

## LICENSING SUB COMMITTEE

25 MAY 2021

Present: Councillor Mackie(Chairperson)  
Councillors Derbyshire and Lancaster

### 5 : DECLARATIONS OF INTEREST

No declarations of interest were received.

### 6 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 18 CHURCHILL WAY

#### Present:

Applicant: Mr Carl Ryan  
Solicitor: Mr Matthew Phipps, representing Mr Ryan

#### Responsible Authorities:

Mr Tony Bowley	South Wales Police
Mr Rhys Morgan	Licensing Officers, Shared Regulatory Services

#### The Application

An application for the Grant of a Premises Licence has been received from Corporate Support Ltd in respect of 18 Churchill Way, Cardiff, CF10 2DY.

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 films, live music, recorded music, performance of dance and anything of a similar description (all indoors);
  - (iii) The provision of late night refreshment (indoors).
- (2) Description of Premises (as stated by applicant):  
"Bar"
- (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:  
  
Sunday to Thursday: 10.00 to 00.30 hours  
Friday and Saturday: 10.00 to 01.30 hours

- (4) To provide licensable activities during the following hours:
- (i) The sale by retail of alcohol for consumption on and off the premises:  
  
Sunday to Thursday: 10.00 to 00.00 hours  
Friday and Saturday: 10.00 to 01.00 hours
  - (ii) The provision of regulated entertainment in the form of films, live music, recorded music performance of dance and anything of a similar nature (all indoors):  
  
Sunday to Thursday: 10.00 to 00.00 hours  
Friday and Saturday: 10.00 to 01.00 hours
  - (iii) The provision of late night refreshment (indoors)  
  
Sunday to Thursday: 10.00 to 00.30 hours  
Friday and Saturday: 10.00 to 01.30 hours
  - (iv) Non-standard timings: as detailed in the operating schedule provided.

#### Applicants Representations

Mr Matthew Phipps, on behalf of the application, referred the sub-committee to the brochure for the premises, the material in relation to the canal development proposals and the legal submissions sent via email.

The applicant's office business has been based at 18 Churchill Way for a number of years; bearing in mind the pandemic and that office space has become almost redundant discussions were held with the landlord concerning the use of the premises. The brochure was prepared and circulated to all prior to the application being submitted.

The applicant has other interests in Churchill Way; Kings and Pulse. There is no suggestion that either of those premises cause any issue. Pulse has recently opened with a new booking system which is working effectively.

Mr Phipps advised that the three conditions proposed by South Wales Police in the application can be agreed.

Mr Phipps addressed the sub-committee on the basis that each application should be treated on its merits, and referred to the representations made by the Licensing Authority being the exactly the same as those made in an application before the sub-committee 2 days previous to this application. Reference was made to the difficulties in being able to provide any crime figures bearing in mind the pandemic and the periods of imposed lockdown, Mr Phipps submitted that figures relating to how many licences had been granted, surrendered, revoked or lapsed due to the insolvency of the business would have been helpful.

Mr Phipps advised the sub-committee:

- The existing licence for the Churchill Way Cocktail lounge would be surrendered in exchange for the grant of this licence; that rebuts the licencing policy and whilst those premises do not trade the building and licence is there. Mr Phipps confirmed it has not been possible to reach agreement with the landlord to allow a basis on which to take a commercial opportunity going forward.
- The Operating Schedule for the these premises is far more extensive than the schedule for the Churchill Way Cocktail lounge, the hours of operation are also more limited.
- Consideration should be given to the LGBT issue, bearing in mind the closure of other premises in the area, namely WOW and Minskys.
- In relation to the proposed Canal development it is inconceivable that city planners have not recognised the need for compatible and appropriate premises.
- The proposed new taxi rank will be right outside the premises, that will be a unique point in favour of these premises; it will serve to significantly diminish concerns about crossing the city.
- It is about the sum of the parts, all points taken together provide a collective point that allows the application to be granted.

Councillor Derbyshire sought clarification as to why the granting of the licence will not add to the cumulative impact that exists already. Mr Phipps submitted that the critical point is to consider all the various factors and whether that taken together will undermine the licencing objectives. It is a rebuttable presumption.

