

LICENSING SUB-COMMITTEE: 17 August 2018

Report of the Head of Shared Regulatory Services

Application for Premises Licence - Variation

Application No: CCCP02050

Name of Premises: Kings Road Yard Courtyard

Ward: Riverside

1. Application

1.1 An application for a Premises Licence - Variation, has been received from Caroline Munro in respect of Kings Road Yard Courtyard, 183A Kings Road, Pontcanna, Cardiff, CF11 9DF .

1.2 The current conditions attached to the Premises Licence:

(1) In respect of the following licensable activities:

The supply of alcohol for consumption on and off the premises.

(2) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non standard timings:

Saturday: 08:00 – 23:00

Sunday: 08:00 – 22:00

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

The supply of alcohol for consumption on and off the premises.

Saturday: 10:00 – 14:00

Sunday: 10:00 – 16:00

1.3 The following application for variation is now made.

To extend permitted hours for the sale of alcohol on Saturdays: 10:00-22:30

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

01 August 2018

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

- 1) Always have a DPS during the hours of alcohol sales and consumption. Have posters with challenge 25 displayed where the alcohol is being sold. Refuse the sell of alcohol to under aged children(-18s). CCTV cameras already in place to check and record any misbehaviour.
 - 2) Prevent crime and disorder.
 - 3) Work towards maximises public safety
 - 4) prevention of public nuisance.

b) The prevention of crime and disorder

I will aim to protect the public and local residents from alcohol related crime nuisance and antisocial behaviour. During the hours we are open to sell alcohol I will make sure that at any time no alcohol related crime nuisance or antisocial behaviour takes place. During the events we will always have at the premises a DPS in charge (e.g. myself) ready to alert the police or ask the antisocial person to leave right away the premises and report to the police if there is a risk of incident getting out of hand.

c) Public safety

Will make sure the premises are safe for everyone, children included. Working CCTV cameras are already installed at the premises and signs saying children must be supervised at all time by adults.

d) The prevention of public nuisance

During the open hours I will stop straight away any activities alcohol related or not which I believe is causing a public nuisance.

e) The protection of children from harm

I will keep the premises tidy and free of any harmful substances or objects that might put the safety of children or adults into jeopardy. Also display important notices everywhere in the premises warning parents that all children must be supervised by a responsible adult. In the eventuality that some children are misbehaving I will ask them with the parents to leave the premises immediately.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Hartrey, Claire

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 18 July 2018 14:35
To: "Claire.Hartrey@yahoouk.com"
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: objection letter prem vary application KINGS ROAD YARD
Attachments: objection letter prem vary application KINGS ROAD YARD.doc

***** 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 Ms. Munro,

Please find attached a police objection coupled with a representation in respect of your application to vary the hours on your premises licence.

The signed original is in the post.

Any questions please telephone or email me.

Regards

Tony

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

Mewn argyfwng, ffoniwch 999 bob amser.

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

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.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <https://www.south-wales.police.uk/en/email-confidentiality-statement/>

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

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

18th July 2018

Caroline MUNRO
1701... ..

Cardiff
CF22 6SJ

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

"KINGS ROAD YARD, 183A KINGS ROAD, PONTCANNA, CARDIFF CF11 9DF.

I, Chief Inspector JONES of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application for the variation of the premises licence for "KINGS ROAD YARD, 183A KINGS ROAD, CARDIFF.

This objection is made under the Licensing Objectives of;

The prevention of Crime and disorder;

(There is already a premises licence for the yard held by Simon Doherty. The nature of the premises is changing away from that originally intended by the licence operated by Mr. Doherty. There has been a recent incident of alcohol related disorder while the applicant was operating her licence. The increase in hours on a Saturday evening may lead to an increase of alcohol related crime and disorder).

Public safety;

(The premises is a courtyard with only one entrance/exit. If this exit is blocked during an emergency there is no satisfactory escape route).

p.t.o.

Should the licensing committee be minded to grant this application the police ask that the below condition be placed on the premises licence;

1. On Saturdays SIA registered door staff shall be on duty at the premises from 1800 to the close. The ratio shall be a minimum of one to 150 persons.

