

LICENSING SUB COMMITTEE

24 AUGUST 2018

Present: Councillor Mackie(Chairperson)
Councillors Lancaster and Goddard

12 : DECLARATIONS OF INTEREST

No declarations were received.

13 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - CF11, CATHEDRAL ROAD

Present:

Applicant: Jason Arthur Hamer
John Wallsgrove, Blake Morgan Solicitors representing Mr
Hamer

Other Persons: Councillor Iona Gordon, Riverside Ward
Councillor Caro Wild, Riverside Ward
Mr M Bisic, local resident
Mr D Brittain, local resident

Application

An application for variation of a Premises Licence has been received from Jason Hamer in respect of CFEleven, 151 Cathedral Road, Cardiff, CF11 9PJ.

The applicant has applied to amend the licensable hours as follows:

The sale by retail of alcohol for consumption on the premises:

- Monday to Sunday: 10:00 to 00:00
- New Years Eve: until start of permitted hours on 1st January

An amendment to the approved plan to include two outdoor areas in the premises licence.

To remove condition 4: 'Patrons will not be allowed outside the premises with alcoholic beverages'.

The Sub Committee was advised that the applicant wished to amend the part of the application previously made on the basis that the extension to the licensable hours was only from 10:00 – 00:00 on Thursday to Saturday with no non standard timings

The Applicant confirmed his acceptance of the additional conditions to the premises licence as suggested by the South Wales Police which resulted in their objection being withdrawn, namely:

1. Sale of alcoholic beverages will only be made to persons who remain at CF Eleven to consume them.
2. Use of the outside areas for the consumption of alcoholic beverage will case as follows:
Front: 21:00 hrs daily
Rear: 23:00 hrs daily
3. There will be no external audio speakers used to provide background music after the following timings:
Front: 21:00 hrs daily
Rear: 23:00 hrs daily
4. The Designated Premises Supervisor shall ensure that outside tables are cleared of all bottles and glasses on a regular basis during trading hours, to avoid an accumulation of glass ware.
5. When live music is provided (indoors only) the windows and doors will remain closed except when patrons need to enter or exit the premise and outside area(s).
6. There shall be no outdoor bars positioned at the premise.
7. Security Industry Authority (SIA) Door Supervisors will be provided at times when the Designated Premises Supervisor (DPS) deems it necessary, having undertaken a written risk, assessment which shows the rationale for SIA being provided or not.
8. At times when SIA are on duty, they shall display their SIA badge(s) on armbands.
9. A register of door staff employed shall be maintained at the premises and shall include:
 - (i) The Security Industries Agency registration numbers of each door supervisor;
 - (ii) The full name of each member of door staff;
 - (iii) The times the door staff start and end duty;
 - (iv) The name of the company through which the Door Supervisors were employed.

Further, the applicant also confirmed that he agreed to the further amendment of condition 3:

There will be no use of external speakers at the front of the premises and no use of external speakers at the rear of the premises after 21:00 hours.

Other Persons Representations

Councillor Gordon addressed the Sub Committee. She had been present when the previous premises licence had been granted in February 2017. Whilst the understanding of residents was that it would be an exclusive hotel, it is now a full scale pub with entertainment which is in the heart of Cathedral Road which is a conservation area.

Mr Lane advised Cllr Gordon that any of the points she had made regarding the Conservation area or Planning consent required for signage were not relevant to the matters before the Licensing Sub Committee and that Members could not take them into consideration when coming to their decision.

Councillor Wild indicated that he had received a number of complaints from local residents concerned about the level of noise from the premises, and also advising that the applicant was in breach of the conditions previously imposed when the licence was granted.

Mr Bisic, a local resident, whose property backs on to the garden of the premises referred to the email which had been submitted to the licensing authority previously, but added that should the application be granted CF Eleven would be open for longer periods than other licensed premises in the area which would mean that residents will suffer even more than the noise currently coming from the garden area of the premises.

