

LICENSING SUB COMMITTEE

6 APRIL 2018

Present: Councillor Jackie Parry(Chairperson)
Councillors Murphy and Taylor

5 : DECLARATIONS OF INTEREST

None received.

6 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE -
TRAMSHED

Applicant: Mr Dan Ickowitz-Seidler – Co-Owner The Tramshed
Mr Paddy Whur - WoodsWhur Solicitors representing the Applicant.
Mr Benjamin Newby – Director of Operations MJR

Responsible Authorities: Tim Davies South Wales Police Licensing Officer
Sgt Kevin Jones South Wales Police

Other Persons: Councillor Ashley Lister, Ward Member for Grangetown.

An application for variation of a Premises Licence – Grant, has been received from Alchemy Tramshed Ltd in respect of The Tramshed, Pendyris Street, Grangetown, Cardiff, CF11 6QP.

The applicant has applied for the following:

- (1) To amend the licensed area as per submitted plans
- (2) To extend the provision of licensable activities on 20 occasions per year until 03:00, notice of which will be given to the Police and Licensing Authority 21 days before each event with the premises closing 30 minutes thereafter.
- (3) To add conditions in respect of crime and disorder and public nuisance (as detailed in Section M of the application form)

Representations had been received in respect of the application, copies of which were attached to the report.

Responsible Authorities Representations:

Mr Tim Davies advised the sub committee that the application was to vary the current license to extend the hours until 03:00 on 20 occasions a year, plus 30 minutes drinking up time, providing 21 days notice of the occasions to South Wales Police.

Mr Davies advised that the South Wales Police were objecting to the application based on Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Public Safety.

Sgt Kevin Jones outlined photographs and a plan of the premises and area, highlighting the pedestrian crossing, and residential premises in close proximity.

Members were provided with a breakdown on police incidents recorded in relation to the premises, noting that a number of the incidents happened at what they consider to be 'high risk' events such as live music gigs from certain artists.

Mr Davies explained that they had become involved with the premises when they heard that 'J Hus' was scheduled to perform there, they had requested that the gig did not go ahead but it did. Territorial Support Team (TST) had been considered appropriate to police the gig and 1 assault was reported that night. Mr Davies explained there had been issues with glass being left outside when the queue had entered the premises. Mr Davies stated that a debrief had taken place after the gig and it transpired that no checks had been undertaken on the artist.

Mr Davies advised Members that another gig 'Yungen' was then schedule and the TST were again considered appropriate to police the event. On this occasion a male had been detained by security staff for attempting to enter the premises with a knife. There was also an issue with an aggressive male who was arrested for being drunk and disorderly.

Mr Davies made reference to the 'Dappy' gig and stated that no artist check had been done and although not considered high risk, there had been a need for police intervention as a fight broke out.

Mr Davies referred to the 'Fredo' gig, which had been policed by the TST, 2 licensing officers and the neighbourhood police team. Mr Davies stated that the makeup of this audience was predominantly female between 14-18 years of age. On this occasion officers had witnessed unauthorised people selling tickets, evidence of street drinking and a number of young females who were intoxicated had to be held until their parents collected them. Mr Davies stated that on entry people were just patted down and were not asked to empty pockets, were allowed to enter with bags and umbrellas and the wands had not been used. Mr Davies considered there had been no management of the queue of 350 people outside and no engagement from premises staff until the licensing officers had requested them to do so.

Mr Davies stated that after the queue had entered the premises there was evidence of broken bottles, Nitrous Oxide Canisters, Cannabis grinders and clip seal bags used for drugs. There were also issues with counterfeit tickets and 10 people had been refused entry.

Mr Davies stated that the main concern was that after such events there are a large number of people exiting at once, there is an increase in traffic volume and people are not observing the pedestrian crossing. Emergency road closures had been implemented and the pedestrian crossing had been manned for safety reasons. On this occasion there had been 1 assault and 1 sexual assault reported. Mr Davies was concerned that if the application was granted, people would be drinking for longer and the problems would be exacerbated.

Mr Davies considered that the number of security staff should be 24 rather than 18. He explained there had been previous issues with the quality of the CCTV but this had now been resolved.

Copies of the incident log had been provided to Members as well as crime and disorder statistics.

Members were provided with examples of CCTV and Body Camera footage from various events at the premises.

Mr Davies referred to the Statement of Licensing Policy in relation to residential areas and the prevention of public nuisance. Mr Davies advised the sub committee that the applicant had agreed to cease licensable activities outside from 9pm to 9am but the outside areas would still be a smoking area, so there would be noise from that.

Mr Davies stated that the premises is not a problematic premises at all, however there are issues of crime and disorder and longer hours with longer to drink alcohol would add to these. He stated that it can take around 45 minutes to clear the premises and area after a gig and for this to happen at 3am would be disturbing for local residents, therefore he was asking that the application be refused on the grounds of Prevention of Crime and Disorder, Prevention of Public Nuisance and Protection of Public Safety.

