

**LICENSING SUB-COMMITTEE: 07 October 2016**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Variation**

**Application No: CCCP/00565**

**Name of Premises: The Gate Arts Centre**

**Ward: Plasnewydd**

**1. Application**

1.1 An application for a Premises Licence - Variation, has been received from Gate Trust Limited in respect of The Gate Arts Centre, Keppoch Street, Roath Cardiff, CF24 3JW.

1.2 The current conditions attached to the Premises Licence:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on the premises.

2. The provision of regulated entertainment in the form of films, plays, live music, recorded music, performances of dance and anything of a similar description to music or dance.

(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:

Not specified

(3) The premises are permitted to provide licensable activities during the following hours:

1. The sale by retail of alcohol for consumption on the premises:

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

Good Friday: 12:00 to 22:30

Christmas Day: 12:00 to 15:00 & 19:00 to 22:30

On New Year's Eve, from the end of the permitted hours on New Year's Eve to the start of the permitted hours on the following day.

A period of 20 minutes is allowed at the end of each period of permitted hours for the consumption of alcohol on the premises.

2. The provision of regulated entertainment in the form of films, live music, recorded music, performances of dance and anything of a similar description to music or dance (indoors only):

Monday to Saturday: 09:00 to 23:00  
Sunday: 09:00 to 22:30

3. The provision of regulated entertainment in the form of plays (indoors only):

Monday to Saturday: 09:00 to 23:00  
Sunday: 14:00 to 23:00

1. 4 The following application for variation is now made.

This application is to amend the timings on the existing licence and to add the provision of late night refreshment as follows:

The sale by retail of alcohol for consumption on the premises:

Monday to Thursday: 10:00 to 23:30  
Friday & Saturday: 10:00 to 00:30  
Sunday: 10:00 to 22:30

The provision of regulated entertainment in form of live music and recorded music:

Monday to Thursday: 09:00 to 23:30  
Friday & Saturday: 09:00 to 00:30  
Sunday: 09:00 to 22:30

Provision of late night refreshment:

Monday to Thursday: 23:00 to 23:30  
Friday & Saturday: 23:00 to 00:30

Opening hours:

Monday to Thursday: 09:00 to 00:00  
Friday & Saturday: 09:00 to 01:00  
Sunday: 09:00 to 23:00

**2. Promotion of Licensing Objectives.**

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

**3. Relevant Representations**

Representations have been received in respect of the application, copies of which are enclosed with the report.

**4. Legal Considerations.**

- 4.1 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 eg. 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 appropriateness of the hours of operation and conditions on the licence needs to be discussed.

**Continued from previous page...**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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

All staff and management at the premises shall be fully conversant with the contained within the Premises Licence. Staff will receive training on matters concerning first aid, fire safety, child protection, underage sales, drugs policies, emergency action procedures and operating procedures.

b) The prevention of crime and disorder

A CCTV system has been installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public.

The system covers all internal areas of the premises where public have access (excluding toilets and shower areas) including all entrances and exits, the pedestrian highway directly outside the premises and external areas associated with the premises.

The images will be kept for a minimum of 31 days. The images have been and will continue to be produced to a police employee in a readily available format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. We ensure there are sufficient trained staff to facilitate the above.

CCTV signage is placed in prominent positions inside and outside premises.

The need for SIA registered door staff is, and will continue to be, subject to risk assessment of individual events. Door staff are provided in such numbers and for such times as the risk assessment deems necessary.

c) Public safety

The need for SIA registered door staff is, and will continue to be, subject to risk assessment of individual events. Door staff are provided in such numbers and for such times as the risk assessment deems necessary.

The use of plastic drinking vessels is also and will continue to be, subject to risk assessment of individual events and functions hosted at the premises.

All incidents are recorded on a daily report made by the Duty Management staff. These are then passed to senior Management at the end of each day and any incidents are transferred/recorded in an incident book, which is kept at the premises and maintained on site at all times. It shall be made available on request to an authorised officer of the local authority or a member of police staff.

