the Licensing sub Committee. This evidence will be pertinent to the location of the premises and will consist of 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

Yours sincerely

Ml Congue

M.Conquer Chief Inspector

Jeremy Vaughan

Prif Gwnstabl | Chief Constable





APPENDIX D

Licensing (Enforcement) Representation

From: Sampson, Jay Sent: 20 April 2021 16:25

To:

Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Gin Ne Sais Quoi,

15-16 Mill Lane, Cardiff, CF10 1FL

Hello,

In regard to the above application to grant a 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 Area and therefore an objection is submitted in respect to the following Licensing Objectives:

The prevention of crime and disorder.

The prevention of public nuisance.

Whilst a number of conditions have been offered in relation to how the premises intends to promote the licensing objectives, there is little consideration to the potential cumulative impact therefore the application still falls within the CIP.

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,

Jay Sampson



Jay Sampson

Uwch Swyddog Trwyddedu / Senior Licensing Enforcement Officer Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services Adran Drwyddedu / Licensing Section Neuadd Y Ddinas, Caerdydd / City Hall, Cardiff / CF10 3ND

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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

APPENDIX E Noise Pollution Representation

From:

 Sent:
 23 April 2021 18:29

 To:
 Barker, Kirstie

Cc:

Subject: FW: Licensing Act 2003: Application for the grant of a Premises Licence - Gin Ne

Sais Quoi, 15-16 Mill Lane, Cardiff, CF10 1FL

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

Good Afternoon,

I have reviewed the application for the premise noted above. I have concerns in relation to applications listing of live music daily at the premises from 08:00 – midnight 7 days a week. The venue is situated within close proximity to Residential accommodation and a hotel. As a result of this, I wish to object to the application with regard to the prevention of public nuisance.

However, with this being said, if the applicant was willing to agree to reduce the provision of live music hours to fall in line with permitted process of deregulation my objection would be withdrawn.

Alternatively If however the applicant wishes to keep the live music until midnight, in order to protect the residents from public nuisance, I would be mindful to condition the live music aspect of this application with the following condition;

Any live music which is played from the premises must be played through a noise limiting device. The noise limiter device is to be installed by a suitably qualified sound engineer and will be attached to all acoustic devices. The limiter device must be set to a level which is agreed by the Local Authorities Pollution Control Department, to ensure that any live music played from the venue will not cause a public nuisance.

Should the applicant agree to the proposed condition I would be willing to withdraw my representation on that basis also.

Kind Regards,



Samantha Page | Neighbourhood Services Officer

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

Website / Gwefan: http://www.grhr.cymru

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.