

**LICENSING SUB-COMMITTEE: 18<sup>th</sup> August 2017**

**Report of the Head of Regulatory Services**

**Application to vary a Premises Licence**

**Application No: CCCP00180**

**Name of Premises: Floyds, 23 High Street, Cardiff**

**Ward: Cathays**

**1. Application**

1.1 An application to vary the Premises Licence has been received from Kelvin Evans in respect of Floyds, 23 High Street, Cardiff, CF10 1PT.

1.2 The Premises Licence relates to the first and second floors of the premises and currently permits the following:

(1) In respect of the following licensable activities:

- i) The supply of alcohol for consumption on and off the premises
- ii) The provision of regulated entertainment in the form of live music, recorded music and the performance of dance.
- iii) The provision of late night refreshment

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

i) The supply of alcohol for consumption on and off the premises:

Monday to Wednesday: 10:00 to 00:00

Thursday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 00:30

On the Sunday preceding a Bank Holiday the terminal hour shall be 02:00 with the exception of Easter Sunday when the terminal hour shall be 00:30

Except that:

- (a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
- (b) on any day that music and dancing end between midnight and 02:00, the permitted hours shall end when the music and dancing ends.

In relation to the morning on which summer time begins substitution of references to 03:00 for references to 02:00 shall have effect.

Except as provided in (4) below, the permitted hours on Sundays shall extend until 00:30 following, except that

- (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing end between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing ends.

On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 02:00 except that

- (a) the permitted hours shall end at 00:00 on any Sunday on which music and dancing is not provided after midnight;
- (b) where music and dancing end between midnight on any Sunday and 02:00, the permitted hours on that Sunday shall end when the music and dancing end.

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.

- ii) The provision of regulated entertainment in the form of live music and the performance of dance:

Monday to Wednesday: 10:00 to 00:00

Thursday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 00:30, except that on the Sunday preceding a Bank Holiday the terminal hour shall be 02:00 with the exception of Easter Sunday when the terminal hour shall be 00:30

- iii) The provision of regulated entertainment in the form of recorded music:

Sunday to Thursday: 10:00 to 00:00

Friday and Saturday: 10:00 to 02:00

- iv) The provision of late night refreshment:

Monday to Sunday: 23:00 until the permitted closing hour

1.4 The following application for variation is now made:

To remove the first and second floors from the licensed area and add the ground and basement floors.

To amend the hours permitted for the supply of alcohol as follows:

Monday to Sunday: 10:00 to 21:30

To amend the hours permitted for recorded music as follows:

Monday to Sunday: 10:00 to 21:00

**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.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

**b) The prevention of crime and disorder**

**c) Public safety**

**d) The prevention of public nuisance**

**e) The protection of children from harm**



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CARDIFF COUNTY COURT

14 JUL 2017

LICENSING SECTION

Licensing Department,  
Cardiff Bay Police Station,  
James Street,  
Cardiff.  
CF10 5EW  
10 July 2017

Kelvin Floyd Evans  
49, Hampton Court Road,  
Penylan,  
Cardiff  
CF23 9DH

Application to vary a premises licence under the licensing act 2003  
Floyds, 23 High Street, Cardiff

Dear Mr Evans,

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**

1. A CCTV system shall be installed, maintained and operated at all times when the premises are open to the public. The system will cover all interior areas to which the public have access (excluding toilets) including entrances, exits and outside area used for the consumption of alcoholic beverages. Images will be retained for a minimum of 31 days and will be of sufficient clarity to allow facial identification of persons using the premises. The images will be produced to a Police employee or officer of another Responsible Authority in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as is reasonably practicable. There shall be sufficient staff trained to allow this provision of footage at any time of day. Signage will be displayed alerting customers to the use of CCTV.
2. An incident book will be kept and maintained at the premises. Each page shall carry sequential numbering. It will record the following;

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- A. All crimes reported to the venue
- B. All incidents of disorder.
- C. All visits by a responsible authority or emergency service.

The DPS shall retain the incident book for a minimum of 12 months. The incident book will be made available to the police or other responsible authority representative on request. Each reported incident will be dated and signed by the person making the report and that person's name will be clearly legible alongside the signature.

3. No display of alcohol shall be located within 3 metres of the entrance to the premises.
4. On Major Event Days in Cardiff, no drinks shall be sold or supplied in glass containers or vessels.
5. The maximum number of patrons permitted into the premise at any one time shall not exceed the figure permitted by the Fire Safety Risk Assessment.
6. Door Supervisor(s) shall be provided from 19:00 hrs to closing on days when the premises is operated beyond midnight. The ratio of Door Supervisor(s) to patrons shall be 1:100. There shall be a Door Supervisor employed on each floor open to the public.
7. A register of Door Supervisors shall be kept at the premises. The register shall show the full name, address, company and SIA registration number of each Door Supervisor with signed acknowledgement of start and end duty times from each Door Supervisor. The register shall be kept by the DPS for a minimum of 12 months and will be made available to a police employee or representative of a responsible authority on request.
8. The DPS shall be an active participant in the Cardiff Licensees' Forum and will attend meetings in person. Where personal attendance is not possible a suitable proxy will be nominated.
9. Sale of alcoholic beverages for consumption off-premises shall be made in sealed containers except where the consumption is to take place in an outside area, defined by a current Cardiff City Council Highways Department Pavement Licence.
10. All tables and chairs used outside the premise as part of a Cardiff City Council Highways Department Pavement Licence shall be removed from the street by 23:00 hrs on any day.
11. Sales of alcoholic beverages intended for consumption on-premises or off-premises in the outside area defined by a current Cardiff City Council Highways Department Pavement Licence shall cease at 21:00 hrs daily.
12. There shall be no bar positioned in the basement level.

If the applicant does not agree with the afore-mentioned representations, the police objections will be based on the following Licensing Objective;

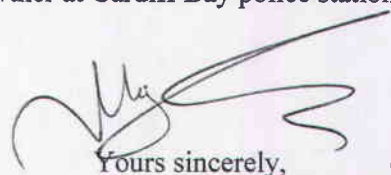
The prevention of crime and disorder.

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

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If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 101(South Wales Police) ext. 34-350.



Yours sincerely,  
M Hobrough  
Chief Inspector

14/7/17

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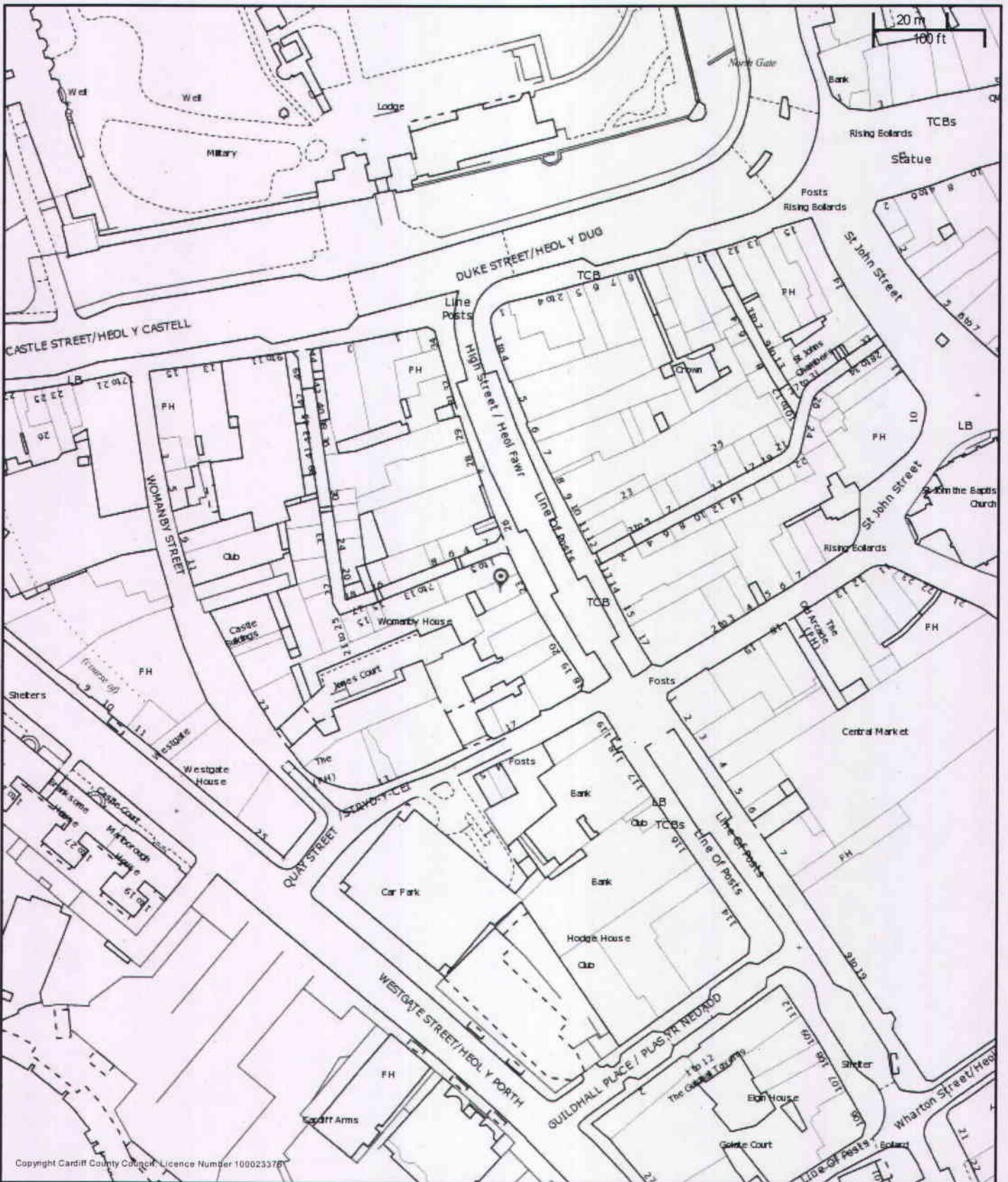
**SOUTH WALES POLICE EASTERN BCU**

Cardiff Bay Police Station, James Street, Cardiff Bay CF10 5EW  
Telephone: 029 2022 2111 Facsimile: 029 2052 7280

**HEDDLU DE CYMRU URhS Y DWYRAIN**

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW  
Teliffon: 029 2022 2111 Ffacsimili: 029 2052 7280

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



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