

LICENSING SUB-COMMITTEE: 15 December 2017

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Licence No: CCCP01608

Name of Premises: Pulse Nightclub

Ward: Cathays

1. Application

1.1 An application for variation of a Premises Licence has been received from Pulse Trading Limited in respect of Pulse Nightclub, 3 Churchill Way, Cardiff, CF10 2DZ.

1.2 The applicant has applied for the following:

(1) To extend the permitted hours as follows:

Opening Hours:

Wednesday from 10:00 until 05:30 the following morning (currently 04:30)

Friday from 10:00 until 06:30 the following morning (currently 05:30)

Saturday from 10:00 until 06:30 the following morning (currently 05:30)

Sunday from 10:00 until 04:30 the following morning (currently 03:30)

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: until the start of permitted hours on 1st January

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

Sale of Alcohol, Exhibition of Films (indoors), Indoor Sporting Event, Boxing or Wrestling Entertainment (indoors), Live Music (indoors), Recorded Music (indoors), Performance of Dance (indoors), Entertainment of a Similar Description (indoors):

Wednesday from 10:00 until 05:00 the following morning (currently 04:00)

Friday from 10:00 until 06:00 the following morning (currently 05:00)

Saturday from 10:00 until 06:00 the following morning (currently 05:00)

Sunday from 10:00 until 04:00 the following morning (currently 03:00)

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: until the start of permitted hours on 1st January
On Boxing day from 11:00 until 06:00 the following morning.

Late Night Refreshment (indoors & outdoors):

Sunday from 23:00 until 04:00 the following morning (currently 03:00)

Sundays proceeding Bank Holiday Monday until 05:00 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: 23:00 to 05:00

On Boxing day from 23:00 until 05:00 the following morning.

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

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 this application.

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

Checklist:

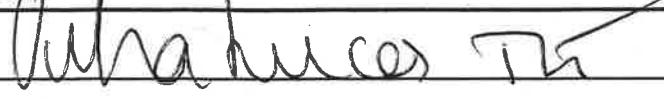
Please tick to indicate agreement

- 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.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	26 October 2017
Capacity	Solicitor to applicant



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 Nightclub, Churchill Way, Cardiff – CCCP01608

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 Nightclub, 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 four SIA security to remain on duty from 0400 until close.

A ratio of one body worn CCTV cameras 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.

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
Teliffon: 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 01608 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

Coflon | 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:
Sent: 19 November 2017 14:49
To: Merry, Sarah (Cllr) <Sarah.Merry@cardiff.gov.uk>
Subject: AalA/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.

CITY OF CARDIFF COUNCIL

24 JUL 2017



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:	CARDIFF
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	Pulse Bar Fish & chip shop.
Address of premises:	Churchill Way Queen St
Application No. (if known)	CCCP/01917, CCP/01906, CCP/01611, CCCP/01608, CCP/01433

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. That disregard has been shown by 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 Llandanove 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 living promised by Cardiff City Council for inner-city living 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 ~~and~~ ~~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 unacceptable~~
~~the value of your property is at risk~~

Barker, Kirstie

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

***** Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.**

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, meddylwch 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.

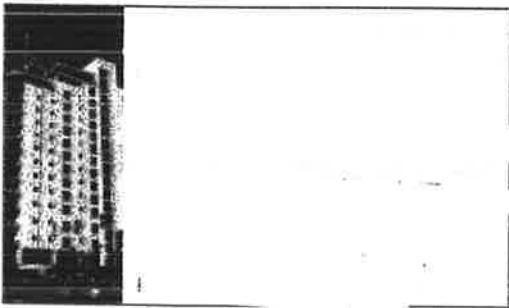
(Not to mention our residents were yet additionally seriously inconvenienced over the UEFA Champions League weekend.)

