



County Hall
Cardiff
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Neuadd y Sir
Caerdydd
CF10 4UW
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AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 12 APRIL 2019, 10.00 AM
Venue	ROOM I AND J, CITY HALL - CITY HALL
Membership	Councillor Mackie (Chair) Councillors Bowen-Thomson and Jacobsen

1 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 Application for the Grant of a Premises Licence - Cardiff International White Water *(Pages 3 - 18)*

3 Urgent Items (if any)

Davina Fiore
Director Governance & Legal Services

Date: Monday, 8 April 2019

Contact: Graham Porter,

02920 873401, g.porter@cardiff.gov.uk

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda Item CO.

LICENSING SUB-COMMITTEE: 12 April 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 033626

Name of Premises: Cardiff International White Water, Watkiss Way, Cardiff CF11 0SY

Ward: Grangetown

1. Application

1.1 An application for a Premises Licence – Grant has been received from Cardiff Council Economic Development (CIWW) in respect of Cardiff International White Water, Watkiss Way, Cardiff CF11 0SY.

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 films (indoors and outdoors), indoor sporting events, live music (indoors and outdoors) and recorded music (indoors and outdoors).

(2) Description of Premises (as stated by applicant):

“Cardiff International White Water is a purpose built Outdoor Activity Centre in the heart of Cardiff Bay. Under normal operating conditions the centre operates a small café and catering facility to refresh attendees using the centre, nearby residents and also cater for meetings and small events held at the centre. In addition the centre plays host to major sporting and outdoor activity events which attract larger numbers of attendees from time to time”

(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:

Monday to Sunday: 08:00 to 23:30 hours

New Year’s Eve: Until 01:00 hours on New Year’s Day

(4) To provide licensable activities during the following hours:

- (i) The sale by retail of alcohol for consumption on the premises:

Monday to Sunday: 11:00 to 23:00 hours
New Year's Eve: 11:00 to 01:00 hours

- (ii) The provision of regulated entertainment in the form of films (indoors and outdoors) and indoor sporting events:
Monday to Sunday: 08:00 to 23:00 hours
- (iii) The provision of regulated entertainment in the form of live music and recorded music (both indoors and outdoors):
Monday to Sunday: 08:00 to 23:00 hours
New Year's Eve: 08:00 to 01:00 hours

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 A*.

3. Relevant Representations

- 3.1 Representations have been received in respect of the application from Cardiff Council's Neighbourhood Services and a number of 'other persons'. Copies of these representations can be found in *Appendix B*.
- 3.2 A representation was also received from South Wales Police but was subsequently withdrawn as the applicant and the Police agreed to have specific conditions imposed on the licence if the application is granted. A copy of the Police representation and the applicant's agreement can be found in *Appendix C*.

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 relevant.
- c) Reject the whole or part of the application.

- 4.3 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. Issues for Discussion.

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

Dave Holland
Regulatory Services

27 March 2019

Operating schedule - Conditions proposed by Applicant

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

Cardiff International White Water is primarily a family-friendly activity centre and venue for related events. As such the centre is not primarily marketed as a bar or drinking venue although these activities taking place alongside its normal operational activities. Seating is provided throughout the venue to encourage the consumption of food with any alcohol and to promote the licensing objectives where possible at all times.

b) The prevention of crime and disorder

In addition to the statutory measures required of this public venue, CIWW has installed CCTV recording images for the prevention of crime and disorder.

Staff on site carry radios.

At major events additional SIA Door staff are employed to control access and egress points. This prevents consumption of alcohol off the premises.

Staff serving alcohol are trained to assess the age of customers they are supplying alcohol to. If customers appear to be under 25 they will be required to provide proof they are over 18. A list of accepted forms of ID bearing the PASS hologram is displayed at all sale and supply points for reference.

A log of refusals of service will be maintained in the Centre.

During major events drinks will be served into plastic or polycarbonate drinking vessels instead of glass.

The Centre has a strict policy against the use or supply of drugs and any customer seen to be supplying or using drugs on the premises will be reported to the Police.

