

LICENSING SUB COMMITTEE

16 OCTOBER 2020

Present: Councillor Mackie(Chairperson)
Councillors Sattar and Goddard

12 : DECLARATIONS OF INTEREST

No declarations of were received.

13 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - THE CORPORATION, COWBRIDGE ROAD EAST

Applicants: represented by Christopher Rowlands

Other Persons: Councillor Ramesh Patel, Iestyn Gruffudd, Simon Couzens, Tim Burns

The Application

An application for the Grant of a Premises Licence has been received from Christopher John Rowlands in respect of The Corporation, Cowbridge Road East, Canton, Cardiff, CF5 1GW.

The applicant has applied for the following:

(1) In respect of the following licensable activities:

- (i) The sale by retail of alcohol for consumption on and off the premises
- (ii) The provision of regulated entertainment in the form of plays, films, live music, recorded music, performance of dance and entertainment of a similar description (indoors and outdoors)
- (iii) The provision of regulated entertainment in the form of indoor sports
- (iv) The provision of late night refreshment (indoors and outdoors)

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

“Traditional public house with courtyard to the rear that will also be part of the licensable area”

(3) 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: 08:00 to 00:00 hours

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

- i) The sale by retail of alcohol for consumption on the premises:
Monday to Sunday: 09:00 to 23:30 hours

ii) The provision of regulated entertainment in the form of plays, films, live music, recorded music, performance of dance and entertainment of a similar description (indoors and outdoors):

Monday to Sunday: 09:00 to 23:00 hours

iii) The provision of regulated entertainment in the form of indoor sports:

Monday to Sunday: 09:00 to 23:00 hours

iv) The provision of late night refreshment (indoors and outdoors):

Monday to Sunday: 23:00 to 00:00 hours

v) All licensed activity and opening hours to be subject to the following non-standard timings:

One extra hour permitted on the following days:

Christmas Eve, Christmas Day, Boxing Day, New Years Eve, Spring & August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, St Patrick's Day, St David's Day, The day proceeding and preceding the day before a bank holiday and any other holiday.

Any sporting event (i.e. World Cup) of national importance which are televised outside the hours of which licensable activities are allowed by the premises license will be notified to the police and licensing authority 14 days prior to the event. In this instance we would wish to permit the activity commencing one hour before the start of the event and ending one hour after the end of the event. The event will not proceed if the police serve 7 days prior to the event written notice upon the DPS.

No more than 12 extensions per year (excluding applications made under TENS) shall be allowed. An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed and submitted to the police 14 days before the event. There will be an absolute veto for police in respect to these occasions by notifying the DPS in writing within 7 days of the event.

A site map and a plan of that premises were appended to the report at Appendix A.

Applicants Representations

The Chairperson invited Chris Rowlands to present the application. Mr Rowlands stated that he intended to explain why a new licence was being applied for, how the Corporation Yard operates and why the granting of a new licence will benefit the local community.

Members were advised that the Corporation Yard was a street food café and open air market designed for multiple small businesses and operators. The operators have

been trading on the site under the existing licence for 8 weeks and during that time 17 street food vendors and over 100 market traders have attended the venue. The venue has been designed in accord with Covid-19 restrictions. The business model was collaborative and provided an opportunity for small businesses to work together.

The street food café is operated from 4.00pm to 9.00pm on Thursdays to Sundays, with occasional TENs until 11.00pm. Tables are limited and social distancing is applied. Temperature checks are undertaken on arrival and track and trace details are taken. Guests order food and drink from their tables.

The open air market opens on Saturday and Sunday and provides a safe trading space for independent traders.

There is already a licence in place. However, following conversations with South Wales Police Licensing officers they were advised to apply for a new licence with better fits the way in which the premises are being operated. Since opening there have been no reports of disturbance or antisocial behaviour.

The new licence would permit alcohol to be sold in the external yard area. This would allow a bar to be set up on the yard area. However, the whole site will remain a table service operation.