Other Persons Representations:

Councillor Lister echoed the concerns around the volume of people leaving the venue stating that these concerns had been expressed by residents.

Councillor Lister stated that he had met with the applicant to discuss the issues around dispersal from the venue and issues arising from that. They had discussed potential dispersal into another area to alleviate these and Councillor Lister considered that this should be trialled with the current hours initially.

Applicants Representations:

Mr Whur stated that they had notified the Police that this application was going to be made. He added that it is a multi-use venue and that live music gigs were not the major part of the business, the venue caters for weddings, yoga, dance, cinema, club nights, community use and live music. Mr Whur clarified that the extension of hours requested was not for live music events but solely for the DJ led club Nights, adding that the venue was soundproofed to the highest standard, fully disabled friendly with a high quality fit out, café bar and excellent outdoor space.

Mr Whur stated that the application was two-fold. The first part was for the outside area for daytime and early evening events, they were in agreement with all concerned regarding this and stated it would add benefit to and not impact on the licensing objectives.

Mr Whur explained that up until the 'Grime' acts had played the venue, the Police had had no concerns. He added that in 2016 there had been 90 live music gigs, in 2017

there had been 144 and in 2018 there had been 42 so far, this equated to 120,000 people through the doors for live music gigs.

The venue had held 34 DJ led club nights so far, as these have various DJ's on the line-up there is a gradual arrival and dispersal unlike live music events. There are no queues, they are ticketed, have high quality national and international DJ's and up until now they have finished at 01:00 with the bar closing at 00:30. These events had had no complaints so far.

Members were advised that MJR are a national company, they have a venue in Leamington Spa which is also in a residential area, this operates until 03:00 and have had no complaints.

Mr Whur stated that the current licence doesn't have a great deal of conditions attached to it, it had not been a condition to hold incident logs but they do hold them. If the application is granted there would be 12 conditions attached to it. The venue has improved its CCTV, door staff have Body Cameras, the Police have asked that door staff wearing body cameras are a ratio of 1:2, the applicant has suggested that 8 in total are used. The condition regarding SIA registered door staff and the ratio of 1:150, this is regularly exceeded when events are risk assessed and the number of door staff increases to 19.

Mr Whur said they had had the opportunity to meet with local Ward Members and they have agreed that whatever decision is reached with regard to the application, there would be increased engagement with local residents and councillors to look at any issues. There would be an advert on the Grangetown Facebook page for community use of the venue. They would offer free use for some community events and would staff these for free too if they had the increased revenue from longer hours.

Mr Whur noted that the main issue was dispersal, Mr Whur outlined a plan of the venue to Members indicating the potential 2 dispersal areas, an area at the back of the venue where taxis can pull up and turn around (currently a staff car park and bin area) this area would be marshalled and people could wait for their taxis off the street.

With reference to the police incidents, Mr Whur explained that they equated to 2 incidents from 90 live music events in the first 7 month timeframe and 10 incidents from 144 live music events in the second 7 month timeframe, which meant it was a very well performing venue overall. Mr Whur reiterated that the extension of hours was not for live music venues and only for the DJ led club nights.

Mr Whur stated that pre-drinking happens at many venues, staff do go out and cleanse and sanitise the area when the queue has gone through, this is also done at the end of the night as matter of course and not just when the Police requested it. Mr Whur noted that the Police are concerned with the Grime Acts and the queuing, Mr Whur explained that they would start operating an internal snake queue which would take 200 people queuing off the street.

Mr Whur explained it was important for his client to promote the licensing objectives and engage with the community, they would continue to work with the Police, would risk assess events and the door staff would wear body cameras. They wanted more

daytime use of the venue and community use. They want longer hours for specific events and the chance to prove this can be done with no issues, they are happy to pull back the requested hours to 02:30 bar close and 03:00 venue close.

Responding to questions Mr Newby stated that the DJ led club nights are usually around 800-900 capacity and that the venue is a destination venue not a nightclub.

Mr Newby stated that the request for the extension of hours for all licensable activities was an error it was not needed for live music events. Mr Whur then clarified that DJ events would be classed as live music so it would be still required.

Mr Newby stated that with the internal snake queue system there would still be a search area at the front.

In relation to questions regarding seating on club nights, Mr Newby explained that there would be seating on sofas on the mezzanine, in the cocktail bar upstairs, in the waiting room area, and a chill out seating area in the cinema, the main area would be the dance floor.

Responding to questions about the proposed taxi area at the back of the venue, Mr Newby explained that on the days it was used there would be no staff car parking, there would be no tour buses as the events would be DJ only and the bin area would be relocated.