If you have any queries regarding the above objection, please contact Licensing Officer Tony BOWLEY at the Licensing Department, Cardiff Bay Police Station. Telephone 02920 633421.

Yours faithfully,

Joe JONES
CHIEF INSPECTOR.

COPY TO:-

Clair HARTREY,
Operations Manager,
Licensing & Strategic Services
Cardiff County Council,
City Hall,
Cardiff.
CF10 3ND.

Anthony Bowley
Police Licensing Officer
Cardiff Bay Police Station
Direct Line : +44 (0) 2920 633421 (Ext 34208)
Fax : +44 (0) 2920 527256
E-Mail : Anthony.Bowley2@south-wales.pnn.police.uk

Hartrey, Claire

From: " " uk
Sent: 20 July 2018 16:14
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Objection To Variation of Premise License - 183A Kings Road Cardiff CF119DF
Attachments: Objection to Licence - Kings Road CF119DF.pdf

***** 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. ***

Please find my objection attached.

I understand the closing date is the 23rd July 2018.

Regards

Simon Doherty

www.pipesbeer.co.uk

'PIPES' is the trading name of ARTISAN BREWING CO LTD,
183A Kings Road Cardiff CF119DF
VAT: 183019320 / Company No. 06570817



Dear Sirs,

My name is Simon Doherty, Director of Artisan Brewing Co T/A Pipes Brewery, 183A Kings Road.

I am writing to register my objection to the application for a varied licence by Kings Road Courtyard 183A Kings Road, Cardiff. The basis for this opposition is that granting a variation licence for this premise will only jeopardise the current faultless promotion of the licencing objectives by myself as a premise license holder for the same 'Saturday' times being requested. In particular I'm concerned with maintaining the prevention of public nuisance and crime and disorder, when there are other 'pop-up' bars utilising the license in question.

Granting this licence provides yet another source of alcohol within the courtyard in which my business is based. I'd like clear and justified reasons as to why a second retailer of alcohol is required on the same premise. We are a well-established brewery at the location and provide a high quality product to discerning clientele. We have developed a sociable, community hub enjoyed by both local residents and visitors to the capital city. We have ample facilities to accommodate for the capacity of the premise and furthermore, my license was granted on the condition that I would not serve high alcohol drinks (spirits and cocktails), I would therefore ask why this variation in question should be able to do so if I was not granted permission? And I would suggest if it were to be passed that the same restrictions be imposed in-line with my own.

Over the past several months we have witnessed vendors serving cocktails under the Kings Road Courtyard licence, and later a separate TEN's. In conjunction with this, we have noticed an elevation of customers arriving to our bar intoxicated. To note there has been a spike in incidents involving police (June 9th), aggression towards my staff and nuisance complaints from neighbours. These are all new occurrence for our business, and does seem to correlate with the extended use of the courtyard as a 'street-food' venue. We have also seen an increase in the number of people under the age of 18 attempting service at our bar. I note also a rise in people bringing their own alcohol onto the premise for consumption. Prior to these occasions and ourselves being the only licenced venue on the premise managing customer's alcohol intake seemed more plausible. There was no discrepancy over who was in charge of controlling there matters – as we manage a strictly no external alcohol policy at our venue.

Pipes Brewery has always been a very relaxed, friendly venue. We have built up a repour with our customers and are highly respected amongst the community. We welcome all down the courtyard and are considered a family friendly venue. Because of this repour and respect, we have remained incident free since our licence was granted in 2015 and furthermore our early TEN events dating back to 2008.

Residence in this area already suffer noise nuisance, and I'm sure you have a bounty of objections from local residents living in the vicinity of Kings Road Yard. As a tenant of the premise I am not notified when music is occurring until the time. It is a nuisance and does hamper my general business activities and I will be registering my complaints to noise in the future.

In view of the above, I would urge the Licencing Authority to refuse the application. If the application is accepted I'd like the condition that the license restricts the service of high alcohol beverages such and spirits, shots and cocktails. I also request some plausible separation of liability in the case of any future incidents. Also that challenge 25 materials are on display, staff in service are trained in the responsible service of alcohol and the premise license displayed on premise – all of which I am obliged to do so in adherence of my own granted premise license.

Regards

Simon Doherty

Director

Artisan Brewing Co Ltd.