Mr Rowland highlighted the benefits the Corporation Yard has had for the local community. The operation has been accepted by the local community; feedback has been overwhelmingly positive.

Responding to questions from the Sub Committee, Mr Rowlands advised that the late opening hours were applied for to allow for flexibility. Mr Rowland would be happy to accept a condition restricting the use of the external area until 2300 hours.

In relation to comments received in the letters of representation, Mr Rowlands accepted that there was disturbance during a quiz night at the premises. However, when those complaints were brought to the attention of the operators the quiz night was immediately closed down and there are no plans to reinstate it. Mr Rowlands stated that they wish to operate without impacting on the local community. Background music would only be played at ambient levels although Mr Rowlands understood the concerns of local residents.

Councillor Patel stated that there has been public nuisance in the form of disturbance from the premises and those issues are a matter of record.

Other Persons

Councillor Ramesh Patel addressed the Sub Committee on behalf of local residents. Councillor Patel stated that the objections to the application were based on the prevention of public nuisance licensing objective, primarily due to concerns regarding noise nuisance. The Councillors requested that, should the Sub Committee be minded to grant the application, a number of conditions should be applied to the licence restricting the hours of operation and preventing amplified music from being played in the external area.

Councillor Patel stated that the Corporation Yard was located in a residential area and immediately adjacent to family homes. Concerns were expressed regarding the effect noise nuisance would have on school aged children. Ambient noise levels from conversations can cause disturbance.

Mr Iestyn Gruffudd stated that noise in the area carries and it does emanate into his house. Music can be heard and it is quite disruptive. Mr Gruffudd also raised concerns regarding parking and deliveries and questioned whether the site was suitable. The external area has no history of being used for trade and this is a major change for the area.

A local resident stated that she welcomed commercial activity in the community. However, there are still concerns regarding the licence and she requested that reasonable guidelines are applied. Almost 70% of the residents in Library Street have made representations. It is understood that Neighbourhood Services have attended the site in the past, albeit when operated by other parties. Outdoor noise does carry and many residents are working from home so amplified noise remains a concern. The resident supported the conditions suggested by Councillor Patel. She also requested that any licence be granted on a temporary basis.

The Sub Committee also received representations from local residents Simon Couzens and Tim Burns. Further concerns regarding noise nuisance were highlighted.

Summing Up

The Chairperson invited all parties for closing comments.

Councillor Patel stated that he was not opposed to the application but the noise nuisance issues need to be recognised and reflected in the premises licence conditions. If Members were minded to grant the application, he requested that the trading hours be amended to Sunday to Thursday 11am to 8pm and Friday to Saturday 11am to 10pm and no condition added to the licence that there would be no amplification in the outside area.

Mr Iestyn Gruffudd stated that the application is not in keeping with the residential nature of the area and would impact on the quiet enjoyment of their gardens and their homes.

Chris Rowlands stated that he understood residents' concerns. However, the conditions proposed by Councillor Patel were more restrictive than the current licence. As operators every complaint received is acted upon and an undertaking was given to continue to work with the local community in the regard.

RESOLVED – That 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 premises licence, subject to sale of alcohol being permitted between 10:00 hours and 23:00 hours each day and the terminal hours for the provision of late night refreshment being 23:00 each day

The Sub Committee noted that the premises is located in an area with a number of residential properties nearby and as such consider that the current proposal for provision of alcohol for consumption on the premises, and the provision of late night refreshment would have a negative impact on nearby residents.

The Sub Committee considered that the hours that alcohol can be sold should be amended to begin at 10:00 hours and cease at 23:00 hours each day. Members also felt that the provision of late night refreshment should also cease at 23:00 each day.

The Sub Committee noted the local residents' concerns regarding the provision of regulated entertainment; however, this provision is deregulated before 23:00 hours.

14 : URGENT ITEMS (IF ANY)

The meeting terminated at 11.30 am