Mr Newby stated with regard to community engagement they had met with residents when they opened the restaurant, they talk to local Councillors and email them, they acknowledged that community engagement could be improved and had earlier outlined how they intended to do that. He added that there had been a relaxed relationship as they had not received any complaints.

Mr Newby was asked if only some of the application was agreed, if the conditions were dependant, he said yes they were.

Summing Up

Responsible Authorities

Mr Davies stated that had given evidence with regard to the police incident statistics, he considered that an increase in hours would lead to an increase in drinking alcohol and on club nights the venue would essentially be a vertical drinking establishment/nightclub.

He added that in his experience gradual dispersal doesn't happen, dispersal would be into a residential area where there are no road closures in place. He was concerned about the noise on dispersal and the disturbance to local residents. He added that there had been no mention of which night of the week the club nights would be on, they potentially could be on a week night.

Mr Davies was concerned that there would be no fixed seating and seating could be picked up and thrown. He added that every incident recorded had had to have police support. He concluded saying that South Wales Police request that the application be refused outright.

Applicant

Mr Whur referred to the 2 parts of the application, the first part was the increase in the outside area, and agreement had been made between all involved including the condition in relation to no licensable activity outside between 21:00 and 09:00.

The second part was the extension of hours on 20 occasions per year. Mr Whur stated that the venue would not be a nightclub, it is not a venue that is visited after various bars as in the City Centre. He reiterated that none of the 34 club nights held so far had had any complaints, only a small number of events had had complaints.

The applicant wants to try different dispersal and queueing systems to alleviate any concerns, they want to engage more with the community and increase daytime use (including community use) of the venue. He added that this would be done whatever the decision on the application.

Police evidence had been provided, and based on that evidence, it wouldn't stack up to refuse the application.

Mr Whur stated that the venue was not in a cumulative impact zone and therefore the sub committee had to be satisfied, based on evidence that the increase in hours would add to any issues. The Crime and Disorder threshold had not been reached.

In conclusion, Mr Whur stated that this was a robust application from a responsible operator and urged the sub committee to grant the application.

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, GRANT the Application with the additional conditions proposed by the applicant to meet the licensing objectives and to amend the extension of hours requested to 02:30am.

7 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CHICKEN.COM

Applicant: Mr Zaidi– Owner Chicken.com, 13 Castle Street, Cardiff, CF10 1BS.

Nicola Jordan – Hugh James Solicitors, representing the applicant.

Responsible Authorities: Mr Tony Bowley South Wales Police Licensing Officer
Rhys Morgan Cardiff Council Licensing Officer

Other Persons: Councillor Weaver, ward Member for Cathays
Councillor Mackie ward Member for Cathays
William Taylor – Revolution Bars Group

An application for a Premises Licence – Grant, has been received from Mr Zaidi in respect of Chicken.com, 13 Castle Street, Cardiff, CF10 1BS.

The applicant has applied for the following:

- (1) The provision of late night refreshment (indoors)
- (2) 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 and Monday: 10:00 to 02:00

Tuesday: 10:00 to 04:00

Wednesday and Thursday: 10:00 to 02:00

Friday and Saturday: 10:00 to 02:00

Sundays preceding Bank Holidays: 10:00 to 03:00

New Year's Eve: 10:00 to 05:00 on New Year's Day

On days designated by South Wales Police as major event days in the City Centre and Bay areas of Cardiff: 10:00 to 04:00

- (3) To provide licensable activities during the following hours:

The provision of late night refreshment (indoors):

Sunday and Monday: 23:00 to 02:00

Tuesday: 23:00 to 04:00

Wednesday and Thursday: 23:00 to 02:00

Friday and Saturday: 23:00 to 02:00

Sundays preceding Bank Holidays: 23:00 to 03:00

New Year's Eve: 23:00 to 05:00 on New Year's Day

On days designated by South Wales Police as major event days in the City Centre and Bay areas of Cardiff: 23:00 to 04:00

Representations had been received in respect of the application, copies of which were attached to the report.

Responsible Authorities Representations:

Mr Bowley presented objections on behalf of South Wales Police based on licensing objectives; Prevention of Crime and Disorder, Public Nuisance and Protection of Children from harm, noting that the premises are in the cumulative impact policy zone, there is a disproportionate amount of alcohol related crime and disorder and public nuisance in the area. The majority of the crime and disorder occurs late at night, fast food restaurants account for a large amount of crime and disorder in the City Centre.

Mr Bowley advised sub committee that a formal notice had been served and that if the application was granted there would be conditions attached in relation to the installation of CCTV, door staff having body cameras, 2 registered SIA door staff from 23:00 to close each day, no external dining, no customers under 16 years of age permitted after 23:00 unless accompanied by a responsible adult, an incident log being kept. Mr Bowley advised that all these conditions had been agreed by the applicant apart from the one relating to the number of door staff, the applicant considered that on certain days 1 would be ample.

