

LICENSING SUB COMMITTEE

23 NOVEMBER 2018

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen and Sattar

34 : DECLARATIONS OF INTEREST

No declarations of interest were received.

35 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - TY
MADEIRA, ST MARY STREET

Applicants: Vito de Gouveia represented by Bill Freeman

Interested Party: Camilla Azzopardi

The Application

An application for the variation of a Premises Licence was been received from Madeira 3 Ltd in respect of Ty Madeira, 32 St Mary Street, Cardiff.

The applicant applied to vary the licence as follows:

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

Monday to Sunday: 10:00 to 01:30 hours

New Years Eve: 10:00 until the start of permitted hours on New Years Day

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

Monday to Sunday: 10:00 to 01:30 hours

New Years Eve: 10:00 until the start of permitted hours on New Years Day

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

Monday to Sunday: 23:00 to 01:30 hours

New Years Eve: 23:00 to 05:00

4. The opening hours of the premises enabling to cater for the above:

Monday to Sunday: 10:00 to 02:00 hours

New Years Eve: 10:00 until the start of permitted hours on New Years Day

At the commencement of the meeting Members were advised that the applicant had agreed to accept all 15 conditions requested in the written representations received from South Wales Police. As the applicant reached agreement with South Wales

Police, the representations received from Cardiff Council Licensing were subsequently withdrawn.

Interested Party Representations

Camilla Azzopardi addressed the Sub Committee. Ms Azzopardi stated that she has been trading at Charltons Restaurant in St Mary Street for almost 30 years. Over this time she has witnessed St Mary Street become more and more uncontrollable and she considered that another premises licence would cause more problems in the area, particularly if trading until 0100 hours.

Ms Azzopardi stated that she tries to attract families to her establishment. Customers now have to be escorted to taxis, as behaviour is getting worse and worse.

Ms Azzopardi did not think that SIA approved doormen do not help to stop anti-social behaviour problems in the area. She has personally witnessed troublemakers fighting with Police Officers.

Applicants Representations

Mr Bill Freeman presented the application. Members were reminded that the application has been amended in line with the conditions suggested in the written representations received from South Wales Police.

The Madeira Restaurant is an established business in the City Centre and have been operating from their Guildford Crescent premises for 20 years. The lease for that premises is coming to an end and the area is likely to be redeveloped. Since making the application Ty Madeira has been operating under the existing premises licence. Whilst the applicant wishes to respect the views of Ms Azzopardi, Mr Freeman stated that Ms Azzopardi's concerns had been adequately addressed by applicant's agreement with the responsible authorities.

Mr Vito de Gouveia stated that they have been operating for a number of weeks at their new premises. Doormen are on duty from 1800 hours. Mr de Gouveia stated that he is reassured that the doormen ensure that all the customers are safe and secure. The variation application seeks to allow drinks to be served to customers who want to pop in after work or on their way to see a show.

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.

36 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - KEVIN'S BAR, COWBRIDGE ROAD EAST

Applicants: Bernard Carlton, Director
Dave Marks, DPS;
represented by Cameron Patterson

Responsible Authority: Gwyn Mapp,
Neighbourhood Services, Cardiff Council

Interested Party: Mark McDonald, Solicitor for leaseholder

The Application

An application for the grant of a Premises Licence was received from Kevin's Bars and Pubs Ltd in respect of 161 Cowbridge Road East, Canton, Cardiff

The applicant has applied for the following:

- (1) In respect of the following licensable activities:
 - (i) The sale by retail for consumption on and off the premises
 - (ii) The provision of regulated entertainment in the form of live music and recorded music (indoors)
 - (iii) The provision of late night refreshment (indoors)
- (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:

Sunday to Thursday: 11:00 to 00:00

Friday and Saturday: 11:00 to 02:00

New Years Eve: 11:00 to the start of permitted hours on New Years Day

- (3) To provide licensable activities during the following hours:

- (i) The sale by retail for consumption on and off the premises:

Sunday to Thursday: 11:00 to 00:00

Friday and Saturday: 11:00 to 02:00

New Years Eve: 11:00 to the start of permitted hours on New Years Day

- (ii) The provision of regulated entertainment in the form of live music and recorded music (indoors):

Sunday to Thursday: 23:00 to 00:00

Friday and Saturday: 23:00 to 02:00

New Years Eve: 23:00 to the start of permitted hours on New Years Day

- (iii) The provision of late night refreshment (indoors):

Sunday to Thursday: 23:00 to 00:00

Friday and Saturday: 23:00 to 02:00

New Years Eve: 23:00 to 05:00

Responsible Authority Representations

Gwyn Mapp, Neighbourhood Services Officer, Cardiff Council, addressed the Sub Committee. Members were advised that upon receipt of the application Gwyn Mapp

attended the premises and the Cowbridge Street East area. A comparison of the hours applied for and the hours operated by other licenced premises in the vicinity was carried out. The hours applied for considerably exceeded those currently being operated.

There are 75 residential properties within 50 metres of the premises and concerns would expressed that music from regulated entertainment would cross boundaries, resulting in public nuisance being caused. Mr Mapp advised that he emailed the applicants in order to get more information regarding the management of noise breakout and any proposed mitigation measures. He did not receive a response to his email.

Mr Cameron Patterson asked whether Mr Mapp had been made aware that the application had been varied as a result of an agreement between the applicant and South Wales Police. Mr Mapp stated that he became aware the day before the hearing.

Mr Patterson stated that no response to Mr Mapp's email was sent because the applicants were anticipating a request for an acoustic report to be forthcoming. Mr Patterson advised his clients to ascertain what measures Neighbourhood Services would like to see put in place. t

The Legal Officer asked Mr Mapp to clarify whether his concerns related to the terminal hour for regulated entertainment or to noise breakout in general. Mr Mapp stated that both issues gave him cause for concern.

Mr Patterson acknowledged that a planning restriction was in place with prevented the use of the premises beyond 2300 hours. An undertaking was provided that that issue would be addressed if a premises licence is granted.

Applicants Representations

Mr Patterson presented the application. Mr Patterson stated that South Wales Police had requested 15 conditions, all of which were accepted by the applicant. The only issue of contention related to the provision of regulated entertainment between 2300 and 0100 hours.

Mr Patterson stated that the applicants intend to attract a more mature clientele. The premises would accommodate up to 70 people in a relaxed, informal atmosphere. Live artists would perform on an occasion basis, such as the provision of jazz on a Sunday between 1400 hours and 18 hours.

The Sub Committee was informed that the applicants are prepared to undertake a noise impact assessment at the premises but first they would like to understand more about the guidelines they would be reporting to. Therefore it was suggested that the Sub Committee may like to adjourn that part of the application relating to regulated entertainment.

Mr Mapp asked whether the applicants had considered the impact of regulated entertainment beyond 2300 hours. Mr Patterson stated that they certainly did – they did not want to work against the local community in this regard and they were happy

to liaise with officers from Neighbourhood Services regarding the aspects of noise which the wish to see addressed.

Members were advised that the premises were being redeveloped. Members asked whether it would be better to put soundproofing in now, rather than wait. Members were advised that the applicants did not want to incur unnecessary expense putting sound proofing into the premises at this stage. However, soundproofing would be installed if necessary.

Mr Carlton stated that the external area would be used a smoking area. No drinking would be permitted in that area beyond 2100 hours. No music would be played externally and all drinks would be served at the bar.

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 following condition:

The premises must employ a suitably qualified acoustic consultant (who is a member of the Institute of Acoustics or similar organisation) to produce an acoustic report to the satisfaction of the Shared Regulatory Service's Neighbourhood Services Team. Any noise mitigation measures recommended in the report that are agreed to be necessary by a Neighbourhood Services Officer must be fully implemented prior to any regulated entertainment being performed at the premises.

37 : URGENT ITEMS (IF ANY)

No urgent items were received.

The meeting terminated at 11.45 am