

LICENSING SUB COMMITTEE

15 APRIL 2021

Present: Councillor Mackie(Chairperson)
Councillors Goddard and Jacobsen

4 : DECLARATIONS OF INTEREST

None Received.

5 : APPLICATION FOR A TEMPORARY EVENTS NOTICE - CFELEVEN,
CATHEDRAL ROAD - 29 APRIL 2021 (TO FOLLOW)

Present

Applicant: Mr Jason Hamer

Responsible Authorities: Tomos Jenkins, Neighbourhood Services

The Application

1.1 A Temporary Event Notification was received on 6th April 2021 from: Mr Jason Arthur Hamer for authorisation of a temporary event at: CFEleven 151 Cathedral Road Cardiff CF11 9PJ.

1.2 The notification is in respect of an event which is to take place from 21:00 hours to 23:30 hours between 29th April 2021 and 1st May 2021 to allow the sale by retail of alcohol.

1.3 The notice giver has given the following information with regards to the nature of the event:

“Re opening of the premises using the outside space to facilitate social distancing allowing customers to consume alcohol in the garden areas until 23.30 on Thursday, Friday and Saturday”

The Chairperson advised that as all the Applications are for Temporary Event Notices at the same premises but for different dates, the applications would be considered together.

Applicants Representation

The applicant advised that he had applied for TENs which were the same as he had previously applied for. He added that the premises have been closed for five months due to Covid restrictions; at present the beer garden closes at 9pm Sunday to Thursday and 10pm Friday and Saturday. The applicant explained that he was applying for 23:00 finish with the intention of calling last orders at 22:15, allowing time for the beer garden to be cleared over the remaining time and avoiding a bottleneck of everyone leaving at the same time. He added that there are signs in the garden asking people to leave quietly; there is a fairly large shed in the beer garden and the back of the marquee prevents people from seeing in and hopefully helps prevent noise; there are no external speakers so it will only be talking noise

When asked if he had employed an acoustics expert as per the request of Neighbourhood Services, Pollution Control, Mr Hamer said that he had not, the marquee is quite contained and he has done as much as he can to ensure noise is minimised and he stated that the letter from Pollution Control said that there was no statutory nuisance.

When asked if he was extending the space used for the outside area, Mr Hamer said he was not, it is the same as what he had applied for previously.

Responsible Authorities Representation

Mr Jenkins clarified that the licence applied for a 23:30 end time and this would legally allow alcohol to be served until that time. He added that it was not that the garden was poorly managed, it is due to the proximity of the houses nearby that gives rise to public nuisance.

On the current permitted times, it may well cause a nuisance. He had previously advised that whilst he cannot force him to, he had recommended the applicant speak with an audio consultant.

Mr Jenkins stated that there was no evidence that the marquee, whilst removing the line of sight, would reduce any noise nuisance.

Mr Jenkins Stated that although TENs had been submitted in the past, at the time of those TENs no complaints had been received. It was as a result of the previous licensable activity and so no evidence was presented that would give rise to an objection, but now there have been complaints that have been monitored. He added that although the potential noise would be people talking, to subject the nearby residents to this for 6-7 hours a time would not promote the licensing objectives.

Summing up.

Mr Hamer stated he would be happy for the licence to finish at 23:00 and that if he finishes serving at 22.15, people will finish their drinks over a period of 45 minutes, and leave the garden gradually. A discussion took place around the conditions on the licence and that these applications were separate as they were TEN's.

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, REFUSED the application.

6 : APPLICATION FOR A TEMPORARY EVENT NOTICE - CFELEVEN,
CATHEDRAL ROAD - 6 MAY 2021 (TO FOLLOW)

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, REFUSED the application.

7 : APPLICATION FOR A TEMPORARY EVENT NOTICE - CFELEVEN,
CATHEDRAL ROAD - 13 MAY 2021 (TO FOLLOW)

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,
REFUSED the application.

8 : APPLICATION FOR A TEMPORARY EVENT NOTICE - CFELEVEN,
CATHEDRAL ROAD - 20 MAY 2021 (TO FOLLOW)

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, REFUSED the application.

9 : URGENT ITEMS (IF ANY)

None received.

The meeting terminated at 11.00 am