183A Kings Road Cardiff, CF119DF

Hartrey, Claire

From: Robert Chapman
Sent: 28 June 2018 01:18
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: Gordon, Iona (Cllr); cpwilliams@valeofglamorgan.gov.uk; Wild, Caro (Cllr)
Subject: Application for Variation of a Premises Licence - 183a Kings Road, Pontcanna, Cardiff CF11 9DF
Attachments: Extended hours.jpg; 01495 Artisan Brewing Co Summary.pdf; Studios plan.pdf
Importance: High

***** 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 Sirs,

INTRODUCTION

I act for the owner-occupier of 34 Severn Grove, Cardiff CF11 9EN. My client's property (including the garden) backs onto Kings Road Yard, as do several other residential properties in Severn Grove, and adjoining streets. My client has lived at 34 Severn Grove since the beginning of 2001.

I am writing in response to an "application for Variation" of the licensing hours for a premises licence (first attachment). The name of the "applicant" is described as "Kings Road Courtyard". The application pertains to 183a Kings Road, Pontcanna, Cardiff CF11 9DF. There is an intention to extend the licensing hours on Saturday from **10.00am in the morning to 22.30hrs at night** on Saturday.

EXECUTIVE SUMMARY

In summary, my client OBJECTS to this proposed extension in the guise of a "variation of a premises licence". It represents what I describe as 'mission creep' whereby there are incremental changes which slowly but surely are compounding the noise nuisance.

INITIAL BUT PERTINENT OBSERVATION

Before I provide a rationale for the objection, I'd like to highlight a relevant factual detail which may be a relevant technical detail. Based on previous correspondence with your licensing department, I am led to understand that the extant Licence dated 4th December 2015 is in favour of Artisan Brewing Co., **Unit 6A**, 183a Kings Road (second attachment). **THIS IS A SPECIFIC LOCATION** within the Kings Road site (known as The Yard – third attachment). The extant hours for alcohol consumption under that licence is stated as being between the hours of **10.00 to 22.00hrs** Monday to Sunday. The current application for a variation of the existing licence is from Kings Road Courtyard. **This begs three questions:** (i) how can the current application for a variation (from Kings Road Courtyard) apply to an extant licence belonging to Artisan Brewing Co; (ii) Whilst the Artisan Brewing Co is a legal (company) entity, Kings Road Courtyard is not a legal entity, but a place - can a place be an applicant for the purposes of the Licensing Act 2003? Put another way, is it a legal entity that is able to qualify as an applicant; (iii) the extant licence pertains to a

specific geographical location described as unit 6A (where the brewery is located) whereas the geographical location pertaining to the current application for the variation is 183a Kings Road, Pontcanna, Cardiff CF11 9DF which is a residential property - it is not where the brewery is located. For clarity, your answers to these questions would be welcomed.

BACKGROUND AND RATIONALE FOR OBJECTION

Put simply, my client feels legitimately that she / he is entitled to "quiet enjoyment" of their residential property in a residential area. This premise is supported by several other residents that we have spoken to. Previous complaints have been made because of noise(s) emanating from Kings Road Yard. On the face of it, it is very easy for one department of a local authority to ignore observations that collectively relate to activities and responsibilities managed by other local authority departments. Nevertheless, let me attempt to offer some "joined-up " observations.

Activities in "The Yard", Kings Road have involved an intensification of (i) planning uses (including change of use), (ii) temporary event notices (TENs) and (iii) premises licensing. Whilst different departments will state their narrow respective responsibilities, I guess it is a matter for local politicians in the guise of Councillors to "join the dots" vis-a-vis joining up the bigger picture (which concerns different departments) to consider things in the round. In other words, to ascertain what is going on. I return to this point later but for now simply state that this response is being copied to the local councillor Iona Gordon and Councillor Caro Wild.