CIWW reserves the right to refuse entry.

c) Public safety

CIWW is committed to complying with all legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both.

The Centre maintains adequate numbers of First Aid trained staff on site at all times it is open to the public.

All major events at the Centre are planned by our Events Partners in consultation with the City's Events Liaison Panel and relevant event Health and Safety guidance.

d) The prevention of public nuisance

The Centre is aware of its location to nearby residences. It is an active member of the local tenants committee that meets regularly to update on neighbouring events. Members include The Cardiff International Pool, Cardiff Devils and the tenants from adjacent residential property. CIWW has a policy to formally notify adjacent properties of major events including those on Watkiss Way and across the River Ely in the Penarth Marina area who are most likely to be affected. Events are planned to minimise the nuisance to local residents and plans include measures such as reducing music levels outdoors at less sociable times.

Waste bins are located close to all premise exits to prevent litter being discarded off site.

Signs will be installed at each exit reminding customers to respect neighbours by leaving quietly and finishing drinks before they leave the premises.

e) The protection of children from harm

CIWW is a family friendly venue with offers for children and adults of all ages. Children are encouraged to participate in activities and the Centre is proud of its commitment to ensuring their safety at all times.

Staff serving alcohol are trained to assess the age of customers they are supplying alcohol to. If customers appear to be under 25 they will be required to provide proof they are over 18. A list of accepted forms of ID bearing the PASS hologram is displayed at all sale and supply points for reference.

Any age restricted films will be clearly advertised and a similar approach to age verification will take place during admission to any screenings at the Centre.

A log of refusals of service will be maintained in the Centre.

Representation from Neighbourhood Services

CITY OF CARDIFF COUNCIL	 CARDIFF CAERDYDD
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Representation Submission Form
Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	Rebecca Williams
Your Address:	City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND
Phone Number:	02920 871371
E-mail:	rlwilliams@valeofglamorgan.gov.uk

Details of premises representation is about	
Name and Address of Premises:	Cardiff International White Water, Watkiss Way, Cardiff Bay, CF11 0SY
Application Number: <i>(if known)</i>	671193

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	
Public Safety	
Prevention of public nuisance	X
Protection of children from harm	

Representations from Neighbourhood Services – continued

Please summarise your concerns about this application:

I wish to object to this application a premises licence under the "Prevention of Public Nuisance" objective.

The proposal involves the:

1. The sale by retail of alcohol for consumption on the premises:
Monday to Sunday: 11:00 to 23:00
New Year's Eve: 11:00 to 01:00
2. The provision of regulated entertainment in the form of films (indoors and outdoors) and indoor sports:
Monday to Sunday: 08:00 to 23:00
3. The provision of regulated entertainment in the form of live music and recorded music (indoors and outdoors):
Monday to Sunday: 08:00 to 23:00
New Year's Eve: 08:00 to 01:00

The applicant has not addressed as part of their application for a Premises Licence, which could be operated theoretically 365 days of the year, the Licensing Objective of the *Prevention of Public Nuisance* adequately.

As the application, in its current format, does not address the *Prevention of Public Nuisance* objective in terms of noise, such as amplified music, and its mitigation Environmental Health as a Responsible Authority objects to this application.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives:

Representations from 'other persons'





CARDIFF COUNTY COUNCIL

13 MAR 2019

LICENSING SECTION

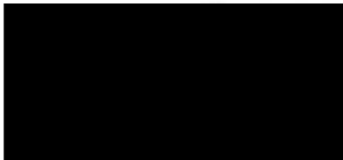
10th March 2019

Licensing Authority,
Cardiff County Council
Regulatory Services
Licensing Section
City Hall
Cardiff
CF10 3ND

Dear Sirs,

Cardiff International White Water: Application for alcohol and entertainment licence

With regard to the above application we would strongly object to this application insofar as it relates to the use of live and recorded music outdoors. The use of music indoors would be acceptable provided the sound is contained within the White Water site, but the use of music outdoors is bound to reduce the quality of enjoyment for nearby residences and might well amount to a nuisance.