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 [-EUR.FID8936048]
Attachments: Representations to Applications Letter JUR.010-0308.pdf; Jury's Map(1).pdf

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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 fgythiadau, meddyliwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

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

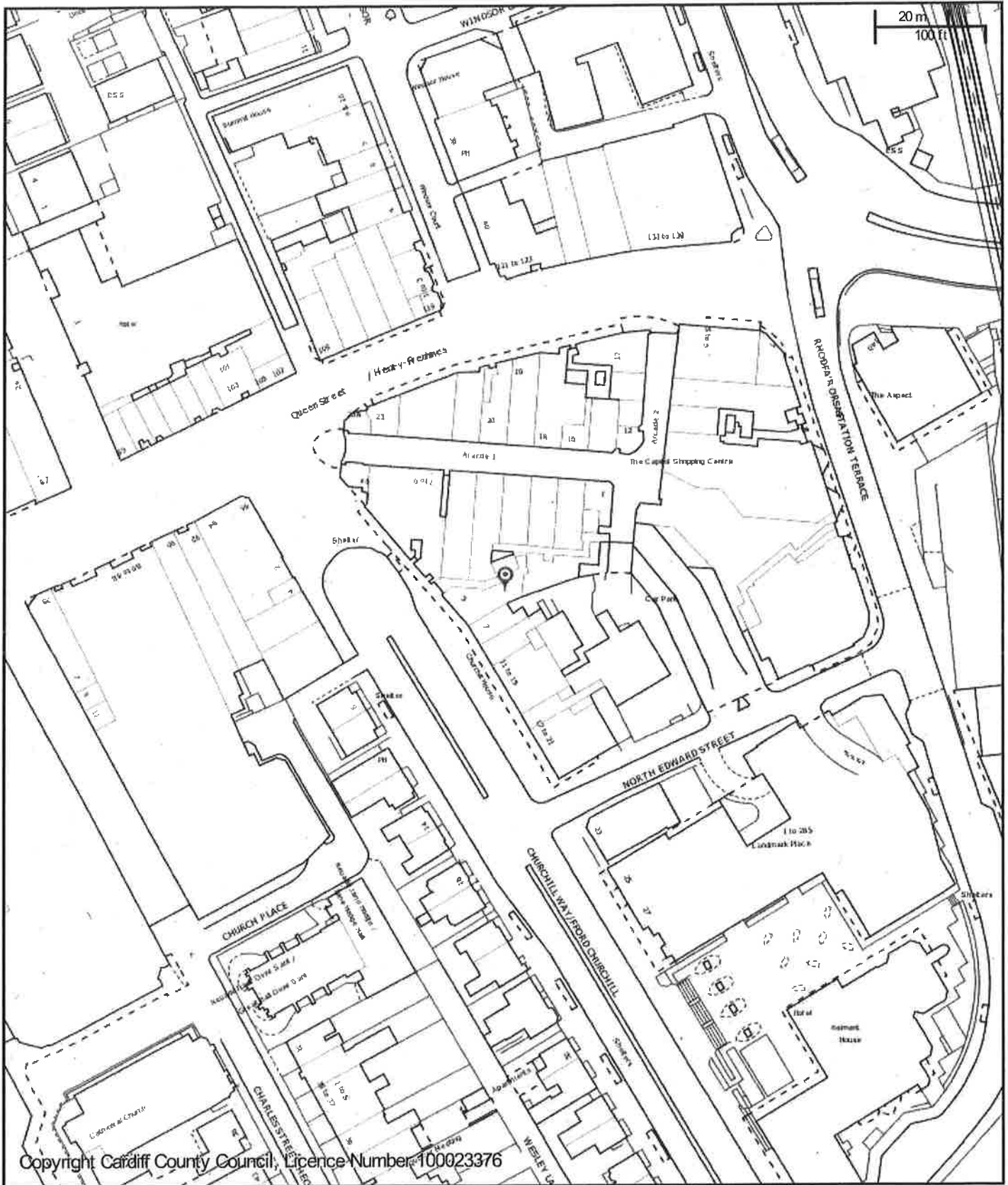
Extending the opening hours of the premises will increase the noise, litter and disruption to residents in the area and to other businesses preparing to open their businesses. It will also disrupt the work of Street Cleansing as customers leave the venues.

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



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

City of Cardiff Council
Cyngor Dinas Caerdydd




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