

## LICENSING SUB COMMITTEE

8 FEBRUARY 2016

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

### 35 : DECLARATIONS OF INTEREST

There were no declarations of interest received.

### 36 : APPLICATIONS FOR TEMPORARY EVENT NOTICES - THE YARD, BREWERY QUARTER

CCCT/07526 YARD BAR & KITCHEN DISPENSE BARS – TEMPORARY EVENT  
NOTICE

NAME OF PREMISES: YARD BAR & KITCHEN DISPENSE BARS

WARD: Cathays

Applicants: Mr Joseph Muldoon, DPS The Yard, represented by  
Matthew Phipps TLT Solicitors

Responsible Authority: Sgt Justin Hardwick – Licensing Officer – South Wales  
Police  
PC Tim Davies – Licensing Officer – South Wales Police

Other Persons: Rob Salter, Fire Safety Officer South Wales Fire &  
Rescue  
Carl Evans South Wales Fire & Rescue  
Matthew Phipps TLT Solicitors  
Natasha Williams – Senior Ops Manager SA Brain

#### The Application

A Temporary Event Notification was received on 15 January 2016 from Mr Joseph Muldoon for authorisation of a temporary event at Yard Bar & Kitchen Dispense Bars corridor leading into Brewery Quarter.

The notification was in respect of three events to take place between:

11.00 hours until 18.00 hours – Saturday 13<sup>th</sup> February 2016  
12.00 hours until 20.00 hours – Friday 26<sup>th</sup> February 2016  
11.00 hours until 18.00 hours – Saturday 19<sup>th</sup> March 2016

#### Applicants Representations

Mr Matthew Phipps advised the sub committee that the applicant had been engaged in comprehensive dialogue with the Police and was now in a position where they

were effectively resolved and a compromise had been reached to satisfy some of the Police objections.

Three TEN's for the Wales Home Six Nations Games had been submitted; to put a temporary bar in the outside corridor of the Yard leading to the Brewery Quarter, to dispense Beer, Lager and Bitter. Mr Phipps stated that there had been 19 almost identical TEN's previously granted in the last 2 years, 16 without objections. During the Rugby World Cup the Police had become concerned with the operation and had then objected to the TEN.

The applicant had entered into dialogue with the Police and had a further opportunity to consult and the Police are content to go forward provided assurances are put in place as follows:

Three additional SIA registered door personnel exclusively for the management of the TEN from the start to finish of the TEN operating hours; one to supervise bar area and Brewery Quarter in general and two to ensure free flow of people and non congestion of the corridor space. The Yard itself will have five door staff on doors who can also be called upon. The Brewery Quarter also employs door staff and two will be placed at the entry to the corridor itself. Door personnel will wear identifiable clothing and all drinks will be served in plastic vessels; customers cannot take open containers out of the Brewery Quarter.

If the radio scheme is operational this will also be used.

Incident and Refusal registers will be in place and available to be seen by Officers on request.

Management will ensure that the area is not too congested so there will be two extra staff working the space, collecting glasses and watching behaviour, these will also be wearing identifiable clothing.

Fire escapes will be kept clear of barrels and customers; where there is usually furniture in the Brewery Quarter space, all will be removed and stored in the basement in its entirety.

Challenge 25 policy will be in operation.

Security will be positioned at points identified albeit two will be patrolling also.

The area of the TEN will be clearly demarked with canvas barriers and the floor area marked with tape.

Disabled access will be clear.

The area of the TEN to have a full and complete Fire Risk Assessment.

Queuing system to be retained/contained in the designated area; to queue from St Mary Street side to the Bar and then disperse into the Brewery Quarter therefore moving through and not congesting the corridor itself.

Mr Phipps concluded by saying it was important to consider this application on its own merit.

### Responsible Authority Representation

Sub Committee were advised that the Police objections had been on Crime and Disorder and Public Safety. There had been 19 previous TEN's but due to events during the Rugby World Cup Police concerns had arisen; also during the last TEN an issue arose and the Police had to speak to the management of the Brewery Quarter.

Consultation had been undertaken with the applicant for this TEN and the applicant had provided more substance on assurances and if these are put in place then the Police concerns regarding Crime and Disorder would be alleviated.

However the Police concerns regarding Public Safety still stood, there was a lack of detail in the Fire Evacuation Plans for the Brewery Quarter and representatives from South Wales Fire and Rescue would be providing the Sub Committee with further information on this. If the Fire Service were satisfied these concerns could be alleviated then the Police would be happy for the TEN to go ahead, if not then the Police objection on the grounds of Public Safety would stand.

Sub Committee were shown footage of the Rugby World Cup in the Brewery Quarter.

Sub Committee were advised that there were 9 premises within the Brewery Quarter, these tenants lease the outside space from the Brewery Quarter; they get permission from the Brewery Quarter for a temporary event then apply to the Council for a TEN.

Police are concerned with the number of people who can safely be contained in the area, especially in the event of a fire as there are only two main exit points, one onto Caroline Street and one onto St Mary Street.

Regarding numbers, the Police advised the Sub Committee that the Yard has a capacity of 900 inside, the outside space has a capacity for 1800 from the combined tenants of the Brewery Quarter; if an evacuation was needed, the concern was where that amount of people would disperse to; if some people had been drinking alcohol the speed of decision making would be impaired and the process would be physically more difficult to carry out.

South Wales Fire & Rescue representatives advised the Sub Committee that a further concern was the off-sales at the temporary bar; they stated that the footage showed that the bars/pubs were full as was every common square foot of the outside space. The Fire Service had pressed the Brewery Quarter to give them a Fire Risk Assessment as they were legally obliged to do but this has not yet materialised. There was also concerns over the Fire Strategy if there was an incident; Emergency Action Plan and Evacuation Strategy and how staff from all premises would deal with a situation. There were also concerns over how the alarm would be raised if there was an incident, and how people would be dispersed, if the staff had had any training and whether the premises had coordinated and communicated a joined up Fire Risk Assessment as they were obliged to do.

It was noted that there were no complaints regarding the Yard's Fire Risk Assessment, the concerns were solely with the Brewery Quarter as a whole but that this TEN would impact on this.

The Police added that the Terrorism threat in Cardiff was now severe whereas previously it had been substantial during the previous TENs. Reassurances were needed that measures were in place and that an action plan reflected the current threat level.

Members were concerned that the Brewery Quarter had not complied with the legal obligation to produce a Fire Risk Assessment and asked that the Fire Service address this situation as soon as possible.

The applicant and responsible authority provided a summing up for the Sub Committee and the Sub Committee withdrew to make a decision.

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.