Outline Background Chronology

On 8th December 2009, on behalf of several residents whose properties backed onto 183a Kings Road, I was asked to write objecting to a premises licence (reference LSS/CCCP/01495) in respect of unit 6A (Artisan Brewing Company). I offered the following comments:

- *There are already quite a number of properties in the area with premises licences: the Cameo Club; the Cinnamon Tree and the proposed Thai restaurant next door to the Cinnamon Tree. Indeed, Chapter has recently re-opened with a significantly larger capacity to accommodate a larger audience – within an enclosed and sound proofed area.*
- *A premises licence suggests inviting people onto the property to imbibe alcohol. This means an increase in traffic in the area. Indeed, there was an occasion earlier this year when such an activity took place on a Sunday. The resultant noise levels and music represented a disturbance.*
- *My recollection is that such a proposal would not comply with the existing planning policy.*
- *Importantly, the existing residents are entitled to 'quiet enjoyment' and privacy.*

Therefore, for these reasons, the application for a premises licence should be rejected.

In June 2010, I had correspondence with a previous (now retired) Cardiff County Council officer, John Vessey in which I complained about the noise level of music emanating from The Yard. Whilst accepting that the licence for alcohol is your sole responsibility, it is not difficult to piece together the fact that licensed alcohol + a TEN (temporary event notice) + music is a combination that will lead to a good deal of noise in a confined area where the acoustics (shaped by the surroundings) exacerbate the volume of the sound / noise. In other words, in this scenario, **the licensing of alcohol is an integral, component part of noise attribution.**

At the beginning of July 2010, my client experienced a break-in. This may, or may not, have been linked.

In October 2010, I made a further complaint to Mr Vessey (noise pollution) about the level of noise from The Yard. This was backed up by a candid email from Mrs Flip White (a resident in Severn Grove) to Mr K Munro. In it, she refers to the "*loud noise, alcohol related activity and residents who were unable to: enjoy their respective gardens; have people round; get kids to sleep*".

On the 8th October 2010, I received a communication from Ilaria Agnostini-Green, Licensing Enforcement Officer who had been informed about the complaint by Mr John Vessey. In her email, she refers to licensing hours for the consumption of alcohol between the **hours of 10.00am and 21.00hrs Monday to Sunday**.

Following a further complaint and visit by officers to 34 Severn Grove (November 2010) to witness at first hand the noise level emanating from The Yard, an abatement notice was served upon the perpetrator of the statutory noise nuisance (understood to be Artisan Brewery Co).

Scroll forward to **current times**, there has been an intensification of planning uses, evidenced for example with a recent planning approval for a bakery, including the production of pizzas. It doesn't take too much thought to make the connection between such a use, plus alcohol plus music via a TEN (temporary event notice). Yes, music has begun to creep back onto the scene. For example:

- I made a complaint again about noise emanating from The Yard in October 2017. Part of the correspondence at that time, included a communication between Councillor Iona Gordon and Mrs Stephanie Ann Wathan, Neighbourhood Services Officer (Tue 17/10/2017 10:53) in which Councillor Gordon stated: *"Thank you for your action on this noise nuisance. I can bear witness that the noise from the Yard at 183 Kings Road was unacceptable on Saturday 14th October. I held an event in St Catherine's Church hall nearby - the noise from the Yard was shocking."*
- I draw your attention to my e-mail of 21st June 2018 addressed to Mrs Caroline Munro. It was copied to the 'Licensing' department. For convenience, that email is copied below. I have not received a reply.

"Dear Caroline,

I refer to your (Kings Road Courtyard) application to vary the existing licence (first attachment). Details of the current licence are set out in the second attachment. For my benefit, could you explain why you (Kings Road Courtyard) are applying to extend or vary the licence bearing in mind that the holder of the licence is the Artisan Brewing Company?

Secondly, whilst I will be writing separately to Claire Hartrey prior to 28th June 2018, are you aware that there is an increasing unease amongst residents whose properties adjoin the property about the noise levels emanating from The Yard. I have drawn this matter to your attention on a number of occasions recently but have not received a reply. The intensification of use and noise is manifested by: (i) a recent planning decision; (ii) a recent one-off music event that went beyond the specified hours; (iii) tonight – as I write this note – an event is being held in The Yard where an organisation called The Urbanists is being hosted by Pipes. How does my client know this? Answer – by the level of noise. Were you aware of this event? I suspect not. All of this activity collectively amounts to 'mission creep'.

A timely reply would be appreciated.