The incident book records the following:

- all crimes reported to the venue
- all ejections of patrons
- any complaints received (of a criminal licensing nature)
- any incidents of disorder
- seizures of drugs or offensive weapons
- any challenge of age when serving alcohol
- any refusal of the sale of alcohol
- any visit by a relevant authority or emergency service.

d) The prevention of public nuisance

We will continue to regularly assess to ensure that sufficient staff measures are taken to prevent any noise from the premises causing nuisance or disturbance to local residents or persons in the vicinity.

We will ensure a member of staff will be placed prominently at the exit, requesting that patrons respect our local

Continued from previous page...

community and leave the premises and surrounding area quietly.

e) The protection of children from harm

Children must be accompanied and supervised by an adult at all times.

The premises operates and 'Challenge 25' policy which is brought to customer's attention through point of sale material at the bars. The only form of identification we accept are photographic identification cards such as driving licence or passport.

No performance of striptease, lap dancing or other similar entertainment will be permitted on the premises.

## Section 17 of 17

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

315.00

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

## Barker, Kirstie

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**From:** John.Crowther@south-wales.pnn.police.uk  
**Sent:** 14 September 2016 12:42  
**To:** Licensing (Licensing, Regulatory)  
**Subject:** Gate Arts Centre, Keppoch St. Cardiff  
**Attachments:** signed letter from CI.pdf

Good afternoon,

Please see attached the SWP reps regarding the ~~variation~~ variation application.

Many thanks

PC946 John Crowther  
Cardiff Police Licensing  
Cardiff Bay station  
James St  
Cardiff  
CF10 5EW  
101 (South Wales) Ext 34350  
07805 301222

**Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101? Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.**

**Mewn argyfwng, ffoniwch 999 bob amser.**

**Do you need to speak to police but don't require an emergency response? Call 101? The number can be used to report a non-emergency to any force in Wales and England.  
In an emergency, always dial 999.**

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Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <http://www.south-wales.police.uk/datganiad-cyfrinachedd-e-bost/?lang=cy>



**NOT PROTECTIVELY MARKED - HEB FARC GWARCHOD**

Licensing Department,  
Cardiff Bay Police Station,  
James Street,  
Cardiff,  
CF10 5EW  
14 September 2016

Mark Rawlins  
The Gate Arts & Community Centre,  
Keppach Street,  
Cardiff,  
CF24 3JW

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

Dear Mr Rawlins,

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 is held then please accept that the police will automatically withdraw their request for a hearing with the Licensing Committee.

**POLICE REPRESENTATION**

The hours authorised for the sale and supply of alcohol for consumption on-premises are:

Mon - Thurs	10:00 - 23:30
Fri - Sat	10:00 - 00:30
Sun	10:00 - 22:30

The hours authorised for the provision of regulated entertainment in the form of live music (indoors) and recorded music (indoors) are:

Mon - Thurs	09:00 - 23:30
Fri - Sat	09:00 - 00:30
Sun	09:00 - 22:30

The hours authorised for the provision late night refreshment (indoors) are:

Mon - Thurs	23:00 - 23:30
Fri - Sat	23:00 - 00:30
Sun	N/A

**NOT PROTECTIVELY MARKED**

The hours authorised for the premises to be open to the public are:

Mon - Thurs 09:00 - 00:00  
Fri - Sat 09:00 - 01:00  
Sunday 09:00 - 23:00

1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits. The area outside will also be included and coverage extended to halfway across the highway. The images will be kept for a minimum period of 31 days. The images will be produced to a police employee, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above. Signs will be prominently displayed, advising customers that CCTV is in operation at the premises.
2. Door staff must be Security Industries Agency (SIA) registered as required by the Licensing Act 2003. SIA registered door supervisors will be provided in the premises on a ratio of 1:150, SIA Door Supervisors:patrons, whenever there are 100 or more patrons in the premise. This means one SIA door supervisor is needed for 100 to 150 patrons. An additional SIA Door Supervisor will be on duty for each additional 150 patrons or part thereof.
3. The DPS will ensure that there is a minimum of one body-worn camera utilised by SIA door supervisors whenever they are working at the premises. The requirement for storage and provision of images from this body camera is the same as that for images from the CCTV system. When SIA door supervisors are not working, the body-worn camera will be available for use by an alternative member of staff.
4. Door supervisors will be equipped with a counting device (such as counting clickers) to adequately measure the number of patrons in the premises. Door supervisors will remain outside the premises after closing wearing high-visibility vests, to assist with dispersal of patrons, for up to 30 minutes.
5. There will be a register of SIA door supervisors employed at the premises. It will contain the full SIA registration number of each door supervisor, as well as their full name and address. Each door supervisors start and end times will be recorded, with a signed acknowledgement by each door supervisor. The register must include the company employed or through whom the services of that person are engaged. The register shall be retained by the DPS for a minimum of 3 years and will be made available to police or other relevant agency employees upon request.
6. There will be a register of SIA door supervisors employed at the premises. It will contain the full SIA registration number of each door supervisor, as well as their full name and address. Each door supervisors start and end times will be recorded, with a signed acknowledgement by each door supervisor. The register must include the company employed or through whom the services of that person are engaged. The register shall be retained by the DPS for a minimum of 3 years and will be made available to police or other relevant agency employees upon request.
7. A Challenge 25 scheme shall be in use at all times licensable activities are undertaken. Any person who appears to be under 25 years of age will be required to prove they are over 18. The only form of identification acceptable in these circumstances are photographic identification documents, such as, Passport, PASS hologram or Driving Licence. Where a customer's age is in doubt and no identification is available, no sale of alcohol shall be made. Signs will be prominently displayed throughout the premises advising customers of this policy.
8. The DPS will be an active member of the local pub watch scheme. He/she will attend at meetings in person, or by sending a suitable proxy.

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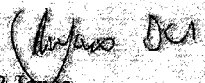


**NOT PROTECTIVELY MARKED**

9. Signs will be placed, prominently, at the exit point(s) requesting that customers leave the premises in an orderly fashion to avoid public nuisance to nearby residents.
10. An incident book will be kept at the premises and maintained on site at all times. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:
- All crimes reported to the venue.
  - All ejections of patrons.
  - Any complaints received (of a criminal or licensing nature).
  - Any incidents of disorder.
  - Seizures of drugs or weapons.
  - Any faults in the CCTV system.
  - Any challenge of age when serving alcohol.
  - Any refusal of sale of alcohol.
  - Any visit by a relevant authority or emergency service.
  - Each report will be signed by the person making the report and that person's name will be clearly legible alongside the signature.
11. The DPS or a Personal Licence Holder will be on the premises at all times the premises are being used for licensable activity.
12. All staff will receive initial (and refresher) training in relation to Challenge 25, and the responsible sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have completed the aforementioned training. The DPS will keep records of staff training in such matters for three years and will make those records available upon request to police or other relevant authority employee.

If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 02920 222111 ext 34350.

Yours sincerely



R. Jones  
Detective Chief Inspector

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**SOUTH WALES POLICE EASTERN BCU**  
Cardiff Bay Police Station, James Street, Cardiff Bay, CF10 5EW  
Telephone: 029 2022 2111 Facsimile: 029 2052 7280

**HEDDLU DE CYMRU URBS Y DWYRAIN**  
Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW  
Teleffon: 029 2022 2111 Ffacsimili: 029 2052 7280

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002  
The Licensing Section  
City Hall  
Cardiff  
CF10 3ND

9th September 2016

CARDIFF COUNTY COUNCIL

13 SEP 2016

LICENSING SECTION

Dear Sir/Madam

I, and a number of residents residing in Keppoch St and the neighbouring streets in the vicinity of The Gate Community Centre strongly object to The Gate's application to extend its late night license to 12 am Monday to Thursday and to 1 am Friday and Saturday and 11 pm Sunday's.

It is important to appreciate that the neighbourhood is RESIDENTIAL and the existing licensing restrictions, by their very nature limit the number and nature of late night activities at The Gate to events that are not, in the main, disruptive to the general neighbourhood and its residents. Although having said that the lack of car parking facilities regularly leads to parking problems for residents.

It must be remembered that we the local residents aren't protected from the noise and disruption created by The Gate, there isn't a car park or any distance separating us from The Gate it is literally on our street on our door steps !

The proposed licensing extension will radically change the status quo enabling The Gate to promote itself as a late night venue. I fail to see how this will not lead to regular disruption and distress for the residents, we are the ones who will have to cope with regular and increased noise levels as more bands and events are booked, as well as having to deal with revellers in the streets past midnight in the week and after 1 am at weekends plus the additional noise generated by bands etc..leaving with their equipment via the side entrance on Keppoch Street.

As rate payers, homeowners with families, residents with small children, why should we have to deal with the potential problems this extension may lead too ? I appreciate The Gate claims it will limit the nature and regularity of the events ( which surely is in itself a tacit admission of the potential problems an extension may lead too ) but what solid reassurances can they provide that this will be the case and what is to stop a change in heart or a change in management at The Gate from adopting a different policy ?

I hope you will take our concerns seriously and I hope you appreciate how worried we are regarding this potentially very disruptive and distressing matter. I look forward to hearing your response to our concerns.

Yours sincerely

## **Barker, Kirstie**

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**From:** Lent, Sue (Cllr)  
**Sent:** 14 September 2016 07:16  
**To:** Griffiths, Paul (PPE); De'Ath, Dan (Cllr); McGarry, Mary (Cllr)  
**Cc:** Barker, Kirstie; Agostini-Green, Ilaria; Cook, Daniel; Curry, Peter; Ewington, Amanda; Griffiths, Emily (Regulatory); Haughton, Tim; Like, Ruth  
**Subject:** RE: Licensing Act 2003: Variation Application: The Gate Arts Centre, Keppoch Street, Roath, CF24 3JW

Dear Sir/Madam

Myself and Councillors De'Ath and McGarry would like to object in the strongest terms to this variation in licensing hours.

We have had approaches from residents living in the vicinity of the Gate. We are aware that the current hours of operation cause noise and disruption to residents and any extension would cause additional inconvenience. It would also set a precedent as this is clearly an establishment right in the middle of a residential area.

Please keep us informed of when this application will come before the Licensing Committee.

Thank you

Sue (on behalf of the three of us)

Sent with Good ([www.good.com](http://www.good.com))

-----Original Message-----

**From:** Griffiths, Paul (PPE)  
**Sent:** Thursday, August 18, 2016 09:48 AM GMT Standard Time  
**To:** De'Ath, Dan (Cllr); Lent, Sue (Cllr); McGarry, Mary (Cllr)  
**Cc:** Barker, Kirstie; Agostini-Green, Ilaria; Cook, Daniel; Curry, Peter; Ewington, Amanda; Griffiths, Emily (Regulatory); Haughton, Tim; Like, Ruth  
**Subject:** Licensing Act 2003: Variation Application: The Gate Arts Centre, Keppoch Street, Roath, CF24 3JW

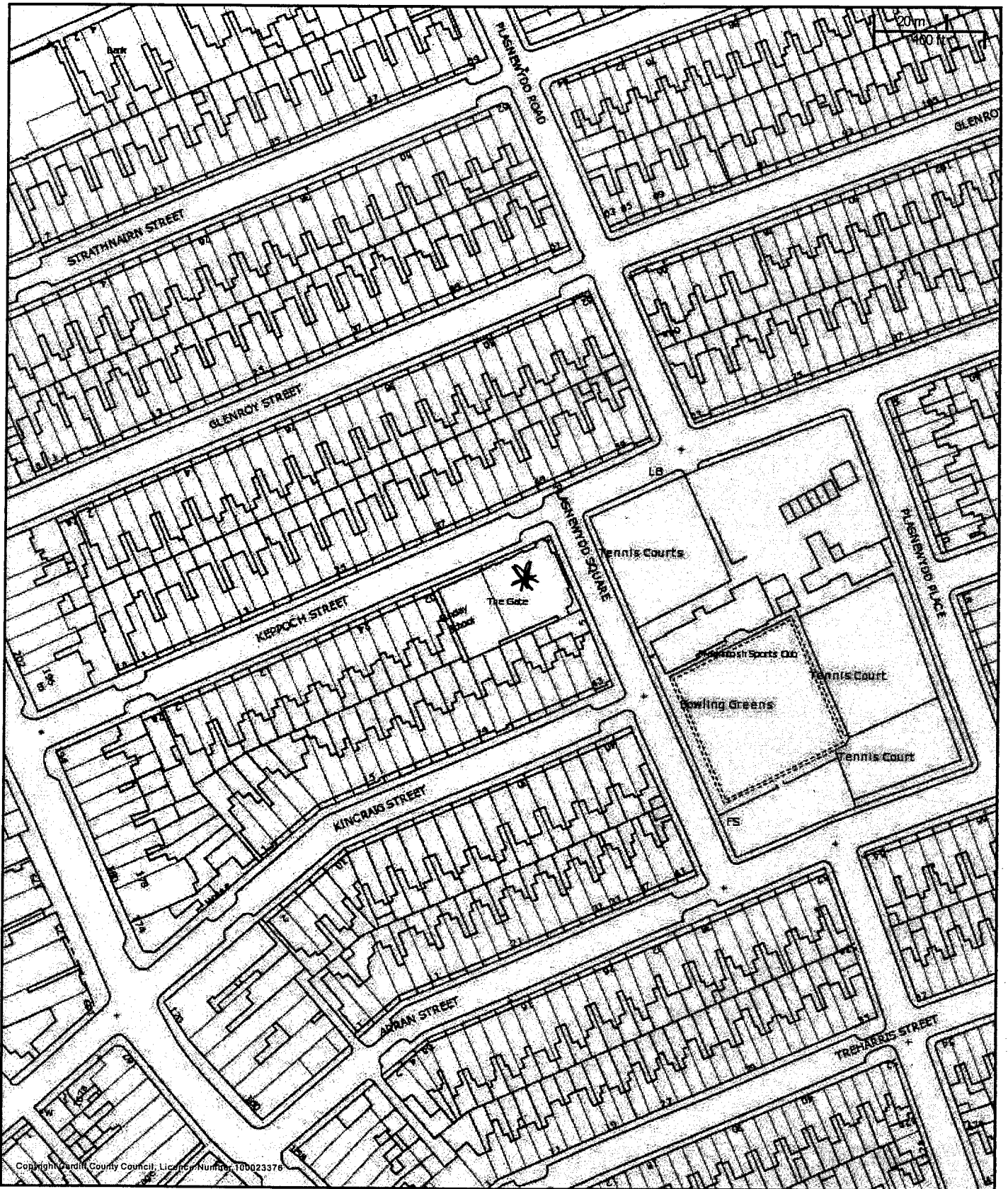
I am writing to advise you that an application was received on 17<sup>th</sup> August 2016 to vary the Premises Licence under the Licensing Act 2003 in respect of the above premises. A copy of the Report that specifies the activity and hours of operation is attached.

Any person may make relevant observations on the application within 28 days of the submission of the application. The consultation period therefore ends on 14<sup>th</sup> September 2016.

I hope this is of assistance. If you have any queries please do not hesitate to contact me.

Regards

Paul.



CHIEF EXECUTIVE  
 Paul Orders  
 County Hall  
 Atlantic Wharf  
 Cardiff CF10 4JW  
 Tel: 029 20872000

**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



Title

Scale: 1:1417

Date: 16/9/2016

Coordinates:

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