

LICENSING SUB-COMMITTEE: 03 December 2015

Report of the Head of Regulatory Services

Application for Premises Licence - Summary Review – Interim Steps Hearing

Application No: CCCP/01069

Name of Premises: 411 (formerly Aqua Bar) Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Summary Review, has been received in respect of the Premises Licence held by 411 Entertainment Ltd for the 411 (formerly Aqua Bar), 3-6 St Mary Street, Cardiff CF10 1AT .

1.2 The applicant is permitted by the licence to provide the following:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on and off the premises.

2. The provision of regulated entertainment in the form of films, live music, recorded music, performances of dance and anything of a similar description.

3. The provision of late night refreshment.

(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:

Monday to Sunday: 09:00 to 04:00

New Year's Eve: 09.00 to the end of permitted hours on New Year's Day

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

1. The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 09.00 to 03.30

New Year's Eve: 09.00 to the end of permitted hours on New Year's Day

2. The provision of regulated entertainment in the form of films, live music, recorded music, performances of dance and anything of a similar description:

Monday to Sunday: 09.00 to 04.00

New Year's Eve: 09.00 to the end of permitted hours on New Year's Day

3. The provision of late night refreshment:

Monday to Sunday: 23:00 to 04:00

New Year's Eve: 23:00 to 05:00

2. Details of the Application for Review.

- 2.1 An application for Summary Review has been received in respect of 411 (formerly Aqua Bar), 3-6 St Mary Street, Cardiff CF10 1AT which holds a Premises Licence permitting the sale of alcohol by retail. The application has been made on behalf of the Chief Constable of South Wales Police and a Certificate has been submitted which has been signed by a police officer of superintendent rank or above. A copy of the application form is enclosed with the report. Brief details are:

The application for Summary Review of the Premises Licence was received from South Wales Police following an incident of serious crime and disorder at the premises on 29th November 2015.

- 2.2 In the case of an application for summary review the authority must within 48 hours hold a hearing to consider whether it is necessary to take interim steps pending the determination of the application which must take place within 28 days. The Sub-Committee may make the following determination
- a) To decide that it is not necessary to take interim action.
 - b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
 - c) To exclude the sale of alcohol from the scope of the licence.
 - d) Remove the Designated Premises Supervisor from the licence.
 - e) Suspend the Premises Licence.
- 2.3 The decision of the Sub-Committee takes effect immediately or as soon after as directed but the licence holder and the Police must be given immediate notice of the decision of the Sub-Committee and its reasons for making it.

3. Relevant Representations

- 3.1 Under Section 53B(2) of the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006, consideration of the whether to take interim action may take place without the having been given an opportunity to make representations.

3.2 The licence holder has the right to make representations against any interim steps taken which must be further considered by the authority within 48 hours.

4. Legal Considerations.

4.1 Any decision must be taken following consideration of the representations received with a view to promoting the licensing objective in this case of prevention of crime and disorder.

4.2 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. Recommendation.

It is recommended that the application for Summary Review be considered and the need to take interim action determined on its merits.

Dave Holland
Shared Regulatory Services

01 December 2015