

LICENSING SUB COMMITTEE

16 SEPTEMBER 2016

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

7 : DECLARATIONS OF INTEREST

8 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE -
LIBERTINE COCKTAIL BAR, ST MARY STREET

Applicants: Hugh Jones and Sam Taylor, Directors
Paul Trew, Acoustic and Noise Ltd,

Responsible Authority: Sian James and Gillian Jones, Pollution Control

The Application

An application for the variation of a Premises Licence was been received from H&S Number 3 Limited in respect of The Libertine Cocktail Bar (formerly Barbucci), 28 High Street, Cardiff.

The following application for variation was made:

1. To extend the hours permitted for the sale of alcohol for consumption on the premises:

Sunday to Thursday: 10:00 to 00:30
Friday and Saturday: 10:00 to 01:30

2. To add regulated entertainment in the form of recorded music (indoors):

Sunday to Thursday: 10:00 to 01:00
Friday and Saturday: 10:00 to 02:00

3. To extend the opening hours at the premises:

Sunday to Thursday: 10:00 to 01:00
Friday and Saturday: 10:00 to 02:00

4. To remove the following conditions:

- i) There will be table meals offered at all times the premises are open to the public.
- ii) At least 80% of the licensable area will be laid with tables and chairs for the purpose of consuming meals.

At the commencement of the hearing officers advised the Sub Committee that the applicant had accepted a number of conditions suggested in the representations received from South Wales Police.

Responsible Authority Representations

Gillian Jones addressed the Sub Committee. Members were advised that Pollution Control objected to the application on the grounds of the prevention of public nuisance. Gillian Jones stated that there were residences above and to either side of the premises and the occupants of those properties were likely to suffer from noise nuisance as a result of the regulated entertainment and extended hours applied for.

Gillian Jones expressed disappointment that more consideration of the Council's cumulative impact zone was not given. Mr Hugh Jones stated he did not believe there was any lack of consultation with the proper authorities regarding the location of the premises within the cumulative impact zone. The applicant had sought to engage with South Wales Police from the outset.

Officers confirmed that no complaints had been received from residents regarding the operation of the bar or during its previous operation as a restaurant. However, complaints had been received regarding similar premises within the locality. The basis of the objections related primarily to the extension of hours and the change in the operation of the premises from a restaurant to a bar. A nearby bar has caused serious problems for residents which resulted in enforcement action and a review of the premises licence. Officers reiterated that, in their opinion, public nuisance was likely to be caused if the application is granted.

Responding to a question from the applicant, officers advised that the hours of operation of nearby licenced premises were generally later. However, these premises could potentially operate until 0200 hours at the weekends and Pollution Control were obliged to consider the impact of the operation of the bar on residents. Officer confirmed that they had not discussed the application with any residents.

Applicants Representations

Mr Hugh Thomas presented the application. Members were advised that the applicant operate similar premises in Shrewsbury and Aberystwyth. Both these premises are surrounded by residences. The business is in private ownership and the directors are sensitised to the impact their operations have on their neighbours. Their other premises operate without complaint.

Mr Thomas stated that the premises would offer something different to the other bars in the City Centre as they were not a 'stepping-stone' to nightclubs. The business model trades near clusters of well-established restaurants and they aim to attract clientele visiting those restaurants. The applicants were not seeking to extend their trading hours beyond what was adequate for their clientele.

Paul Trew, an acoustics consultant, addressed the Sub Committee. Mr Trew stated that he had expertise in the acoustics field and had experience of working in Cardiff. Members were advised that, following visits to the other premises operated by the applicants, he had suggested criteria for the management of internal noise at the premises. The directors were aware that extensive engineering works were recommended. Mr Trew was confident that mitigation and modern sound amplification systems can meet the requirements of the Pollution Control officers.

Mr Sam Taylor asked Members to note that no representations were received from residents. Mr Taylor stated that he lived on the same street as their bar in Shrewsbury. Mr Taylor commented that he has worked with neighbours, other businesses and the regulatory authorities to ensure that there were no complaints relating to those premises.

Sian James stated that Pollution Control were unable to comment on the proposed scheme of works aimed at reducing the impact of any noise at the premises as these were received after the application was made. Mr Jones stated that during the day the business would operate as a tea room, with a change of emphasis in the evening. Music would be played at background levels as their clientele would expect to be able to converse without shouting. There would also be a double door entrance at the front of the premises and auto-closers would ensure that the doors are closed at all times.

Summing Up

Gillian Jones stated that Pollution Control's objection remained as officers were concerned that the proposals would result in public nuisance. Sian James stated that their concerns primarily related to the extension of operating hours and the provision of regulated entertainment.

Hugh Jones stated that a scheme to alleviate any public nuisance was being designed. Since being made aware of the concerns of Pollution Control the applicants have engaged an acoustic consultant, undertaken a full survey, visits made to the other bars operated by the applicant and a scheme was being designed. Members were advised that any sound equipment would be suitable for the premises and would be surrounded by an 'acoustic envelope'.

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, subject to the conditions agreed previously with South Wales Police, and subject to the following condition that the Sub Committee deemed appropriate:

1. A scheme of sound insulation works must be implemented at the premises. Prior to implementation the scheme must be determined satisfactory by the Council's Neighbourhood Services section.

9 : GAMING MACHINE PERMIT APPLICATION

RESOLVED – That the following Gaming Machine Permit be approved:

Planet Ice Cardiff – 4 Machines

10 : SMALL SOCIETY LOTTERY REGISTRATION

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

Dolen Cymru Wales Lesotho Link
Danescourt PTA

The meeting terminated at 11.30 am