Yours sincerely,

Robert I Chapman"

What is not understood by the 'operators' in the confined area to the rear of residences in Severn Grove etc is that when a mass of people gathers together (in the guise of events: typically, music and alcohol combined), the acoustic nature of that area means that **invasive noise is heightened and conveyed to**

neighbouring properties. This is especially noticeable and notable beyond 5.00pm when noise is refracted downwards in contrast with afternoons when noise begins to increase.

Returning to the application, and the **relevance of the preamble** above, it is not difficult to see that there is a tactical play here. The proposed change of use to a bakery selling goods – including pizzas – would be an accompaniment to the sale of beer from Pipes Brewery. This means that there is even more scope for people to amass in the Kings Yard area generating **significant noise**. Therefore, I am suggesting that you need to consider the context for this application and the additional **noise / nuisance** consequences that would flow. The coincidence of planning, TENS (music) plus extended licensing hours for alcohol consumption represents an **intensification of use** of the area which has consequences for existing residents **quite enjoyment**.

Further observations include:

- Neighbourhood and Community Consultation: Frankly, this has been *de minimus*.
- Vehicle Parking: Whilst there may not be vehicles parked in Kings Road Yard per se, it is likely that the combination of use, events, music and availability of alcohol in a confined area will lead to more problems with parking 'offsite'. In other words, parking in local resident areas adjoining The Yard. This is already happening and has been happening for some time. This is a consequence of intensified use.
- Hours of Opening for Alcohol Consumption: Prior to the Brewery, there was no consumption of alcohol. Subsequently, alcohol was licensed between:
 - 10.00hrs and 21.00hrs;
 - Then 10.00hrs and 22.00hrs; and
 - Now proposed 10.00hrs and 22.30hrs.

It is not difficult to see the **trend** which is linked to **use** and **events** (including music and loud chatter), with the consequence of noise nuisance for residents and neighbours. I describe this as deliberative action which amounts to mission creep. In other words, there appears to be a game plan for self-gain at the behest of residents who are entitled to quiet enjoyment in a residential area.

CONCLUSION

This application should not just be seen through the prism of the licensing authority. It needs to be seen as part of a contextual picture which is causing increased aggravation and nuisance – something that has been ongoing (on and off) over the last decade. Beyond the immediacy of this response to the current application, I will be liaising with residents about an application for the review of the premises licence for the reasons embedded in this e-mail communication.

Yours sincerely,

Robert I Chapman

RC² Property &
Regeneration
Expert

Robert I Chapman, Director

Bush House, 39 Cardiff Road
Llandaff, Cardiff, CF5 2DP

Hartrey, Claire

From: Robert Chapman <
Sent: 05 July 2018 16:59
To: Caroline Munro
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Gordon, Iona (Cllr); Noise and Air Pollution \ Llygredd Swn ac aer; cpwilliams@valeofglamorgan.gov.uk
Subject: RE: Licensing Act 2003

Dear Caroline,

Thank you for your reply.

From my client perspective, there is no problem with the Farmer's Market. Indeed, there is no problem with local, micro businesses, notwithstanding the fact that my client tolerates infrequent grinding noises from one of the businesses to the rear of her property. What is more problematic though is the music and conversational noise from The Yard. I think it is fair to say that residents whose properties back onto The Yard are able to distinguish where different noises come from.

What is clear to my client and adjoining residents – but not to others who do not wish to listen proactively – is that the music loudness and conversational chatter after several drinks is a problem. Indeed, such events involving music and drink are problematic in other ways too. My client was speaking to an adjoining neighbour recently (with family) who was angered by people looking over the boundary fence into her property.

Observations made in the past to the local authority (Mr Vessey) were not really accepted until officers actually experienced the noise level themselves, at which point a noise abatement notice was served. And, there lies the rub in the current day. The Council has a resource issue to get people out to site at the appropriate time.

The likely outcome is that residents who want quiet enjoyment in a residential area will seek recourse to those copied into this e-mail so that a record accumulates on file for action.

