

LICENSING SUB COMMITTEE

31 AUGUST 2018

Present: Councillor Mackie(Chairperson)
Councillors Sattar and Wood

16 : DECLARATIONS OF INTEREST

No declarations of interest were received.

17 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TESCO,
BBC BUILDING

Applicants: represented by Jeremy Bark, BCLP Solicitors

Responsible Authority: Tony Bowley, South Wales Police

The Application

An application for the grant of a Premises Licence was received from Tesco Stores Limited in respect of Tesco, Ground Floor, Commercial Units 1-5, BBC Building, Central Square, Cardiff.

The applicant applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption off the premises.

(2) Description of Premises (as stated by applicant):

“Retail premises (supermarket) selling a range of goods and services. This includes the sale of alcohol for consumption off the premises. Sales of alcohol for consumption off the premises are made from the supermarket sales floor as shown on the enclosed plan”.

(3) The opening hours are proposed as follows:

Not specified

(4) To provide licensable activities during the following hours:

1. The supply of alcohol for consumption off the premises:

Monday to Sunday: 06:00 to 00:00

Responsible Authority Representations

Tony Bowley addressed the Sub Committee on behalf of South Wales Police. Members were advised that South Wales Police objected to the granting of a

premises licence based on the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm licensing objectives.

Mr Bowley stated that, should the Sub Committee be minded to grant the application then South Wales Police would request that 3 conditions set out in the written representations be attached to the premises licence. The applicant has accepted those conditions.

Members were advised that the premises is located within the Cumulative Impact Zone area. This area is subject to disproportionate levels of crime, disorder and public nuisance due to the concentration of licenced premises. Mr Bowley referred to statistical evidence of the number of recorded crimes in the area between January 2016 and March 2018. These statistics demonstrated that the level of crime in the area is higher and this is directly related to licensable activities. Therefore, in order for the premises licence to be granted, it falls on the applicants to demonstrate that there would be no negative impact on the licensing objectives.

Mr Bowley was unable to confirm how many of the recorded crimes presented in the statistics related to incidents at branches of Tesco in the City Centre.

Applicants Representations

Mr Jeremy Bark presented that application. Mr Bark stated that the application was for a new premises licence, but it was effectively for the relocation of an existing licence as part of the Central Square development and the premises licence for the Wood Street store would be surrendered before any new licence becomes operational.

The new premises licence would be for a general convenience store. The authority's Statement of Licensing Policy recognises that convenience stores present a lower risk in terms of crime, disorder and public nuisance. The stores would offer approximately 90 alcohol products; mostly wines, with a limited number of spirits, beers and ciders. Members were appraised of the store layout and the policies and controls in place governing the sale of alcohol.

Mr Bark indicated that 95% of the alcohol sold was sold with other products. The store predominantly served customers who either work or live in the City Centre with 'top up' shopping.

Responding to points made by Mr Bowley relating to the recorded crimes, Mr Bark stated that there have been 3 incidents at the Wood Street branch of Tesco in the past 30 months. The low level of incidents reported came as no surprise to the applicants due to the range of best practice policies in place.

Members were provided with a comprehensive overview of the best practice policies and procedures operated by the applicant, including the Think 25 scheme, staff training, internal audits and mystery shopper exercises.

Mr Bark suggested that the new premises licence would not have a negative impact on the licensing objectives and therefore the authority's policy would be satisfied and the application should be granted.

Mr Bark confirmed that the applicants would accept conditions 2, 3, 4 and 5 from the Wood Street store premises licence. Members were invited to grant the application.

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, the Sub Committee granted the application subject to the conditions agreed.

18 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TITAN WAREHOUSE, TITAN ROAD

Applicants: represented by Phil Cryer, Phil Sheeran,
Sam Bush, Warren King

Responsible Authority: Stephanie Watham, Pollution Control

The Application

An application for the grant of a Premises Licence was received from Live Nation (Music) UK Limited in respect of Titan Warehouse, Titan Road, Cardiff.

The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption on the premises.
2. The provision of regulated entertainment in the form of plays, films, live music, recorded music, dance, and entertainment of a similar description (indoors).
3. The provision of late night refreshment (indoors and outdoors).

(2) Description of Premises (as stated by applicant):

'Warehouse building and adjacent outdoor car park as identified by the plan submitted with the application, currently known as Splott Warehouse but to be called Titan Warehouse for the premises licence. It is proposed that there will be a maximum of 10 event days plus New Year's Eve each calendar year for the provision of regulated entertainment and sale of alcohol for consumption on the premises as specified in the application.'

(3) The opening hours are proposed as follows:

Monday to Thursday: 18:00 to 00:30
Friday to Sunday: 14:00 to 00:30
New Years Eve: 18:00 to 04:30

(4) To provide licensable activities during the following hours:

1. The supply of alcohol for consumption on the premises:

Monday to Thursday: 18:00 to 00:00
Friday to Sunday: 14:00 to 00:00
New Years Eve: 18:00 to 04:00

2. The provision of regulated entertainment in the form of plays, films, live music, recorded music, dance, and entertainment of a similar description (indoors).

Monday to Thursday: 18:00 to 00:00
Friday to Sunday: 14:00 to 00:00
New Years Eve: 18:00 to 04:00

3. The provision of late night refreshment (indoors & outdoors):

Monday to Sunday: 23:00 to 00:00
New Years Eve: 23:00 to 04:00

At the commencement of the hearing Claire Hartrey of the Licensing Department, Shared Regulatory Services, asked Phil Cryer to confirm that it has been agreed that the application be amended to limit the number of event days to 6, based on Friday/Saturday over three weekends during the year and that there be no two events within a 4 month period. Mr Cryer confirm that the amendment was agreed and accepted by the applicants.

