

LICENSING SUB-COMMITTEE: 23 March 2018

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Licence No: CCCP01990

**Name of Premises: Signature Living, The Exchange Building, Mount Stuart Square,
Cardiff, CF10 5FQ**

Ward: Butetown

1. Application

1.1 An application for variation of a Premises Licence has been received from Katie Christine Kenwright.

1.2 The applicant has applied for the following:

- (1) To amend the plan attached to the licence (copy attached)
- (2) To add the provision of regulated entertainment in the form of indoor sports as permitted licensed activity (section C of application form)
- (3) To add the provision of regulated entertainment in the form of boxing or wrestling entertainment (indoors) as permitted licensed activity (section D of application form)
- (4) To add the following condition in relation to the above licensed activity:
"A minimum of 21 days prior notice shall be given to Cardiff Police Licensing Unit of any proposed event that falls within the above categories C & D, with such notice to include information that relates to: expected numbers of patrons; proposed security provision; details of boxing contestants; event risk assessment relating to medical provision on site".

2. Promotion of Licensing Objectives.

2.1 The conditions currently attached to the licence are to remain. A copy of the conditions are attached.

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

06 March 2018

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-

$$P = D + (DxV) <http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001>$$

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. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas on the ground floor to which the public have access (excluding toilets and changing rooms) including all public entrances and exits and outside areas used by customers. Images shall be kept for a minimum of 31 days.

The images shall 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.

2. The use of the outside area will terminate at 23:00 hours each day.

3. There will be no striptease, lap dancing or similar sexual entertainment allowed on the premises.

4. In respect of the concert room situated on the ground floor, bars and balconies;

a. SIA door staff shall be employed at a ratio of 1 per 100 customers for any event that is not classed as a wedding, dinner or similar pre-booked event, at all times after 21:00 hours when the premises are to be open after 00:00 hours.

b. SIA door staff shall be employed at a ratio of 1 per 200 customers for any pre-booked wedding, dinner or similar event, at all times after 21:00 hours when the premises are to be open beyond 00:00 hours.

c. When an event that is not classed as a wedding, dinner or similar pre-booked event takes place and when the event is scheduled to be open beyond 03:00 hours, all drinks shall be served in non-glass vessels from 23:00 hours.

d. The premises shall adopt the challenge 25 policy.

e. An incident book detailing any violent incidents, incidents of disorder and refusal of sale of alcohol shall be kept.

f. A register of SIA personnel employed at the premises shall be kept detailing the licence number of the member of staff so employed and the times and dates they were on duty.

5. All windows & doors connected to any function room, bar or restaurant (not Hotel bedrooms) shall be closed post 23:00 hours until 08:00 hours the following day, save for any Fire Exit requirements.

6. Regular patrols of the Hotel gardens shall be conducted a part of general due-diligence.

D Holland

Dave Holland
Shared Regulatory Services

12 December, 2017





CARDIFF COUNTY COUNCIL

26 FEB 2018

LICENSING SECTION

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW
23 February 2018

Katie Kenwright
Signature Living,
The Exchange Building,
Mount Stuart Square,
Cardiff,
CF10 5FQ

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

Signature Living, The Exchange Building, Mount Stuart Square, Cardiff, CF10 5FQ

Dear Ms Kenwright,

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

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

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

POLICE REPRESENTATION

The permitted hours for Indoor Sporting Events and Boxing or Wrestling entertainment be amended to

Mon-Sun 08:00 – 00:00

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

The following conditions are requested:

1. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times when the premises are open to the public. The system shall cover all parts of the licensable areas on the ground floor to which the public have access (excluding toilets, changing rooms and bedrooms) including all public entrances and exits and outside areas used by customers. Images shall be kept for a minimum of 31 days. The images shall 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 practicable. There will be sufficient staff training to facilitate the above.
2. A minimum of 28 days prior notice shall be given to Cardiff Police Licensing Unit of any proposed Indoor Sporting Event, combat sporting events/boxing/wrestling/MMA, with such notice to include information that relates to: expected numbers of patrons; proposed security provision; details of boxing contestants; event risk assessment relating to medical provision on site.
3. No U18s shall be permitted to attend combat sporting events/boxing/wrestling/MMA.
4. Plastic vessels shall be used during Indoor Sporting Events, combat sporting events/boxing/wrestling/MMA
5. Tickets shall not be available for purchase on the day of the event for combat sporting events/boxing/wrestling/MMA
6. Tickets are to contain the name of person attending at combat sporting events/boxing/wrestling/MMA. Identification will be required for confirmation.
7. There shall be a minimum of six door supervisors for the first 300 patrons at combat sporting events/boxing/wrestling/MMA. Thereafter, door supervisors shall be in attendance at a ratio of 1:50 (door staff:patron). This means that 301 patrons will require 7 door supervisors; 351 patrons will require 8 door supervisors etc.
8. There shall be no use of the balcony during indoor sporting events/boxing/wrestling/MMA except by promotional staff or employees of the Exchange Hotel.
9. The DPS or a member of senior management shall be present at indoor sporting events/boxing/wrestling/MMA.
10. Body cameras shall be in use at the ratio of 1:2 (body worn camera : door supervisor) for combat sporting events/boxing/wrestling/MMA.
11. Door supervisors employed during combat sporting events/boxing/wrestling/MMA shall each be equipped with a radio to facilitate communication between themselves and the duty manager of the premises.
12. All attendees at Indoor Sporting Events, combat sporting events/boxing/wrestling/MMA shall be seated and provided with dinner or a buffet. There will be no standing spectators and no drinks only tickets.

13. The maximum purchase of alcoholic beverage per customer will be set at four drinks.
(a pint/measure/ glass of wine)

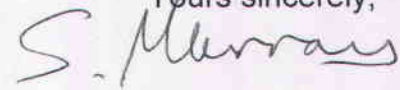
If the applicant does not agree with the afore-mentioned representations, the police objections will be based on the following;

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

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.

If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 02920 222111 ext. 34-350.

Yours sincerely,



J Jones

JP Chief Inspector



4990.

Cardiff City Council
Licensing Department
City Hall
Cathays Park
Cardiff
CF10 3ND
Licensing@cardiff.gov.uk

Our Ref: DB/51-03054MLA02
Your Ref: CCC PO1990
Date: 30 January 2018
Contact: Station Manager D. Baxter
Tel: 07990 954266
E-mail: firesafety@southwales-fire.gov.uk

Dear Sir/Madam

LICENSING ACT 2003
APPLICATION FOR: Premises Licence Variation.
AT: The Exchange Building, Mount Stuart Square, Cardiff. CF10 5FQ

REPRESENTATIONS AGAINST THE APPLICATION

On behalf of the Fire and Rescue Authority, notice is hereby given of representations against the present application in respect of the above. The grounds for the representations are detailed in the enclosed report.

This authority cannot enforce these matters directly under current fire safety regulations until such times as persons are employed on the premises.*

Please quote our reference in all future correspondence.

Yours faithfully,

for Assistant Chief Fire Officer

CC carl.bruder@eadsolicitors.co.uk

SOUTH WALES FIRE AUTHORITY

LICENSING ACT 2003

NOTICE OF REPRESENTATIONS

NAME AND ADDRESS OF PREMISES: The Exchange Building, Mount Stuart Square, Cardiff. CF10 5FQ

APPLICANT: Katie Christine Kenwright

APPLICATION FOR: Premises Licence Variation.

REASON FOR REPRESENTATIONS: This authority is of the opinion that the application, as submitted, does not appear to adequately promote the PUBLIC SAFETY licensing objective.