Best Wishes,

Robert

RC² Property &
Regeneration
Expert

Robert I Chapman, Director

Bush House, 39 Cardiff Road
Llandaff, Cardiff, CF5 2DP



RC2 is the trading name of Robert Chapman & Company Limited. Company Registration No: 04590590; Registered Office: Bush House, 39 Cardiff Road, Llandaff, Cardiff CF5 2DP

This e-mail is confidential and intended solely for the use of the individual (s) to whom it is addressed. Any views or opinions expressed are those of the author. If you are not the intended recipient, please be advised that any use, dissemination, printing or copying of this e-mail is strictly prohibited.

Although we have taken steps to ensure that this e-mail and attachments (if appropriate) are free from any virus, we advise that in keeping with good computing practice, the recipients should ensure that they are actually free from any virus.

From: Caroline Munro <[redacted]>
Sent: 03 July 2018 13:58
To: Robert Chapman <[redacted]>
Cc: licensing@cardiff.gov.uk; Gordon, Iona (Cllr) <Iona.Gordon@cardiff.gov.uk>; Noise and Air Pollution <NoiseandAirPollution@cardiff.gov.uk>; cpwilliams@valeofglamorgan.gov.uk
Subject: Re: Licensing Act 2003

Dear Robert,

I have been unable to reply to your emails as I have been very busy.

For your information Kings Road Yard Courtyard licence is separate from the Kings Road Yard Microbrewery namely "Pipes". This licence is to cover the events hosted by Pontcanna Market which is separate from the brewery events.

As Pontcanna Market and landlords of Kings Road Yard, I have already being granted a licence to sell alcohol on Saturdays morning and all day until 4pm on Sundays.(see attached our licence) We will only be using the extended licence times (to sell alcohol) at one event each month until October. We are not planning to hold events in the evening every Saturday.

Because we welcome less than 500 people (see attach regulations) at the Yard, we are allowed to have live music during the hours of 8am to 11pm all time. However we are aware of the "quiet enjoyment" of the residents near by and would not abuse this right.

We believe that all the events held by Pontcanna Market are not too much of a disturbance regarding noise level and we are very careful to keep it that way. We do have once or twice a year a live music performance which stops at 9.30pm and we believe this is reasonable. We will always inform the local residents in advance about those events.

On the whole we have had very positive feedback from local residents. They complained more about the noise emanating from the local pubs: Robin Hood, Cameo Club and live disco from St Catherine's Church, also live music parties from "Kemis" and "Pontcanna Mews". In the future please check that when there is excessive noise it may be coming from one of these other venues. Often, when people have complained in the past it was not us generating the noise.

As for events organised by "Pipes" please forward your complaint directly to Simon Doherty at:

I hope this has clarified your concerns.

Best Wishes

Caroline

On Thursday, 21 June 2018, 18:58:11 BST, Robert Chapman <[redacted]>

> wrote:

Dear Caroline,

I refer to your (Kings Road Courtyard) application to vary the existing licence (first attachment). Details of the current licence are set out in the second attachment. For my benefit, could you explain why you (Kings Road Courtyard) are applying to extend or vary the licence bearing in mind that the holder of the licence is the Artisan Brewing Company?

Secondly, whilst I will be writing separately to Claire Hartrey prior to 28th June 2018, are you aware that there is an increasing unease amongst residents whose properties adjoin the property about the noise levels emanating from The Yard. I have drawn this matter to your attention on a number of occasions recently but have not received a reply. The intensification of use and noise is manifested by: (i) a recent planning decision; (ii) a recent one-off music event that went beyond the specified hours; (iii) tonight – as I write this note – an event is being held in The Yard where an organisation called The Urbanists is being hosted by Pipes. How does my client know this? Answer – by the level of noise. Were you aware of this event? I suspect not. All of this activity collectively amounts to 'mission creep'.

A timely reply would be appreciated.

Yours sincerely,

Robert I Chapman

RC² Property &
Regeneration
Expert

Robert I Chapman, Director

Bush House, 39 Cardiff Road
Llandaff, Cardiff, CF5 2DP



RC2 is the trading name of Robert Chapman & Company Limited. Company Registration No: 04590590; Registered Office: Bush House, 39 Cardiff Road, Llandaff, Cardiff CF5 2DP

This e-mail is confidential and intended solely for the use of the individual (s) to whom it is addressed. Any views or opinions expressed are those of the author. If you are not the intended recipient, please be advised that any use, dissemination, printing or copying of this e-mail is strictly prohibited.

Hartrey, Claire

From:
Sent: 17 June 2018 21:48
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Application by Kings Road Courtyard
Attachments: Video of Pipes 1562018

Dear Licencing Team,

I am writing to strongly object to the extension of the licence to this establishment. I live in 38 Severn Grove with my 5 year old son and husband.

Our property directly backs on to the venue applying for the licence.

There was no licenced venue in this location when I purchased our property. Gradually, there has been a creep in the increased use of this venue as a music event venue and a licenced property.

I objected when the owners requested a licence until 9pm back in 2010. This is because the noise from the venue is unacceptable. This licence premises is entirely outdoor. This is bad enough with the current arrangements.

The extension to licensing hours will lead to customers being within 15m of our bedroom beyond our bedtime. But the noise will also be increased due to the longer hours for alcohol consumption. As it is, there are some nights where the noise goes on far beyond the 9pm curfew, for example the video I have attached to this email. This video was taken at 22.45 on Friday evening the 15th of June when I was on call. It is taken at night and is not great quality visually but the noise is self explanatory. As a consultant surgeon I regularly work weekends on call and need good quality sleep. As it is, I cannot open our bedroom window to sleep on summer nights when this establishment is licenced due to the noise.

Their customers also climb the stairs in the courtyard and stand at first floor level whilst drinking looking directly into our kitchen and garden, just as they were doing on Friday the 15th and Saturday 16th of June.

The current situation makes the garden out of bounds on a Saturday evening for my son due to the volume of 'adult' conversations.

I would be very grateful if you would consider our plea to reject this development creep. It is already impacting on our lives.

Yours faithfully,

Hartrey, Claire

From: <[REDACTED]>@ic.uk>
Sent: 27 June 2018 22:01
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Further evidence to object to extending licensing hours for 183a Kings Rd
Attachments: IMG_1164.jpg; ATT00001.txt

Thank you for your consideration.

Dear Licensing Team,

We, the undersigned, live in properties directly affected by the increasing noise associated with the lengthening of the licensing hours applied for by 183a Kings Road, Pontcanna, Cardiff CF11 9DF.

We object to the granting of the current request for lengthening the hours from 10.00 to 22.30.

NAME	ADDRESS	EMAIL	TELEPHONE	ADDITIONAL COMMENTS
J. Chapman R Chapman	34 Severn Grove	[REDACTED]	[REDACTED]	
A Griffith	40 Severn Grove	[REDACTED]	[REDACTED]	
V. Male	36 Severn Grove.	[REDACTED]	[REDACTED]	
A. Jorwerth	38 Severn Grove	[REDACTED]	[REDACTED]	
N. DAVIES	42 SEVERN GROVE	[REDACTED]	[REDACTED]	
M. HOPKINS	30 Severn Grove	[REDACTED]	[REDACTED]	

' CRANTON
CPII GDF.
22nd JUNE

TO CARDIFF COUNTY COUNCIL
LICENCE SECTION

WE HAVE
REJECTED AGAINST THE LICENSE
AT 183A KINGS RD. COURTYARD
DUE TO THE FACT OF THE
POSSIBLE NOISE AT SUCH A LATE
TIME OF THE DAY IN A
RESIDENTIAL AREA.

YOURS SINCERELY
- 1956

CARDIFF COUNTY COUNCIL

1956

Hartrey, Claire

From:
Sent: 28 June 2018 08:01
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Kings Road Courtyard

Dear Sir/Madam,

I am writing to express our objection to a recent application made by kings road courtyard, pontcanna. The application is to extend the opening hours for the sale of alcohol to 10.30pm on Saturdays.