Responsible Authority

Stephanie Watham addressed that Sub Committee. Members were advised that Pollution Control objected to the granting of the premises licence based on the prevention of public nuisance licensing objective.

Members were advised that the application was received on 26 June 2018. Stephanie Watham attended the premises and objected to the application on 6 July 2018 due to concerns relating to noise emanating from music, crowd noise and noise generated by logistical infrastructure such as generators.

Stephanie Watham stated that the Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995) recommends that noise should not exceed 15 dba in nearby residences. The applicant was not prepared to accept the levels set out in the guidance.

Historically, there have been a number of noise complaints relating to events that have taken place at the premises. Pollution Control officers visited residents during those events and confirmed that a statutory noise nuisance had occurred.

The applicants had produced a Noise Assessment and Noise Management Plan. However, the noise assessment was based on a desktop exercise based on modelling and the noise consultant has not visited the site. The assessment was based on a fully enclosed building. The consultant was not aware that the building has openings and therefore any events held there should be considered as outdoor events.

Members were urged to refuse the application

Applicants Representations

Mr Phil Cryer presented the application. Members were advised that, following the application, the applicant has had significant with the responsible authorities. The applicant intends to meet the licensing objectives and to this end the applicant has agreed to accept all the conditions requested in the written representations received from South Wales Police. The applicants – Live Nation – are a reputable company who want to demonstrate that they approach concerns seriously and with to work, and find agreement with, the responsible authorities.

The application has been amended in order to address a number of the concerns set out in the written representations received. For example, the number of event days has been reduced from 10 to 6, the events will take place at least 3 months apart and events on Friday will commence no earlier than 1600 hours in order to avoid clashing with the working day. The applicant is also prepared to propose a terminal hour of 2300 hours on either a Friday or Saturday.

The applicants have accepted 32 conditions from South Wales Police. Members were advised that the applicant were confident all 32 conditions can be complied with. However, it was not appropriate to judge these applicants on complaints made about events organised by other operators. Live Nation are the largest international concert promoter. They have organised approximately 20,000 events ranging from large events such as the Reading/Leeds Festival, Wireless, Download Festival, Radio 1 Big Weekend, Help for Heroes Concert, etc to smaller localised concerts and events aimed at bring music to people.

Members were advised that Live Nation have identified Cardiff as an ideal destination but it will only be successful if they can secure a long term approach. Mr Cryer stated that the applicants were not paying lip service to concerns; they need to be satisfied if they are to invest in this site and they are serious about compliance with the regulatory regime. A comprehensive management plan will be put in place for each event and the event management team will attend Safety Advisory Group Events Panel.

The applicants intend bringing events to Cardiff that will be enjoyed by local people and also attract visitors to the City. There is likely to be significant benefit to the area in terms of tourism and employment. There will also better use of the commercial space.

The structure on the site will allow for attenuation measure to be put in place. Investment will also be made in infrastructure and other facilities. However, the concerns of local residents and businesses were accepted. The applicants are mindful of the impact events will have and significant mitigation will be put in place, in terms of security and stewarding during events.

Discussion were held with officers from Pollution Control. Mr Cryer proposed that a set of conditions that demonstrated a sensible understanding of the issues. Mr Cryer considered that there was no merit in applying for a premises licence to hold a single

event that was subject to many complaints. It was hoped that the proposed conditions were appropriate and the applicants were seeking the opportunity to prove that.

There would be at least 3 months between events and this would also be reactive measures to be put in place between events, should these be necessary. There would also be an opportunity to review the premises licence or issue a noise abatement notice, for example.

Mr Sam Bush addressed the Sub Committee. Mr Bush stated that the applicants were looking to achieve new opportunities by addressing the huge demand for music in the area. Live Nation has worked in partnership with local authorities and others to ensure that its activities are sustainable and therefore it is important to build good relationships in terms of sound management and crowd management. Live Nation respect the opinions of other and will undertake to do everything possible to mitigate the impact of any events.

Mr Paul Sheeran stated that there was a great opportunity to create a unique brand in the City and contribute towards the City's Music Strategy and aspirations to become European Music Capital. The opportunity was for Live Nation and Cardiff to grow together.

Mr Cryer confirmed that the applicants did not own the building. However, a 5 year agreement was in place which would allow for infrastructure to be brought in aimed at minimising impact. That impact would be assessed and mitigated against accordingly.

Stephanie Watham asked Mr Cryer to clarify the noise assessment in Version 3 of the Noise Assessment report which indicated that residential properties would be subject to 75 dbs. Mr Cryer stated that the condition suggested previously would allow for a maximum of 65 dbs. If noise nuisance pervades beyond this then mitigation measures will be put in place for subsequent events.

Mr Cryer confirmed that the telephone line for noise complaints will be manned when the event is taking place and that the officer responsible for handling complaints will be on site during the event. In the applicant's experience getting communication with the community right was key to staging successful events.

Summing Up

All parties were invited to sum up.

Stephanie Watham stated that despite the conditions offered by the applicants, Pollution Control still have concerns.

Mr Cryer stated that applicants have been forthright and have undertaken to address any noise issues.

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, the Sub

Committee granted the application subject to the conditions agreed with South Wales Police and the additional conditions offered by the applicant.

19 : URGENT ITEMS (IF ANY)

No urgent items were presented.

The meeting terminated at 12.30 pm