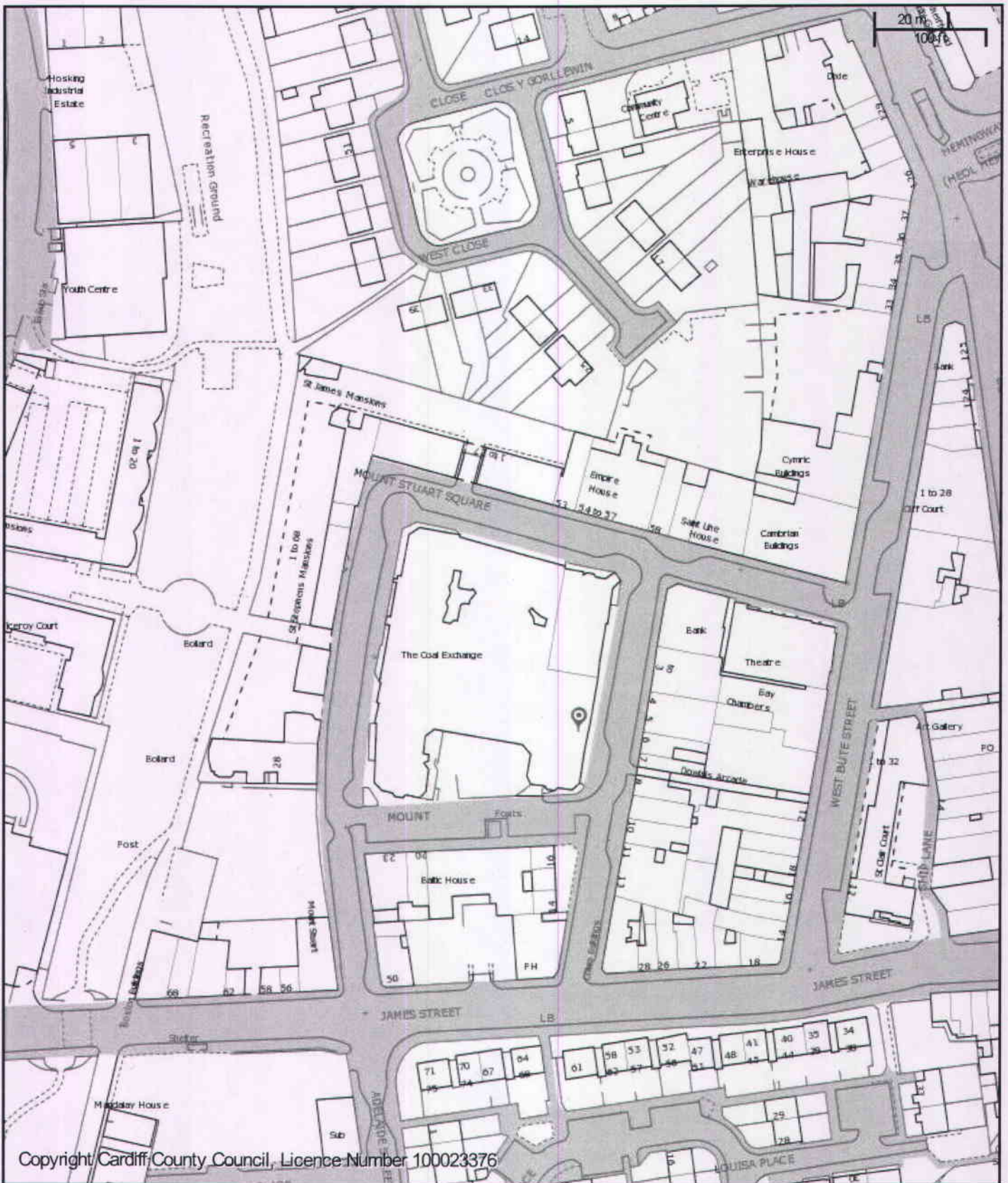
DATE OF INSPECTION: 30 January 2018

FIRE SAFETY OFFICER: D Baxter

The Fire Authority makes representations against this application on the following grounds: -

1. Means Of Escape

The means of escape shown does not appear adequate for the number of seats detailed on the plan which forms part of the application.



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

City of Cardiff Council
Cyngor Dinas Caerdydd



Title
 Scale: 1:1417
 Date: 6/3/2018 at 10:36 AM
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