Representations from 'other persons'

Barker, Kirstie

From: [REDACTED]
Sent: 12 March 2019 15:59
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Alcohol and entertainment license CIWW, Watkiss Way, Cardiff CF11 0SY

[REDACTED]
[REDACTED]
[REDACTED]

As residents directly affected by the activities at the CIWW in Watkiss Way, we wish to raise the following objections to the above application.

1. The facility is in the middle of a residential area and noise from the activities at the centre inevitably affects residents. We live directly opposite the centre and there is already considerable noise pollution, exacerbated by the way sound carries across water. Currently, the facility is mainly used during the day and some evenings up to 21.00 hours and noise nuisance is usually of limited duration although its unpredictability is an issue in hot weather when it is reasonable for residents to have windows open. There have been many discussions with the centre asking for noise to be kept down, with some cooperation from the staff. However, if the premises are to be used for films, recorded and live music then increased noise pollution in the area is inevitable, particularly given the hours for which the license is requested.

2. Much use of the facility is made by children in school parties, birthday parties etc. Who will be responsible for policing the mixing of children with adults who are drinking? The combining of water sports and alcohol seems to be courting unacceptable danger.

There is also a climbing wall and zip wire etc in use at the centre, another risky activity when combined with the effects of alcohol.

Will there be any kind of check to be sure that no-one whose faculties are alcohol impaired is a danger to themselves or others, particularly children?

3. Since the centre is entirely open to the passing public and not just to paying clients, is it proposed that any passer by will be able to drink on the premises during licensing hours, as in a public house, even though there are licensed premises within easy reach of parties who wish to drink afterwards, away from the risks attendant on water sports?

The centre is a sports and training facility, not an entertainment venue.

[REDACTED]

Representations from 'other persons'

Barker, Kirstie

From: [REDACTED]
Sent: 12 March 2019 08:32
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: White Water Licensing Application

I wish to object to the above application on the following grounds:-

1. The original Planning Application no. 11/01605 was granted on the basis that the White Water Centre would be a sports facility. Should this application be granted, it is so far reaching, that it will change to an Entertainments Centre. Thus a planning issue.
2. The above planning consent clearly states opening hours are to be as follows:- Mon/Tues/Thurs/Sat 9 to 5pm Weds/Frid 9 to 8pm Sun 9 to 4pm Should this application be granted, the noise nuisance already emanating from the site will be increased considerably, particularly during the Summer.
3. The Site does not lend itself to being easily monitored and, therefore, the sale of alcohol will create safety issues. Also adding to the noise nuisance.
4. Allowing films and entertainment outside again a noise issue.
5. The playing of music between the hours of 8 to 11pm outside will create an horrendous noise issue. It will also create a dangerous precedent for others to apply for this concession.
6. As a resident directly affected by the noise nuisance from the Centre, I would point out that I am entitled to quiet enjoyment of my property. If this application is allowed this will certainly not be the case. Therefore, a breach of planning laws.



Sent from my iPhone

Representations from 'other persons'

Barker, Kirstie

From: [REDACTED]
Sent: 11 March 2019 10:54
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: CIWW representation.docx
Attachments: CIWW representation.docx

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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. ***

To whom it may concern

I wish to make representation (object) to the granting of a license for alcohol and music to the Cardiff International White Water Centre (CIWW).

* The prevention of crime and disorder;

I assert that the granting of a license will result in more crime and disorder in this vicinity with more people using the Marina area late at night leading to opportunistic crime and disorder.

* Public safety;

Mixing skilled sports of white water rafting, canoeing, and indoor surfing with alcohol can only lead to public danger. I would argue that the safety of participants and spectators cannot be guaranteed by the organisers if alcohol has been consumed.

* The prevention of public nuisance;

People returning home after a night of music and alcohol will no doubt cause a public nuisance. Everyone tolerates occasional late-night revelry such as bank holidays, but on a nightly basis this will become wearing for the many residents now living in this area.