Mr Britton, a local resident, advised the Sub Committee that he represented a number of local residents who were either on holiday or unable to attend due to work commitments. Objections had been made at the time of the last hearing in February 2017, but when the application was granted there was an expectation that the conditions imposed would be enforced. They have not and it is the belief that the conditions imposed have been breached, on the basis that the garden at the back of the premises is being used by customers. CF Eleven is a very different premise than that described to the Sub Committee in February of last year.

Cathedral Road is a national treasure and should be treated as such.

As a result of a question from the applicant Councillor Wild indicated that he had received a number of complaints about the premises via email, twitter and at surgeries.

Applicants Representations

Mr Wallsgrove addressed the Sub Committee on behalf of the applicant and reiterated that the applicant had accepted the conditions as suggested by South Wales Police.

It was accepted on behalf of the application that the reason for the application is for commercial reasons, it was certainly not a stealth tactic, the original purpose was no longer financially viable. It is an establishment that is enjoyed by professional people with an average age of between 25 and 55. The vast amount of alcohol sales relate to the sale of gin, the price of gin ranging between £6 and £16. Other alcohol is sold on the premises.

Mr Wallsgrove submitted that the applicant did not believe that he was or has been in breach of the licence conditions by using the garden, and advised that when officers from South Wales Police attended after the application had been made no action was taken or comments made about the garden being used.

It was not accepted that the music in the garden was a breach of the conditions; the garden is considered a work place in accordance with the Section 182 guidance.

Mr Hamer had not been made aware of any complaints about the premises until the application was submitted, customers having been using the garden for the last 4 or

5 months – the previous complaint about the level of noise from whilst a charity function was going on was addressed at the time.

It was submitted that, on the basis that there had been no objections from both South Wales Police and Environmental Health and the Section 182 guidance, there would have to be credible and tangible evidence to enable the Sub Committee to overturn what is deemed to be expert opinion.

Further to questions asked Mr Wallsgrove advised that customers at the premises were substantially local, and not made up of stage and hen parties. It is estimated that the closest bedroom to be the back of the premises is at a distance of approximately 40 metres; there are also other premises in the area which could be responsible for any noise.

Mr Hamer advised that the garden has been open since March or April of this year, there are 8 bedrooms at the hotel and there have not been any complaints about noise from residents.

A question was raised by Cllr Lancaster in relation to a lack of information in the application on how the applicant would support the promotion of the Licensing Objectives , Mr Wallsgrove advised that he was not instructed at the time the application was submitted, if he had the information provided may well have been different.

The Sub Committee was advised that the maximum seating capacity at the front of the premises is 24, at the rear 60 and inside 45.

Summing Up

Councillor Wild advised that previously the Sub Committee had been advised that customers would not be drinking in the garden. Mr Bisic advised that his bedroom was facing the garden and that due to the weather he had been unable to shut his windows and has been very disturbed by the noise. Mr Britton reiterated concerns about local residents being unable to sleep because of the noise from the premises and advised that he did not complain previously about the premises as he did not know that he could.

Mr Wallsgrove reiterated his submission that there had been no objections from both South Wales Police and Environmental Health and that strong credible evidence is required to overturn the views of those responsible authorities.

RESOLVED: That the Sub-Committee having considered all the information, and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy GRANTED the amended application and amended conditions in part, namely to extend the sale by retail of alcohol for consumption on the premises from Thursday until Saturday between 10:00 and 00:00 (midnight).

The application for the amendment to the approved plan to include two outdoor areas in the premises licence and the removal of condition 4 on the current licence was also GRANTED subject to a condition that the outdoor areas at the front and rear to

be included in the premises licence not to be used by customers after 9.00 pm for the consumption of beverages.

14 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - WALLY SPIRITS OF WALES

The application was granted without the need for a hearing as the objector withdrew the objection.

15 : URGENT ITEMS (IF ANY)

There were no urgent items.

The meeting terminated at 12.50 pm