

DRAFT MINUTES

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Meeting ID	3828
Committee	Licensing Sub Committee
Date	14/06/2019
Attendees	<p>Councillor Norma Mackie (Chair)</p> <p>Councillor Bernie Bowen-Thomson (Committee Member)</p> <p>Gill Nurton (Notify)</p> <p>Claire Hartrey (Officer)</p> <p>Graham Porter (Clerk)</p> <p>Amanda Jones (Officer)</p> <p>Clive Pursey (Officer)</p> <p>Davina Fiore (Monitor)</p> <p>Gary Jones (Monitor)</p> <p>Councillor Susan Goddard (Committee Member)</p>

Item ID	16560
Item Title	Declarations of Interest
Summary	No declarations of interest were received.

Item ID	16562
Item Title	Application for the Variation of a Premises Licence - Three Arches, Cyncoed
Summary	<p>Presents:</p> <p>Responsible Authority: PC Rob Gunstone, South Wales Police</p> <p>Applicants: represented by Matthew Phipps</p> <p>Others Persons: Bernard Hayward, Johanna Hunt, Bryn Hunt Local residents</p> <p><u>The Application</u></p> <p>An application to vary the Premises Licence was been received from SA Brain & Co Limited in respect of Three Arches, Heathwood Road, Cyncoed, Cardiff.</p> <p>The application proposes to licence the external area and install a temporary bar as shown on submitted plan attached to the report.</p> <p><u>Responsible Authority Representations</u></p> <p>PC Rob Gunstone addressed the Sub Committee and outlined the</p>

application. Members were advised that South Wales Police submitted representation on the application, including suggested conditions relating to the operations of the external area.

The Police representations have been subject to dialogue between the applicants and South Wales Police. The applicant agreed to broadly accept the conditions set out in the written representations. The wording of two conditions was slightly amended by agreement between all parties.

The agreed conditions are as follows:

1. Prominent notices to be placed in the external area as per plan reference Lic 2 dated 05/04/2019 requiring patrons to respect the neighbouring properties and to leave quietly.
2. Any exterior lighting shall be directed away from residential properties.
3. At least 70% of the external area as depicted on Plan reference will be occupied by tables and chairs.
4. Regulated entertainment in the external area will cease at 23:00
5. On those occasions when the bar in the external area is not in use, it will be secured in such a way to prevent persons gaining access.
6. There will be no screening of any sporting events in the external area of the premises as per plan reference Lic 2 dated 05/04/2019.
7. The sale of alcohol from any bar located within the external area as depicted on plan reference Lic 2 dated 05/04/ 19 will cease at 2230hrs daily.
8. On those occasions when the external bar, as per plan reference Lic 2 05/04/2019 is open for the sale or supply of alcohol, the following below conditions will apply to the external area
 - a. A member of staff will be present at all times.
 - b. Staff will perform checks around the external area every hour to monitor customer behaviour, noise levels and the removal of empty vessels.
 - c. The external area will be lit adequately during the hours of operation.
 - d. The full name of the designated manager on duty supervising the outside bar will be recorded in either a written or electronic rota, prior to the opening of the external bar for sale and supply of alcohol This rota to be held on the premises and made available to

a Police employee upon request. There will be no more than six named members of management from which the "designated manager" will be drawn and there will be a up to date list, either written or electronic, of these individuals held on the premises.

Interested Others Representations

Mr Bernard Hayward addressed the Sub Committee. Mr Hayward advised that he was a local resident and he lived opposite the premises. His objections to the granting of the variation were based on the licensing objectives. Mr Hayward stated that he was happy with the landlord, the management team and how they have dealt with the noise problems reported to them but he was concerned at the strategic management of the premises.

Members were advised that crime and disorder was increasing. Patrons of the premises are loitering after hours and this is leading to problems for residents. Mr Hayward recounted an anecdotal incident when an elderly local resident was said to be threatened by patrons from the premises after complaining about the noise which they were creating.

Mr Hayward stated that public nuisance is being caused from litter and people urinating. It was suggested that the application, if granted, would lead to an increase in patronage at the premises and a likely correlating increase in anti-social behaviour and nuisance.

Concerns were also raised regarding public safety insofar as the outside area may cause drivers approaching the nearby mini-roundabout to be distracted and lose focus.

It was also suggested that there would also be an increase in noise and light pollution. Particularly, the proposed refrigerators would be audible if they were installed and operated throughout the night. Mr Hayward was advised that this issue would be a matter for the Planning Committee to consider.

Mr Hayward felt that locating a childrens play area adjacent to a bar would promote a drinking culture to young children and that this amounted to a child protection safeguarding issue.

Mr Johanna Hunt stated that she lived directly opposite the premises. The 'bar' is open to the pavement and there would be no hedges or walls and is approximately 20 metres from their front door. Mrs Hunt says that the noise problems would become insurmountable. Light pollution was also likely to increase and the bar would have additional lighting installed. Mr Hunt believed that the proposed variation would also cause harm to children.

Applicants Representations

Mr Phipps presented that application. Mr Phipps stated that the applicants respected the residents' concerns. However, the petition submitted was in

respect of planning issues and Members were requested to be mindful that the application must be considered on licensable activities only.

In terms of the proposition, SA Brains was a well-known, well established brewer operating over 200 premises. The application was seeking to reconfigure the external area to install an outside bar and childrens play area. The applicants were seeking to cater for customers with children and the improvements were part of a larger investment programme across their estate. Planning permission for the reconfiguration has already been granted.

The applicants did not accept the concerns raised around child safeguarding and alcohol. The facility would provide a safe, enclosed play area for children with clear lines of sight for their parents. No unaccompanied children would be permitted on the premises and the area would be managed to the same high standards as the interior of the premises.

Mr Phipps introduced the Designated Premises Supervisor. The DPS, Mr Lyndon Edwards, lives on the premises with his family. The DPS is supported by a management team of 2 managers and 2 team leaders who will need to be on duty under the conditions agreed by South Wales Police. There were also 55 other staff including 8 chefs as 50% of the income from the premises came from food.

The external space would be used as it is used now. However, the total area has been diminished and as a result the representations from Pollution Control were withdrawn. The premises has an excellent record in terms of compliance, with only one noise complaint being received since 2012. There was also no attempt to increase the hours of operation in the external area. The applicants are currently permitted to use the area until 2330 hours but, if the application was granted, the bar would operate until 2230 hours under the conditions agreed with South Wales Police.

In terms of the congregation of people outside the premises, Mr Phipps stated that the DPS lived on the premises. No concerns have been raised previously and this would not be permitted. Mr Phipps did not believe that there was a problem to any great extent. In any case CCTV would be installed in the external area which would further promote the licensing objectives.

Mr Phipps accepted that the proposed changes may increase trade. However, he did not accept that there was anything wrong with that and it would not necessarily undermine the licensing objectives. The fact that the premises would attract more customers was not a sustainable objection and not a basis on which to refuse the application.

The Chairperson invited questions. The local residents asked why the premises were licenced to use the external area until 2330 hours when the Council's policy is that external areas should close at 2100 hours. Officers

advised that that the condition permitting a 2330 hours finish pre-dated the Council policy. Members were reminded that the Sub Committee was not convened to review existing conditions.

A Member of the Sub Committee sought to clarify the conditions agreed with South Wales Police. Members were advised that the external bar would close at 2230 hours but the written representation said 2200 hours. The Sub Committee was advised that this was a typing mistake in the written representation.

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 premises licence subject to the conditions agreed between the applicant and South Wales Police as set out above.

Item ID	16561
Item Title	Urgent Items (if any)
Summary	No urgent items were received.