Councillor Lancaster queried whether the existing licence has been surrendered; a condition could be added that this licence will have no effect until such times as the licence over the road has been surrendered. It is of course a valid offer. Councillor Lancaster indicated that the shutting down of others bars in the area cannot be taken into account; they are not with in the control of the sub-committee. Mr Phipps advised that whilst he understood the point, it is a legitimate consideration in the context of where we currently find ourselves and that the evidence provided upon which the Cumulative Impact policy was based.

### Responsible Authorities Representations

#### South Wales Police Representation

Tony Bowley outlined the main parts of the application including the location of the premises and the hours applied for. The CIA data has been provided, There are always difficulties in providing data in respect of new premises; there is no history and due to the pandemic and subsequent lockdown there is no meaningful data for Churchill Way. Whilst the point is well made in relation to the figures about the number of licences surrendered, reviewed, properties abandoned or new licences given being helpful the position is changing on a day to day basis.

As a result of a question from Mr Phipps Mr Bowley indicated that, whilst it is not possible to provide data in relation to the new premises, Mr Ryan has been an

operator within the late night economy for a very long time Pulse which has a licence to run until 5.00 am has occasional incidents, they are fairly few and far between and are tolerable. Kings, which is more in line with the new premises licence application, has very infrequent incidents. Mr Ryan and his senior management team are always available, accommodating and appreciative and open to advice.

Tony Bowley confirmed that he agreed that it would be fair to conclude that this premises does have something more diverse to offer and is not a high volume vertical drinking premises.

#### Licensing Authority Representation

Rhys Morgan submitted that the application does quite simply state that it is a bar. With that in mind, the policy does apply in this case and is considered red in accordance with that policy. There is a rebuttable presumption.

In relation to comments provided, the policy does aim to deliver diverse and well run applications. Bearing in mind the period of closure and uncertainty it is clear that venue have had to manage customers as they have never had to do so before. There has been additional requirements on business and making premises more responsible for their interaction with customers. It would be short-sighted if there was no consideration for what the city centre could and should look like as we come out of the pandemic.

A number points have been made as to how the venue sees itself within the city centre, it is for the Committee to decide the relevance of those in terms of today's application.

Rhys Morgan submitted that in relation to the surrender of the other licence which is in existence but not trading; the policy does not set a numerical limit on the number of licences. This application site is likely to be a far more viable proposition than the other. This is not the most clear cut surrendering of a licence that the Committee has seen.

Councillor Lancaster referred to the nature of the objection from your department as being generic and enough to render it invalid; it did not speak to any particulars in relation to this particular application. Rhys Morgan indicated that the representation on this application made representation to the licensing objectives, if it is felt that further information should be provided the authority can consider that in the future. It does not render the application inadmissible. Enough information has been provided under those two licensing objectives.

As a result of a question from Councillor Derbyshire the sub-committee were advised there is still real financial uncertainty. It will depend on the success or not of the support packages over the coming weeks and months. Hopefully, there will be stability now moving forward and not too much fall out. Mr Phipps indicated that upon the insolvency of a licence holder the licence lapses if it is not otherwise reinstated.

The sub-committee were advised that the licence for WOW is still in force but the premises is closed; in relation to Minskys the premises have closed and the licence is in force and has been transferred.

Mr Phipps reiterated his submission that the representation does not refer to relevant information which was before the licensing authority when it made the Cumulative Impact Policy. Rhys Morgan advised that he did not draft the document.

In closing Mr Phipps requested that the sub-committee reflect on what was said by both Tony Bowley and Rhys Morgan and the tone in which it was said; the location; the clientele; the Operator; the history; the surrender offer; the Canal Street development; the Operating Schedule and find that on balance it cannot be fairly said that the premises will likely add to the negative cumulative impact.

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, APPROVED the application, subject to the additional conditions from South Wales Police, and a further condition:

- (1) A CCTV system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas to which the public have access (excluding toilets) and all outside areas and exits and entrances used by customers. Images shall be kept for a minimum of 31 days.

The images shall be produced to a Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.

- (2) Children will not be allowed into or remain on the premises after 2300 unless accompanied by an adult.
- (3) No performance of striptease, lap dancing, entertainment of a sexual nature or other similar adult entertainment will be permitted on the premises.
- (4) This licence will have no effect until licence number CCP01636 has been surrendered.

The Sub-Committee considered that the applicants had successfully demonstrated that this application would not add to the negative cumulative impact in the area and the application does not negatively impact on the licensing objectives.

#### 7 : URGENT ITEMS (IF ANY)

There were no urgent items.

The meeting terminated at 11.45 am