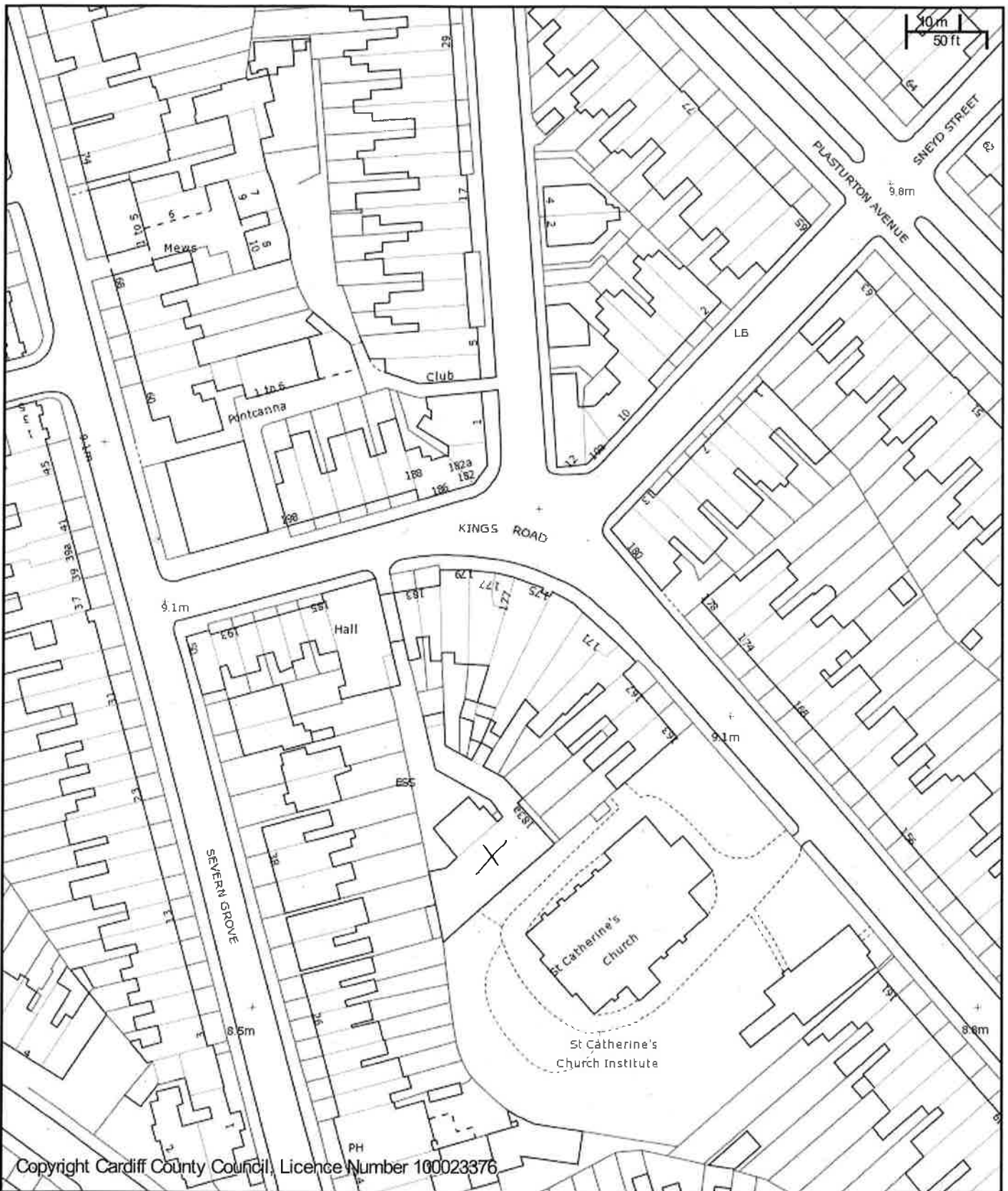
As residents whose garden is adjacent to kings road yard we are directly affected by events there. At present, the sale of alcohol is permitted until 10pm. During busy days the noise from customers can be loud throughout the day and into the night. On Saturdays this lasts until around 11pm by the time customers have finished their drinks and left. An extra 30 mins would extend this to 11.30 which we believe is too late. The noise already causes issues in getting our children to sleep; this would be made worse by the proposed changes. The noise is particularly disruptive when live bands are hosted.

I hope that you will take into account our concerns.

Yours Sincerely,

D

Pontcanna



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

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

Scale: 1:1000

Date: 1/8/2018 at 14:29 PM

Coordinates:

© Crown copyright and database rights (2014).
 This copy is produced specifically to supply County
 Council information NO further copies may be made.

Ordnance Survey 100023376 (2014).