Music will also cause a public nuisance especially if it is outside. The sounds travel across water and therefore Chandlers Way will be affected by this.

* The protection of children from harm.

Children could be at risk if they are under the supervision of adults who are inebriated (participants or spectators). It is possible that staff members could also be working under the influence of alcohol.

I therefore object to the granting of a new alcohol and music license (indoor and outdoor) to CIWW. I do not object to the showing of films indoors.

I will be directly affected by the granting of a licence as I live on the opposite side of the river at

[REDACTED]

[REDACTED]

Representations from 'other persons'

Barker, Kirstie

From: [REDACTED]
Sent: 06 March 2019 17:53
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: [REDACTED]
Subject: License application/Cardiff International White Water Centre

Dear Sir/Madam,

We wish to make representation/objection to the license application.

We live in the immediate vicinity of the Centre at [REDACTED] and are therefore directly affected by the application. This is an apartment situated directly across the river from the White Water Centre. We have used and supported the Centre which is a valuable sports facility for local people and for our tourist visitors. We experience noise but this noise is in keeping with the primary function of the centre as a sports facility. It seems reasonable to allow sale of alcohol as proposed which is common in sports clubs.

The grounds for our objection are, however, that to approve the application would constitute a public nuisance through the extended hours of operation and noise emanating from the centre. In particular, we object to the use of music and films outside the Centre buildings for the extensive time periods proposed. The Council has encouraged the development of the marina as a residential location through its planning processes. Given the concentration of residential occupation now in the area extended hours of music outside of the Centre buildings would constitute a considerable public nuisance. For those like ourselves who live adjacent to the water there is no building to absorb the sound which travels across the water.

If the application is approved as proposed there would be virtually unrestricted scope for performing live and recorded music. We would ask the committee to apply common sense and address these concerns by refusing the application as proposed. Thank you for your attention in this matter.

Yours sincerely,

[REDACTED]

Representations from 'other persons'

Hartrey, Claire

From: [REDACTED]
Sent: 02 March 2019 11:35
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Cardiff Int. White Water

Dear Sir/Madam

I write to object strongly to the application by Cardiff Int White Water to sell alcohol and particularly to hold live and recorded music events outside. I own a flat across the river at [REDACTED] and any music will be a big disturbance to residents who have a right to live peacefully and quietly. Music is usually very loud and has a negative effect on the well being of those around who have no wish to have their day and night disturbed in this way. A license for such activities will have a negative effect on all those residents living within earshot of the centre. The noise will easily carry across.

The sale of alcohol until 11 pm will fuel noise and disturbance but I am particularly concerned about the music.

I hope consideration of others will prevail over this application and that it will be turned down. After all the centre is for white water rafting and not a pub or music venue.

Regards
[REDACTED]

Representations from 'other persons'

Hartrey, Claire

From: [REDACTED]
Sent: 01 March 2019 19:33
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: FW: Licensing application - Cardiff International White Water

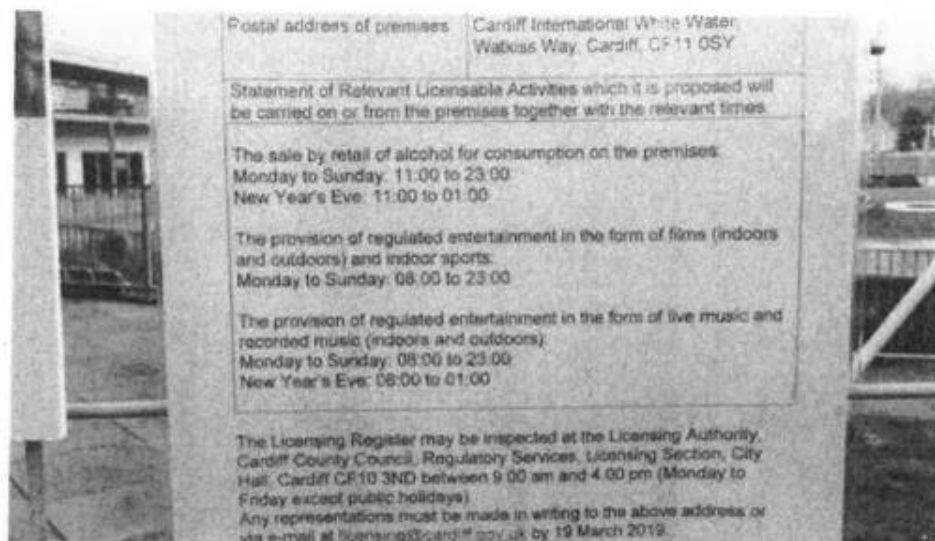
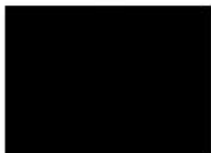
I write with some concern about this application, and believe several of my neighbours have the same view.

