

LICENSING SUB COMMITTEE

27 NOVEMBER 2015

Present: County Councillor Parry(Chairperson)
County Councillors Morgan and Murphy

25 : DECLARATIONS OF INTEREST

No declarations of interest were received.

26 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - GLAM NIGHTCLUB

Applicant: represented by Matthew Phipps and Peter Crow

Interested Party: Kevin Crews, Park View Residents Association

Two applications for variations to the Premises Licence were received from Goldtile Limited in respect of Glam Nightclub, 2 Grosvenor House, Greyfriars Road, Cardiff.

The following applications for variation were made:

Application One – received 25th September 2015

To amend condition d) so it now reads 'The premises shall operate a South Wales Police approved radio system'.

To amend condition g) so it now reads 'CCTV coverage to be maintained on the roof terrace by 7 cameras and a further 2 cameras positioned in each of the two fire exits'.

To amend condition j) so it now reads 'All furniture and fittings on the roof terrace will be secured to the floor at all times and rendered unusable, whenever the roof terrace is not being used by customers'.

To amend condition p) so it now reads 'Capacity of the roof terrace to be no more than is permitted in accordance with the fire risk assessment'.

To amend condition l) so it now reads 'No noise to escape the roof terrace that can be audible to a neighbouring residential property and no musical equipment to be permitted or positioned on the roof terrace after 23:00h and not before 08:00h on any day'.

To add a condition 'No noise to escape the roof terrace that can be audible to a neighbouring residential property'.

To add a condition 'All drinks served to customers who are on the roof terrace will be in open top cups and not in bottles or cans'.

To add a condition 'No persons to be permitted on the roof terrace after 03:00h on any day'.

To add a condition 'No late night refreshment will take place on the roof terrace after midnight on any day'.

A copy of the current conditions was appended to the report for information.

Application Two – received 12th October 2015

Application to vary the layout and design of the premises in accordance with submitted plans, to predominantly reflect the reconfiguration of the roof terrace and fire exit routes.

Location of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following risk assessment.

Copies of the current plan and proposed plan were also attached to the report for information.

At the commencement of the meeting officers explained that no relevant representations had been received relating to the second application during the consultation period. Members were advised that the applicants and South Wales Police had reached an agreement and therefore the Police representations had been withdrawn. The application would therefore be granted.

Members were asked to consider the remaining representations received from Park Plaza Hotel and Park View Residents Association and how these related to application 1 above.

Mr Kevin Crews, representing Park View Residents Association, addressed the Sub Committee. Mr Crews stated that the roof terrace was having a big impact on the residents of the 5, 6 and 7 floors. Residents were unaware that applications 2 had been granted.

Mr Crews stated that people queueing to get into licenced premises in Greyfriars Road were a major concern for residents. It was often the case that residents were unable to access their car park because people were urinating in the entrance to the car park. It was considered that attracting more people to the area would exacerbate the existing problems for residents.

Mr Crews stated the Sub Committee that anti-social behaviour in Greyfriars Road on the weekends was beyond belief and he was amazed that South Wales Police had not made stronger representations. Mr Crews believed that the road closures in Greyfriars Road were enhancing these problems.

Following a question from a Member of the Sub Committee, Mr Crews stated that he did not have any specific complaints relating to the roof terrace, however, he was

concerned that increasing the capacity of the roof terrace would impact on the residents living directly opposite.

Applicants Representations

Mr Matthew Phipps presented the application on behalf of the applicant. Mr Phipps requested that the Sub Committee be aware of three facts. Firstly, that the roof terrace was already licensed, albeit for half the space that is proposed in the application; secondly, that there would be no increase in the total number of people with the premises as a result of the application; and thirdly, that the management of the premises are respectful of this concerns raised by residents and are happy to have a dialogue in order to address those concerns.

Mr Phipps advised that he was surprised that the Park Hotel had made a representation, as the applicants speak with the management of the hotel regularly and they have never given any indication that the roof terrace area causes any problems. Referring to the representation letter received from local residents – Mr Phipps stated that residents considered that the application ‘could’ have an impact. The letter did not state that the application would exacerbate existing problems.

Members were advised that the roof terrace currently allowed the consumption of alcohol only and was used primarily as a smoking area by customers. There was to be no change in the licensable activities as a result of the application.

Mr Phipps accepted that the premises was popular and was busy. There were queues of customers on Greyfriars Road as a result and customer would also use Greyfriars Road as a smoking area. Mr Phipps indicated that the management of the premises felt that whilst customers are outside the premises it was not possible for the management to promote the licensing objectives. The roof terrace was provided as means of a solution. The initial application was subject to a hearing in the Magistrates Court. The Park Hotel, Cardiff Council’s Noise Pollution team and local residents all suggested that the roof terrace may cause disturbance to residents. However, the Court granted the application. Mr Phipps stated that he argued in Court that concerns about disturbance were not the same as actual problems being caused and the Court agreed, granting the application.

In the three years since the roof terrace was installed the management of the premises have received no complaints. Recently, an additional new fire escape had been installed which would allow the capacity of the roof terrace to be increased and therefore the management of the premises were seeking to amend the condition on the premises licence which restricts the use of the roof terrace to no more than 60 people.

Mr Phipps stated that the conditions which the application sought to amend were drawn up following dialogue with South Wales Police. Of those, eight were non-contentious and sought to provide more management control to the roof terrace area. South Wales Police had withdrawn their representations, as the applicants had agreed to an additional condition which prevented the sale of alcohol. There were no representations received from Environmental Health Officers, which Mr Phipps considered to be significant as Environmental Health had opposed the original application. It was suggested that the roof terrace was well managed and was not causing any problems.

Mr Phipps argued that the condition which limited capacity of the roof terrace to 60 people was intended to address fire safety concerns. Therefore, it was not necessary and the condition was attempting to duplicate the fire safety regulations.

The Sub Committee heard that the application was seeking to prevent queueing and get people off the street, removing potential flashpoints where people were not being supervised. The premises were located within a cumulative impact zone and the application demonstrated a positive impact upon the licensing objectives. If patrons were removed from the street and used the roof terrace then the management of the premises would be held to account. Members were again reminded that there had been no complaints in the 3 years the roof terrace had operated.

Mr Phipps considered that the premises wished to have a good relationship with local residents. The applicant offered to hold quarterly meetings with local residents with a view to addressing any issues of concern.

RESOLVED – That the Sub-Committee having considered all the information and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy the Sub Committee granted the application.

27 : GAMING PERMIT APPLICATIONS

RESOLVED – That the following Gaming Permit Applications be granted:

1. Heron Marsh – 4 machines
2. Hollywood Bowl – 47 machines

28 : SMALL SOCIETY LOTTERY REGISTRATIONS

RESOLVED – That the following Small Society Lottery Registrations be revoked due to non-payment of the annual fee:

1. South Wales District Sea Cadets
2. Andrea Kerr
3. Breastfriends Cardiff and Vale

The meeting terminated at 11.30 am