Mr Bowley provided the sub committee with police statistics relating to incidents in the nearby vicinity from premises similar to Chicken.com, advising that there were no stats relating specifically to the premises as it was new. Mr Bowley considered that it was inevitable that if the applicant was granted there would be an impact on crime and disorder in the areas.

Mr Bowley referred to the statement of PC Gunstone outlining that the premises had served hot food after 23:00 and was not licensed to do so, and he considered that any hours granted to the application would be flaunted and advised the sub committee that South Wales Police urge them to refuse the application.

Rhys Morgan advised sub committee that the application falls within the Cumulative Impact Policy which the Council had adopted, any application to be considered under the policy had to prove it would not negatively impact the licensing objectives and it was the applicant's duty to cover all requirements to mitigate any negative impact. Mr Morgan considered that this application did not do this, it was not an exceptional application, it was a fast food outlet so therefore falls in the 'Red' category of the Policy and Mr Morgan advised the sub committee that the Council objects to the application.

Other Persons Representations:

Councillor Mackie advised the sub committee that she was objecting to the application as the ward Member on the grounds of Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance. Councillor Mackie considered that the premises would encourage people to come from the nightclubs up to Castle Street and there would be an increase in drunken behaviour.

Councillor Mackie noted that Revolution which is based next door employs 21 door staff to ensure that people leaving their premises go straight into taxis, Councillor Mackie considered that this would not happen if there was a fast food outlet next door, they would remain in the area.

Councillor Mackie referred to the strong objections from the Police and referred to the statistics provided, and considered that this premises would add to these.

Councillor Mackie stated that people considered that the premises was not appropriate for that particular area of the City, close to the hotels and the Castle where many visitors would stay, adding that there had been strong objections from local residents on social media.

Councillor Weaver referred to the Cumulative Impact Policy, reiterating what had been outlined and adding that there could also be a litter problem which was a major policy issue.

Councillor Weaver also added that there would be an increased pressure on the Police, who would have to attend the area, whereas they don't currently, which would dilute policing in areas such as Caroline Street and St Mary Street.

Councillor Weaver stated the Policy is very clear on what is allowed and he considered that this application is contrary to that, it has no mitigation and he advised the sub committee that he strongly objects to the application.

Mr William Taylor advised sub committee that he is a Risk Associate for Revolution Bars Group, he stated that they operate 21 door staff at their premises, more on big event night. He stated that they make sure people leave their premises safely, get straight in taxis safely and everything is logged and recorded on their side. He noted that there were very few fast food outlets in that particular area so people do not hang around after leaving the nightclub. He was concerned that if this application was granted, people would stay in the area and this would have to be further policed, and would mean increased noise for people staying in the hotels nearby.

Applicants Representations:

Ms Nicola Jordan advised sub committee that there was no intention to negatively impact on any problems in the areas, she considered that as there were no other fast food outlets in the area, one here may help take people away from the busier areas such as Caroline Street, which could help spread the load.

Ms Jordan advised that she had been instructed by her client to amend the hours asked for in the application to 02:00 Tuesday, Friday and Saturday, Major Event Days and the Sunday before Bank Holidays, adding that this would take away any issue about people leaving from Revolution. She added that they were happy to add signage asking people to leave quietly, and she had come up with conditions to cover the issue of litter.

Ms Jordan advised that her client accepts there was an oversight recently where food was served after 23:00, she advised that this was a mistake by a staff member who had provided a statement, when the mistake was realised they had tried to return the food orders, they had cooperated with the Police in regards to provision of CCTV footage.

Summing Up

Responsible Authorities

Mr Bowley considered that to grant the application would inevitably increase the crime and disorder in the area where there is currently no Police plan and no resource to implement one.

Mr Bowley had not been reassured by what he had heard today or about the explanation with regard to trading after hours, he considered that the conditions offered would not meet the licensing objectives and therefore he strongly objected to the application.

Mr Morgan considered that 'spreading the load' is exactly what the Cumulative Impact Policy seeks to avoid, to grant it would need to be an exceptional application which this application was not, therefore he objected to the application.

Other Persons

Councillor Mackie stated that she had not been convinced by what she had heard and considered that to grant the application would increase various problems in the area, therefore she objected to the application.

Mr Taylor stated that Revolutions have procedures and policies in place to ensure people get home safely, he felt that to grant this application would impact on those and therefore he objected to the application.

Applicant

Mr Zaidi stated that the premises would create 5 jobs adding to the economy of the area. He considered that all the concerns had been in relation to alcohol and that he had no intention to sell alcohol. He stated that he had installed CCTV even though it had not been required and he had cooperated with the Police during the trading after hours incident. He stated that he was responsible and part of the community and wanted to make a business in the area.

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, REFUSE the Application.

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg