

LICENSING SUB-COMMITTEE: 15 December 2017

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Licence No: CCCP01433

Name of Premises: Pulse Night Club Mardi Gras Street Party

Ward: Cathays

1. Application

1.1 An application for variation of a Premises Licence has been received from Licensee Management 1 Limited in respect of Pulse Night Club Mardi Gras Street Party, Churchill Way, Cardiff, CF10 2DW.

1.2 The applicant has applied for the following:

(1) To extend the permitted hours as follows:

Opening Hours:

Friday from 11:00 until 06:30 the following morning (no current permission)

Saturday from 11:00 until 06:30 the following morning (an increase from 04:30)

Sunday from 11:00 until 02:30 the following morning (an increase from 00:30)

Sundays proceeding Bank Holiday Monday until 06:30 the following morning.

An additional hour to be permitted immediately following on from the start of British Summer Time at the end of permitted hours that morning (to make up for the hour the premises will otherwise lose when the clocks go forward).

On New Year's Eve from 11:00 until 06:30 the following morning.

On Boxing day from 11:00 until 06:30 the following morning.

Plays (indoors and outdoors), Sale of Alcohol, Exhibition of Films (indoors and outdoors), Indoor Sporting Event, Boxing or Wrestling Entertainment (indoors and outdoors), Live Music (indoors and outdoors), Recorded Music (indoors and outdoors), Performance of Dance (indoors and outdoors), Entertainment of a Similar Description (indoors and outdoors): Late Night Refreshment (indoors & outdoors):

Friday from 11:00 until 06:00 the following morning (no current permission)

Saturday from 11:00 until 06:00 the following morning (an increase from 04:00)

Sunday from 11:00 until 02:00 the following morning (an increase from 00:00)

Sundays proceeding Bank Holiday Monday until 06:00 the following morning.

An additional hour to be permitted immediately following on from the start of British Summer Time at the end of permitted hours that morning (to make up for the hour the premises will otherwise lose when the clocks go forward).

On New Year's Eve from 11:00 until 06:00 the following morning.
On Boxing day from 23:00 until 06:00 the following morning.

Late Night Refreshment (indoors & outdoors):

Friday from 23:00 until 05:00 the following morning (no current permission)

Saturday from 23:00 until 05:00 the following morning (an increase from 04:00)

Sunday from 23:00 until 02:00 the following morning (an increase from 00:00)

An additional hour to be permitted immediately following on from the start of British Summer Time at the end of permitted hours that morning (to make up for the hour the premises will otherwise lose when the clocks go forward).

Sundays proceeding Bank Holiday Monday until 05:00 the following morning.

On New Year's Eve from 23:00 until 05:00 the following morning.

On Boxing day 11:00 until 06:00 the following morning.

- (2) A copy of the current conditions is attached. The application requests a variation to these conditions as follows:

Annex 2

Condition 15 – To be amended to state 'The provision of all Regulated Entertainment of the band stand area in Churchill Way/Queen Street shall terminate at 01:00.'

Condition 17 – To be amended to state 'Adult supervision will be required for persons under the age of 18 after 20:00.'

Annex 3

Condition 1 – To be amended to state 'The Premises Licence is granted for 5 such individual events per year, lasting a maximum of 72 hours per event. Boxing Day and New Year's Eve are permitted in addition to these 5 events.'

Condition 2 – To be amended to state 'The police will be notified in writing at least 56 days prior to any event taking place ('the notice'). The police have an absolute veto over any event. However, if the police do not provide a written response exercising their veto within 7 days of receipt of the notice, then tacit consent shall apply. Any police response will set out their reasons in full for the exercise of their veto.'

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

Dave Holland
Regulatory Services

28 November 2017

ANNEXES: CONDITIONS

Annex 1 Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



ANNEXES: CONDITIONS continued ...

permitted price.

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

<http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001>
where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

□ "children" means persons aged under 18; and

□ "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or



ANNEXES: CONDITIONS continued ...

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

- (1) The Premises Licence Holder shall submit to the South Wales Police and the Licensing Authority a layout plan for each event where licensable activities are to be held at the premises. The layout plan shall be submitted in writing at least 56 days prior to the event date. The South Wales Police will notify the premises licence holder in writing of any conditions they feel are relevant or necessary to the event within 28 days of receipt of the layout plan.
- (2) All drinks shall be dispensed in non glass or plastic vessels.
- (3) There shall be no irresponsible drink promotions.
- (4) The Premises Licence Holder shall operate a drug search policy of persons attending the premises.
- (5) Suitably qualified door supervisors will be employed at the premises from 20:00 hours until 30 minutes after the premises have closed to the public and at a ratio of 1 per 200 persons.
- (6) In addition to the above sufficient stewards shall be employed at the premises wearing high visibility clothing.
- (7) Door supervisors and stewards employed at the premises shall be in radio contact with the site manager or designated premises supervisor.
- (8) The designated premises supervisor or some other responsible person who is the holder of a personal licence must be on the premises when it is open to the public and operating.
- (9) Door supervisors employed at the premises shall not be inclusive of door supervisors employed at the premises Pulse.
- (10) The Premises Licence shall only be operational at times when Churchill Way has been closed to all vehicles.
- (11) Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises.
- (12) The premises shall comply with any reasonable fire prevention and safety measures that may be required by the Licensing Authority and the Chief Fire Officer.
- (13) The Premises Licence Holder shall ensure that public liability insurance cover is in effect in respect of the premises. Such cover shall be adequate having regard to the number of persons permitted on to the premises.
- (14) The Premises Licence Holder shall prior to the event consult with Cardiff County Council Noise Pollution department to agree acceptable level of sound for Regulated Entertainment.
- (15) The provision of all Regulated Entertainment of the band stand area in Churchill Way/Queen Street shall terminate at 00.00 hours.
- (16) There shall be adequate proof of age requirements in place.
- (17) Adult supervision will be required for persons under the age of 18.

Non-standard timings

A further additional two hours into the morning following every Saturday and Sunday of every Easter Bank Holiday, May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

An extension from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day every year.

Annex 3 - Conditions applied after hearing

- (1) The Premises Licence is granted for 5 such events per year.



ANNEXES: CONDITIONS continued ...

(2) The Police to have an absolute veto over any event.

(3) The Premises Licence Holder shall inform the Safety Group Events Advisory Panel of any event and attend the Events Liaison Panel to demonstrate the arrangements to manage the public safety implications of the event.



Dave Holland
Shared Regulatory Services

9 August, 2017



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)

As per the current premises licence, save for any amendment made in part 3 of this application.

Annex 2

Condition 15 – To be amended to state 'The provision of all Regulated Entertainment of the band stand area in Churchill Way/Queen Street shall terminate at 01:00.'

Annex 3

Condition 1 – To be amended to state 'The Premises Licence is granted for 5 such individual events per year, lasting a maximum of 72 hours per event. Boxing Day and New Year's Eve are permitted in addition to these 5 events.'

Condition 2 – To be amended to state 'The police will be notified in writing at least 56 days prior to any event taking place ('the notice'). The police have an absolute veto over any event. However, if the police do not provide a written response exercising their veto within 7 days of receipt of the notice, then tacit consent shall apply. Any police response will set out their reasons in full for the exercise of their veto.'

b) The prevention of crime and disorder

As per the current premises licence, save for any amendment made in part 3 of this application.

c) Public safety

As per the current premises licence, save for any amendment made in part 3 of this application.

d) The prevention of public nuisance

As per the current premises licence, save for any amendment made in part 3 of this application.

e) The protection of children from harm

As per the current premises licence, save for any amendment made in part 3 of this application.

Annex 2

Condition 17 – To be amended to state 'Adult supervision will be required for persons under the age of 18 after 20:00.'

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable – online application
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.



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

23rd November 2017

Matthew Phipps
TLT LLP
One Redcliff Street
Bristol
BS1 6TP

Dear Mr Phipps

**Application for a premises licence variation to be granted under the Licensing Act 2003
Pulse Night Club Mardi Gras Street Party, Churchill Way, Cardiff – CCCP/01433**

I Chief Inspector Joe Jones of South Wales Police, hereby give notice that an objection shall be made to the application for a premises licence variation for Pulse Café Bar, Churchill Way, Cardiff

This Police objection is based upon the licensing objectives:-

1. The prevention of crime and disorder. (The premises are situated in an area which has high incidents of crime and disorder and incidents associated with alcohol)
2. The prevention of public nuisance (The premises are situated in an area which have incidents of public nuisance)

As a result the premises are located within the agreed Cumulative Impact Policy area for Cardiff City Centre. (Special Policy Statement in respect of Cardiff City Centre adopted 2016)

South Wales Police will object to the application to allow a Licensing Committee the opportunity to undertake the rebuttable presumption that the premises licence will not be granted unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives

Within the current application, you have not detailed the steps you intend to take to promote the four licensing objectives.

For that reason I have identified conditions that are necessary and proportionate that would enable the premises to operate whilst reducing the negative impact it will have on the licensing objectives.

Prif Gwnstabl **Peter Vaughan, O.St.J, QPM, BSc (Hons), DipAppCrim** Chief Constable

OFFICAL

However, I feel that it is pertinent to take this opportunity to reinforce the point that these conditions will not adequately promote the licensing objectives but merely go some way in limiting the extent as to which they are likely to be undermined.

Extra conditions

A minimum of six SIA security to remain on duty from 0430 until close. At close the SIA security are to assist with the dispersal of customers.

A ratio of one body worn CCTV camera to two SIA security to be worn and utilised by the SIA door security when on duty. The devices will be capable of recording images and audio data. Recordings will be retained for a minimum of 31 days and will be produced to a police employee or authorised officer of Cardiff Council Licensing in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate the above.

For events when persons under eighteen are permitted entry, there will be a designated area for alcohol sales. Any persons under eighteen will not be permitted into this area and all alcohol sales will be on sales only for that designated area.

A CCTV system shall be installed to a standard agreed by South Wales Police, covering all areas that the public have access (excluding toilets), including all entrances and exits. The system will be maintained and operated at all times the event is open to the public. There will be a storage facility of images for 31 days and images will be produced to a police employee or authorised officer of Cardiff Council immediately upon request when the premises is open and as soon as practical at all other times.

Should you have any queries regarding the above representations, please contact Police Constable Tim Davies at the Licensing Department, Cardiff Bay Police Station on telephone 029 20527207.

Yours faithfully



Joe Jones
Chief Inspector

NOT PROTECTIVELY MARKED - HEB FARC GWARCHOD

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
Telifon: 029 2022 2111 Ffacsimili: 029 2052 7280

Griffiths, Paul (PPE)

From: Morgan, Rhys
Sent: 23 November 2017 16:36
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: Licensing Act 2003: CCCP 01433 Variation

In regard to the above application to grant premises license, I wish to advise that the Licensing Authority of Cardiff Council will be objecting to the application.

A Cumulative impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance.

The policy creates a presumption that applications for/Variation of Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Zone and therefore an objection is submitted in respect to the following Licensing Objectives.

The prevention of crime and disorder.
The prevention of public nuisance.

There has been insufficient detail in the application on how the promotion of the licensing objectives will be undertaken. Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Cumulative Impact Policy.

Kind regards



Rhys Morgan

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Telephone | Ffôn 02920 871123

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact 029 20871651/ licensing@cardiff.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

Griffiths, Paul (PPE)

From: Mackie, Norma (Cllr)
Sent: 20 November 2017 14:41
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Barker, Kirstie
Subject: FW: Ref: AA/NM/SM/CW

Please find below an objection from a resident regarding the following applications:

1. CCCP/01917 and CCCP/10906 (appear the same!) Parc Lane Traditional Fish and Chips, 105 – 107 Queen Street CF10 2BG
2. CCCP/01611 Pulse Café Bar, Churchill Way, CF10 2DZ
3. CCCP/01608 Pulse Nightclub, Basement 3 Churchill Way, CF10 2DZ

CCCP/ 01433 Pulse Nightclub Street Parties/ Mardi Gras Churchill Way, CF10 2DW

Regards
Norma



From:
Sent: 15 November 2017 21:15
To: Mackie, Norma (Cllr) <Norma.Mackie@cardiff.gov.uk>
Subject: Fwd: Ref: AA/NM/SM/CW

Sent from my iPhone

Begin forwarded message:

From:
Date: 15 November 2017 at 21:13:09 GMT
To: ali.ahmed@cardiff.gov.uk, norma.mackie@cardiff.gov.uk, sarah.merry@cardiff.gov.uk, christopher.weaver@cardiff.gov.uk
Subject: Ref: AA/NM/SM/CW

Dear Sir/Madam,

I have just received a letter informing me of four licence applications regarding the extension of opening hours of various local venues.

Please accept this e-mail as an objection to all four applications on the grounds of prevention of crime and disorder, public safety and prevention of nuisance.

As a resident of this small area of the city, I do not wish to see an increase in drunkenness, crime and disorder, noise, litter and general disruption.

Kind regards,

Sent from my iPhone

Barker, Kirstie

From: Merry, Sarah (Cllr)
Sent: 20 November 2017 14:35
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Barker, Kirstie
Subject: CCCP/01917; CCCP/01906: CCCP/01611; CCCP/01608; CCCP/01433

Please find enclosed a copy of an email received from a resident of Landmark Place regarding the above licence applications

Cofion | Regards

Y Cyng | Cllr Sarah Merry
Dirprwy Arweinydd | Deputy Leader
Aelod Cabinet dros Addysg, Cyflogaeth a Sgiliau | Cabinet Member for Education, Employment & Skills
Cyngor Caerdydd | Cardiff Council

Twitter @merryse235

t: +44 (0) 2920 87 2501
e: Sarah.Merry@cardiff.gov.uk

Swyddfa'r Dirprwy Arweinydd | Deputy Leader's Office
Neuadd y Sir | County Hall
Glanfa'r Iwerydd | Atlantic Wharf
Caerdydd | Cardiff
CF10 4UW

Cyfeiriad Post: Swyddfa'r Dirprwy Arweinydd, Neuadd y Sir, Glanfa'r Iwerydd, Caerdydd, CF10 4UW | Postal Address:
Deputy Leader's Office, County Hall, Atlantic Wharf, Cardiff, CF10 4UW

From: .com]
Sent: 19 November 2017 14:49
To: Merry, Sarah (Cllr) <Sarah.Merry@cardiff.gov.uk>
Subject: AaA/NM/SM/CW

Dear Sarah

Re: CCCP/01917; CCCP/01906: CCCP/01611; CCCP/01608; CCCP/01433

Many thanks for your letter of 10 November which I received on return home after an absence. I agree with the sentiments expressed by the Councillors therein. None of these applications promote the Licensing Objectives; on the contrary, they militate against them and show no regard whatsoever for local residents or other business establishments in the area. As a resident in the area (Landmark Place), I can no longer avail of the facilities in the area (hotels etc) as I cannot walk home alone in the late evenings. These proposals would only make matters worse.

I would be grateful if you would forward this to the appropriate authority as no address was given in your letter.

24 NOV 2017



CITY OF CARDIFF COUNCIL

Representation Submission Form

LICENSING SECTION

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	Pulse Bar Fish & chip shop.
Address of premises:	Cherock Hill Way Queen St
Application No. (if known)	CCCP/01917, CCCP/01906, CCCP/01611, CCCP/01608, CCCP/01483

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input checked="" type="checkbox"/> yes

Please summarise your concerns about this application:
<p>These premises already have extensions to normal licensing hours and have disregarded limits placed on their licenses in the past. Further extensions will lead to further disruption and nuisance and disorder. This disregard has been shown to local residents.</p>

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

As a resident of Landmark Place, I am frequently disturbed and inconvenienced by the crowds and noise outside these premises. It is unfair for us residents, including small children, to be subjected to the behaviour of clients of these premises. Frequently, in the early evening, clients congregate outside the premises holding inflatable dolls which are an affront to decency.

As a resident, I am unable to avail of the amenities (hotels and restaurants, for example) which are close by because it is not safe to walk past these premises. The standard of live up promised by Cardiff City Council for inner-city live up has not been delivered.

The authority deals with all representations received in an open and transparent manner. By law the authority must provide the details of any representation to the applicant. The authority will also provide full details to the Licensing Committee to ensure that members have the full information when determining any application at a hearing. Details of any hearing must be made publically available and will be available on the Council website. By submitting this form you are giving permission for the authority to make the information supplied publically available.

Return your completed form to:

By Post:

Licensing Section
City of Cardiff Council
Room 203, City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk

Nov 21st 2017

21 NOV 2017

Your ref AA/NM/SM/CW

Re licence applications LICENSING SECTION

1. CCCP/01917 and CCCP/01906 Parc Lane Eish / Chips
2. CCCP/01611 Pulse Cafe Barr
3. CCCP/01608 Pulse Nightclub
4. CCCP/01433 Pulse Nightclub Street Parties

To licensing Committee + all Cathays Councillors

I wish to object to all requested variations to the existing licenses for each of the above held by the awful Company.

Over the years they have been allowed to create a 'no-go' area within Churchill Way to the detriment of us living in Churchill Way. Far from encouraging the outrages of this Company appear to be allowed to get away with, I would plead that their noxious influence over the area was severely curtailed

Local Councillors have been made very well aware of this ongoing situation particularly in visit to surgery and Pact meetings, but they are still allowed to flourish. They appear to disregard rules / bye laws ~~which~~ ~~that~~ with which premises have to comply, nothing seems to happen to them. Only recently the whole area was being thoroughly jet washed removing huge amounts of filth and debris, except for the pavement outside Pulse which still had all its street furniture in place, as it always does 24 hours a day.

Despite my having NO confidence in these applications being refused, they will undoubtedly be given further / longer opportunity to make our lives a misery. It is all about getting more and more profit from alcohol. Why / and who allows these people to behave and prosper as they do !!

I need to point out the abject failure of your distribution of this information

The letter addressed to me was in Welsh, no English version so as a non-Welsh speaker of no use to me.

In the same envelope was an English only letter for another neighbour for a different address. I had to find a neighbour from which to borrow the info in order to register my total objection.

This Company needs to ~~leave~~ their influence
CUT NOT INCREASED.

I am in NO doubt this letter is a total waste of my time. As always they will be granted all they asked for and as usual we will pay the price.

Local democracy does not exist in Cardiff as far as I'm concerned.

disheartened Council Tax payer

PS I personally know of 2 families who had to move because of the noise abuse from this company. ~~This is impact on~~
~~the value of your property as well~~

From: Mackie, Norma (Cllr)
Sent: 22 November 2017 18:45
To:
Cc: Barker, Kirstie; Merry, Sarah (Cllr); Weaver, Christopher (Cllr); Ahmed, Ali (Cllr)
Subject: Re: Pulse / Parc Lane Licence Applications

Dear

Thank you for your response and I am sorry you didn't receive your original letter.

I have copied in Kirstie Barker at our Licensing

Department so that she will have your views and if she could let you know if a later more formal submission will be allowed.

Regards

Norma Mackie

Sent with BlackBerry Work (www.blackberry.com)

From:
Sent: 21 Nov 2017 10:30 a.m.
To: "Ahmed, Ali (Cllr)" <Ali.Ahmed@cardiff.gov.uk>; "Mackie, Norma (Cllr)" <Norma.Mackie@cardiff.gov.uk>; "Merry, Sarah (Cllr)" <Sarah.Merry@cardiff.gov.uk>; "Weaver, Christopher (Cllr)" <Christopher.Weaver@cardiff.gov.uk>
Subject: Re: Pulse / Parc Lane Licence Applications

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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. ***

Dear Councillors

I have belatedly received a copy letter from you advising of the requests for a variation in licences for the Pulse Bar / Nightclub and Parc Lane fish and chip shop premises. I say belatedly, as you unfortunately seem to have included my intended copy within a letter you recently sent to a neighbouring property. As such, it has only just been forwarded on to me by the occupant of that flat.

As some of you will already know, I and others from Landmark Place have for quite some time made very clear our concerns about the Pulse Club and their flagrant disregard for neighbouring properties and residents, so it goes without saying that I and others are implacably opposed to any further increase in their operating hours. Whatismore, we were just on the cusp of requesting a meeting with yourselves on this very issue, as we were deeply frustrated to find that the council had allowed a street closure for the Pulse club last New Year's Eve which in itself was contrary to assurances we had previously received that they would be limited to use of the street on the Mardi Gras night only.

(Not to mention our residents were yet additionally seriously inconvenienced over the UEFA Champions League weekend.)

As I have stated at numerous PACT meetings that I and others took the trouble to attend, the enclave outside the Pulse club has never once been moved since they finally and retrospectively obtained a street café licence and they openly flout the councils own published guide relating to the same. And that enclave is a major source of nuisance at night, as it is regularly packed full with smokers and the attendant noise carries down our street creating an ongoing inconvenience for our Churchill Way side residents, many of whom are now family units. As such, we would frankly propose their opening hours be *reduced* not increased!

As said, I belatedly received this notice and have frustratingly realised that the closing date is supposedly 23rd November whereas I am within the next two hours leaving for a break in London and am not due back until Thursday evening. I have therefore been unable to communicate with colleagues and submit a formal response to the County Hall address before I go away. I am pleased to read, though, that you will be submitting an objection, so will be able to communicate our objections fully via yourselves after I return?

FYI, I am due back in Cardiff at about 18:30 on Thursday evening, although I will have email access whilst in my hotel.

Regards.



Griffiths, Paul (PPE)

From: Merry, Sarah (Cllr)
Sent: 20 November 2017 16:45
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Weaver, Christopher (Cllr); Ahmed, Ali (Cllr); Mackie, Norma (Cllr)
Subject: FW: Pulse Café Bar - CCCP/01611, CCCP/01608 & CCCP/01433

Please find below an email from a resident concerning the above license applications



From:
Sent: 20 November 2017 16:41
To: Ahmed, Ali (Cllr) <Ali.Ahmed@cardiff.gov.uk>; Mackie, Norma (Cllr) <Norma.Mackie@cardiff.gov.uk>; Merry, Sarah (Cllr) <Sarah.Merry@cardiff.gov.uk>; Weaver, Christopher (Cllr) <Christopher.Weaver@cardiff.gov.uk>
Subject: Pulse Café Bar - CCCP/01611, CCCP/01608 & CCCP/01433

I have made complaints about the noise til dawn on Wednesday, Friday and Saturdays - nothing has been done. I am very distressed that they want to extend the hours even further. I can only manage a few hours of sleep on these days with the aid of ear plugs and a CD on loop to drown out the noise, but when I wake in the night I cannot get back off to sleep.

I am hoping that this extension is denied due to the increase in issues regarding:

Prevention of Crime and Disorder
Public Safety
Prevention of Public Nuisance

If you have any queries please do not hesitate to contact me at this email or my address:

Sent from Windows Mail

Griffiths, Paul (PPE)

From: Smith, Nicola (nee Pritchard) <nicola.smith@squirepb.com>
Sent: 23 November 2017 14:44
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Perraton, Stephanie
Subject: Representation to Applications for Variation of Premises Licence: CCCP/ 01917; CCCP/01906; CCCP/01611; CCCP/01608; AND CCCP/01433 [I-EUR.FID8936048]
Attachments: Representations to Applications Letter JUR.010-0308.pdf; Jury's Map(1).pdf

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Ref: Pulse Café Bar, Churchill Way, Cardiff CF10 2DZ; Parc Lane Fish and Chips 105-107 Queen Street, Cardiff CF10 2BG (x2); Pulse Nightclub Mardi Gras Street Party, Churchill Way, Cardiff; and Pulse Nightclub, Churchill Way, Cardiff CF10 2DZ (the "Premises")

Good afternoon

Further to our discussion with Linda this morning, we refer to the licence variation applications for the above Premises, licence numbers:

- CCCP/01917
- CCCP/01906
- CCCP/01611
- CCCP/01608
- CCCP/01433

We attach a letter, by way of representation to each of these applications, together with a map showing the location of our client's hotel in relation to these Premises. Please note that we have submitted a single letter, but for the avoidance of doubt, this letter relates to each of the applications referred to, for the reasons set out in the letter. We understand from our discussion this morning that you do not require a separate letter in relation to each application, but please do contact us as soon as possible if anything further is required.

We look forward to confirmation of the hearing date in due course, but in the meantime would be grateful if you could confirm receipt.

Thank you for your assistance.

Regards

23 November 2017

By email and post

Licensing Service
Cardiff City Council
City Hall
Cardiff
CF10 3ND

O +44 121 222 3000
F +44 121 222 3001
squirepattonboggs.com

Nicola Smith
T +44 121 222 3230
DF +44 870 460 2915
nicola.smith@squirepb.com

Our ref NAXP/JUR.010-0308

Dear Sirs

**Representation to Applications for Variation of Premises Licence:
Pulse Café Bar, Churchill Way, Cardiff CF10 2DZ;
Parc Lane Fish and Chips 105-107 Queen Street, Cardiff CF10 2BG (x2);
Pulse Nightclub Mardi Gras Street Party, Churchill Way, Cardiff; and
Pulse Nightclub, Churchill Way, Cardiff CF10 2DZ
(the "Premises")**

We act for Jurys Hotel Management (UK) Limited ("**Jurys Inns**"). Jurys Inns operate 35 hotels around the UK. Jurys Inn Cardiff (which formerly operated as a Thistle) has 142 bedrooms, approximately 40 of which are on the same side of the hotel as the Pulse nightclub, the Pulse Café Bar and Parc Lane Fish and Chips. We attach a plan showing the location of the hotel in relation to the Premises.

We are instructed to submit this letter by way of a formal representation from Jurys Inns to each of the applications for variation in respect of the Premises. Given that the nature of the variations in these applications are broadly similar (each relating to extensions of hours for licensable activities in close proximity to the hotel) and raise the same concerns in relation to the licensing objectives, for simplicity and clarity we have set out the detail of our client's representations to the applications for these Premises in a single letter. However, for the avoidance of doubt, please note that our clients categorically object to the grant of each of these applications on the promotion of the licensing objectives, specifically on the grounds of the prevention of public nuisance and the prevention of crime and disorder. If required, we can submit a separate letter in respect of each application, although the issues will be the same.

We understand that the applications are as follows:

- 1 For variation of the premises licence held by Pulse Trading Limited for the Pulse Café Bar to extend the opening hours and licensable activities by one hour on Wednesdays, Fridays, Saturdays and Sundays (as well as non-standard times on New Year's Eve and Boxing Day) and to amend the licence conditions.

46 Offices in 20 Countries

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- 2 For variation of the premises licence held by Parc Lane Trading Limited for Parc Lane fish and chips to extend the hours for the sale of alcohol by one hour daily; and for late night refreshment and opening to 24 hours a day (in respect of each of the licences in force for this property) and to amend the licence conditions.
- 3 For variation of the premises licence held by Licensee Management 1 Limited for Pulse Nightclub Mardi Gras Street Party to include Fridays for licensable activities and opening and to extend the times for licensable activities by and opening hours by two hours on Saturdays and Sundays (and extensions on New Year's Eve, Boxing day and the Start of British Summer Time) and to amend the conditions.
- 4 For variation of the premises licence held by Pulse Trading Limited for Pulse Nightclub by one hour on Wednesdays, Fridays, Saturdays and Sundays (as well as non-standard times on Saturdays and Sundays) and to amend the licence conditions.

Our clients are extremely concerned that the additional hours sought for the sale of alcohol, the provision of late night refreshment and the provision of regulated entertainment will adversely affect hotel residents staying at the Jurys Inn, as well as other persons in the area. In particular, their representation relates to nuisance connected with noise escape and both disturbance from music and from people entering and leaving these Premises until the early hours of the morning, noise disturbance from people smoking outside the premises throughout the night and into the early hours of the morning and nuisance related to fumes from cooking due to poor extraction. These issues are already affecting the hotel and its guests. The hotel has received numerous complaints from guests relating to noise and disorder emanating from these Premises throughout the night, which in some cases has required refunds to customers and which has resulted in a number of negative reviews for the hotel.

We note from the Statement of Licensing Policy for Cardiff that the City Centre is a designated Cumulative Impact area and the Cumulative Impact Policy applies to applications for grants and full variations of Premises Licences, as set out in the Statement of Licensing Policy (Part 8). Each of these premises are in the City Centre cumulative impact area and therefore we understand that there is a presumption that these applications will be refused if relevant representations are received (the Policy clearly applies to pubs, nightclubs and takeaways and extensions of hours for licensable activities in these premises).

If these applications are granted by the Committee, in part or at all, our clients maintain that the existing issues experienced by the hotel and its guests will continue beyond current cut-off times. Our clients do not believe that the impact of the proposed applications, in particular in relation to noise escape / noise nuisance can be prevented, given the proximity of the premises to hotel bedroom accommodation and therefore no conditions could address these issues satisfactorily.

Finally, we would also ask the Committee to note that the planning permission granted for 105-107 Queen Street in any event includes a condition (number 8) that "no customers shall be admitted or allowed to remain on the premises between the hours of 23.00 and 09.00 on any day to ensure the amenities of other occupiers in the vicinity of the site are protected and in the interests of preventing crime and disorder. Therefore to operate this licence for Parc Lane fish and chips for the times now applied for would appear to be in clear breach of

the existing planning permission. We have not checked details of the planning conditions for Pulse Café Bar or Pulse Night Club but reserve the right to refer to these in the hearing of the licensing sub-Committee, if relevant.

We therefore ask the Committee to refuse each of these applications in line with the Council's policy on cumulative impact in the City Centre area and to ensure promotion of the licensing objectives.

We look forward to receiving confirmation of the proposed date for the Committee hearing and thank you for your assistance.

Yours faithfully



Squire Patton Boggs (UK) LLP

Enclosure

Griffiths, Paul (PPE)

From: Mackie, Norma (Cllr)
Sent: 20 November 2017 14:37
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Merry, Sarah (Cllr); Weaver, Christopher (Cllr); Ahmed, Ali (Cllr); Barker, Kirstie
Subject: CCCP's 01917, 10906,01611, 01608, 01433

With reference to the applications below:

1. CCCP/01917 and CCCP/10906 (appear the same!) Parc Lane Traditional Fish and Chips, 105 – 107 Queen Street CF10 2BG
2. CCCP/01611 Pulse Café Bar, Churchill Way, CF10 2DZ
3. CCCP/01608 Pulse Nightclub, Basement 3 Churchill Way, CF10 2DZ
4. CCCP/ 01433 Pulse Nightclub Street Parties/ Mardi Gras Churchill Way, CF10 2DW

We as the Local Councillors are submitting the following objections to the applications as follows based on the Licensing Objectives:

Prevention of Crime and Disorder

The variations are likely to increase the incidence of drunken behaviour in the area especially as they are all in a small area of the city.

Public Safety

There are already incidents of crime and disorder in the area of Queen Street/ Churchill Way which will not be reduced by increased drunkenness. There were 28 crimes reported in the Queen Street area in September 2017, with similar reported in the other months of the year. 5 of these were recorded as Anti-Social Behaviour, 1 Drugs related, 1 Public Order Offence and 11 for Violence and sexual offences.

Prevention of Public Nuisance

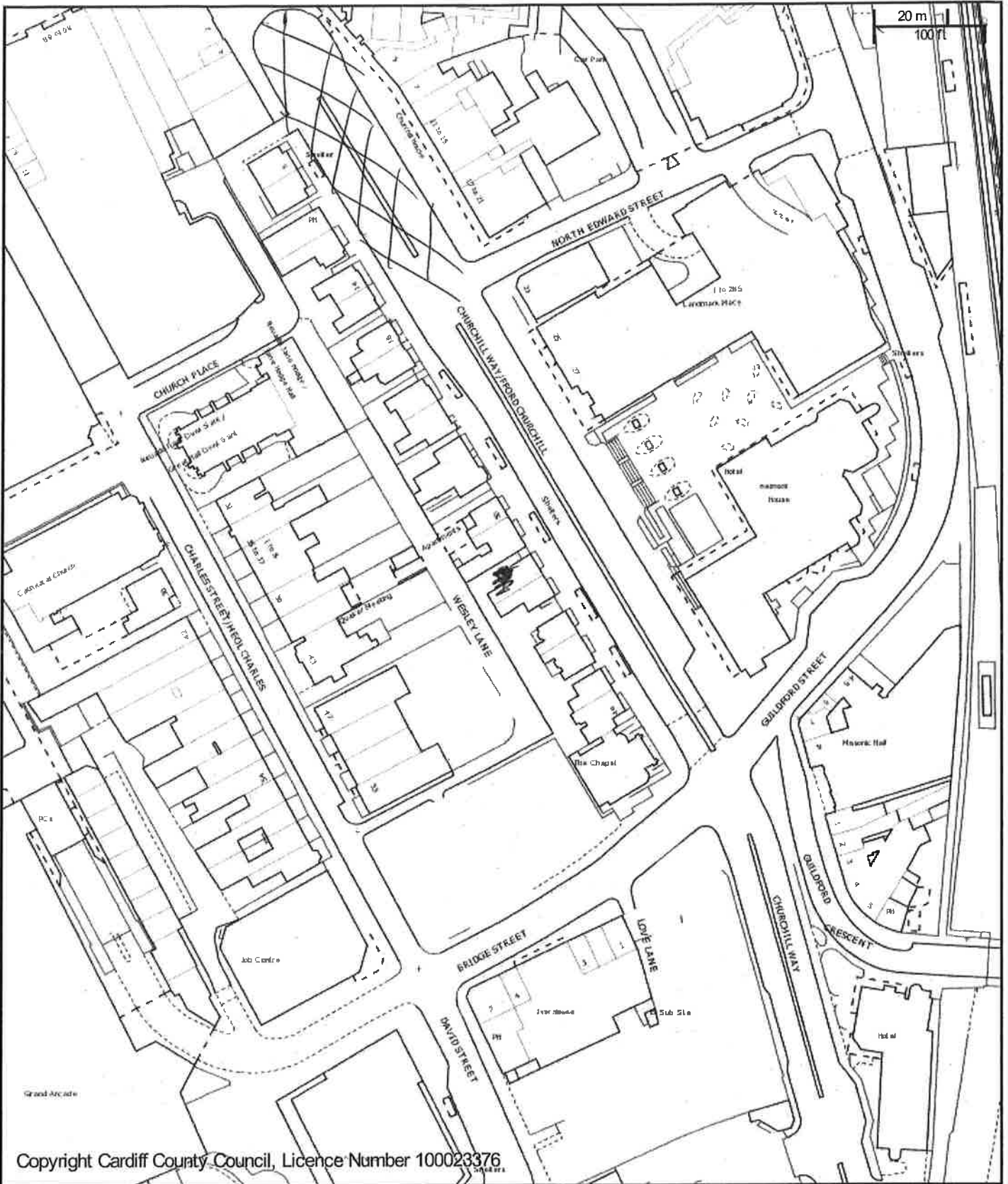
Extending the opening hours of the premises will increase the noise, litter and disruption to residents in the area and to other businesses preparing to open their businesses. It will also disrupt the work of Street Cleansing as customers leave the venues.

We feel that extending any licences in this area is not conducive to the Licensing Objectives and in particular the allowing of a 24 hour licence to the Traditional Fish and Chip shop.

Regards

Norma Mackie

Cllr N Mackie, Cllr S Merry, Cllr C Weaver, Cllr A Ahmed
Cathays Councillors



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Paul Orders
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City of Cardiff Council
Cyngor Dinas Caerdydd



Title

Scale: 1:1417

Date: 28/11/2017 at 10:51 AM

Coordinates

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