My flat is directly opposite the Cardiff International White Water facility, and it is a pleasure to see the activities from a distance (including hearing the noise from exuberant people using the equipment).

However, I have some understandable concern regarding any proposal to issue a license for live music to be played **outdoors** at this venue. It would prove very intrusive to the flats and houses in the surrounding area.

I am not a nimby, and have no problems with music being played indoors.

Kind regards,



Police Representation

OFFICIAL SWYDDOGOL

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW

27th FEBRUARY 2019

Ben LONGHURST
CIWW,
Watkiss Way,
Cardiff Bay
CF11 OSY

**Re APPLICATION FOR THE GRANT OF A PREMISES
LICENCE UNDER THE LICENSING ACT 2003**

**“CARDIFF INTERNATIONAL WHITE WATER”, WATKISS
WAY, CARDIFF BAY, CF11 OSY.**

I have caused enquiries to be made into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

Should the applicants agree to comply with the representation made to meet the Licensing Objectives before a hearing then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

POLICE REPRESENTATION

1. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall cover all internal areas being used for licensable activities. There will be coverage of the main outside areas used by customers for licensable activities.

OFFICIAL SWYDDOGOL

Police Representation

OFFICIAL SWYDDOGOL

Images will be kept for a minimum of 31 days. Images shall be produced to the Police in a readily playable format upon request when the premises are open to the public and within a reasonable period at all other times. There will be sufficient staff training to facilitate the above.

(The Police acknowledge that the applicant has offered a cctv condition, the above wording sets out exactly what is required of such a condition with the avoidance of doubt and is deemed more appropriate in the upholding of the prevention of crime and disorder).

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder

Additional evidence to support the notice of the objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information then please contact Police Licensing Officer Tony Bowley at the Cardiff Bay Police Station ☎ 02920 633421.

Yours faithfully,

R. MILES
A/Chief Inspector.

OFFICIAL SWYDDOGOL

Applicant confirming agreement to Police conditions

Barker, Kirstie

From: Longhurst, Ben
Sent: 07 March 2019 09:57
To: Anthony.Bowley2@south-wales.pnn.police.uk
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Stephen Burkitt-Harrington
Subject: RE: reps re CIWW

Tony,
Thank you for your email.
I can confirm that CIWW complies with points raised in the letter attached.

Best wishes

Ben

Ben Longhurst

Manager | Cynorthwyol

Cardiff International White Water | Dŵr Gwyn Ryngwadol Caerdydd
029 2082 9970 | 07855795203 | blonghurst@cardiff.gov.uk

Cardiff International White Water, Watkiss Way, Caerdydd, CF11 0SY
www.ciww.com | @cardiffintww

From: Anthony.Bowley2@south-wales.pnn.police.uk <Anthony.Bowley2@south-wales.pnn.police.uk>
Sent: 07 March 2019 08:27
To: Longhurst, Ben <BLonghurst@cardiff.gov.uk>
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Subject: reps re CIWW

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Dear Ben,

As discussed, please find attached a police representation.

If you are in agreement with this being placed on your premises licence as a condition then please email me back in the affirmative.

Would you be kind enough to copy Cardiff council licensing into your reply.

Any questions, I should be available all day on the telephone or email.

Regards

Tony