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AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	WEDNESDAY, 1 MARCH 2023, 2.30 PM
Venue	COMMITTEE ROOM 4, COUNTY HALL
Membership	Councillor Michael (Chair) Councillors Gibson and Gunter

1 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 **Application for the Variation of a Premises Licence - The Globe, Albany Road** *(Pages 3 - 16)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Thursday, 23 February 2023

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 22 February 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 082181

Name of Premises: The Globe, 125 Albany Road, Roath, Cardiff, CF24 3NS

Ward: Plasnewydd

1. **Application**

1.1 An application to vary a Premises Licence has been received from TEG Venues UK Limited in respect of The Globe, 125 Albany Road, Roath, Cardiff, CF24 3NS.

1.2 The applicant has applied for the following:

(1) Description of the nature of the variation (as stated by applicant):

“The proposed variation is to extend the permitted hours for the sale of alcohol and the provision of regulated entertainment (to include films, recorded music, performances of dance and anything of a similar description) on a Friday and Saturday only from the current hours of 12:00 to 00:30 the following morning to the proposed hours of 12:00 to 03:00 the following morning.

To extend the provision for late night refreshment on a Friday and Saturday only from the current hours of 23:00 to 00:30 the following morning to the proposed hours of 23:00 to 03:00 the following morning.

The opening hours on a Friday and Saturday will be 12:00 to 03:00 the following morning.

To add the following non-standard timings:

Licensable activities will be extended from the end of the permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.

On any Sunday preceding a Bank Holiday Monday all licensable activities will be extended to 03:00 hours.

All other hours to remain unchanged.

To remove Condition T of Annex 2 which reads: “There shall be no more than 12 occasions per calendar year when extensions of hours shall be applied for”.

(2) Unless otherwise indicated the premises may currently be open to the public during the following hours and for any hours consequential to the non-standard timings:

Sunday to Thursday: 12:00 to 00:00 hours

Friday and Saturday: 12:00 to 01:00 hours

- (3) 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: 12:00 to 23:30 hours
Friday and Saturday: 12:00 to 00:30 hours
 - (ii) The provision of regulated entertainment in the form of films (indoors), live music (indoors), recorded music (indoors) and performance of dance (indoors):
Sunday to Thursday: 12:00 to 23:30 hours
Friday and Saturday: 12:00 to 00:30 hours
 - (iii) The provision of late night refreshment (indoors):
Sunday to Thursday: 23:00 to 23:30 hours
Friday and Saturday: 23:00 to 00:30 hours
 - (iv) Non-standard timings: A further additional hour to the above timings is permitted for the Bank Holiday weekends of May, Whitsun and Easter, Christmas Eve, New Year's Eve and Boxing Day.

1.3 A site map showing the premises can be found in **Appendix A**.

Promotion of Licensing Objectives

2.1 The conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B** along with a copy of the current licence conditions.

Relevant Representations

3.1 A representation has been received from a local resident. A copy of the representation can be found attached as **Appendix C**.

Legal Considerations

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives, which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and

financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion

- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

**Helen Picton
Regulatory Services**

7th February 2023

APPENDIX A

Site Map



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CHIEF EXECUTIVE

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Cardiff Council



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APPENDIX B

Operating Schedule

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Updated Premises Licence not yet received due to an application to transfer submitted online 05/01/2023.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The proposed variation is to extend hours of operation in line with successful Temporary Event Notices. The style and operation of the venue will not change and all policies, procedures and conditions of the Premises Licence will be complied with.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the

ANNEXES: CONDITIONS continued ...

permitted price.

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

ANNEXES: CONDITIONS continued ...

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

- a) There shall be a 30 minute drinking up period following the terminal hour for the supply of alcohol and no consumption of alcohol permitted on the premises after this period.
- b) A CCTV system shall be installed at the premises to a standard approved by South Wales Police, which shall cover all areas to which the public have access, including all entrances and exits but excluding toilet facilities. Images shall be produced as soon as practicable at the request of the South Wales Police. There shall be a storage facility for images to be kept for at least 31 days.
- c) On occasions when the premises is to operate beyond midnight suitably qualified door supervisors shall be employed at the venue at a ratio of 1 per hundred persons and from 20.00 hours to the terminal hour.
- d) When the premises are open to the general public and operating a Personal Licence holder shall be present.
- e) The premises shall adopt a "challenge 21" policy. That is to say that any person attempting to purchase alcohol who appears to be under the age of 21 years must produce photographic proof of identification. The only identification that will be acceptable will be that provided by passport photograph driving licences or passports.
- f) There shall not be any off sales.
- g) The supply of alcohol and the provision of regulated entertainment shall only be permitted on the first and second floors only.
- h) Any noise produced or associated with the regulated entertainment will not be audible at the façade of the nearest premises.
- i) Noxious smells will not be allowed to emanate from the premises or cause a nuisance to any nearby residential properties.
- j) Notices will be displayed at the exits requesting customers to leave quietly and leave the area quickly.
- k) Adequate first aid provision will be available at all times.
- l) A policy of zero tolerance to drugs will be established.
- m) Door staff will be employed as necessary.
- n) There will be no irresponsible drinks promotions at the premises.
- o) The premises will be part of the radionet or similar system.
- p) Emergency lighting, fire appliances, fire alarms/systems and certificates will be maintained to the satisfaction of the relevant responsible authority.
- q) Persons under 16 years of age shall not be allowed into or remain on the premises after 22.00 hours unless they are accompanied by an adult or there is a specific under 18 years of age event being held at the premises.
- r) All regulated entertainment shall conclude at least 30 minutes prior to the premises closing to the general public.
- s) All doors and windows must remain shut (other than to allow access/egress) during performances of regulated entertainment.
- t) There shall be no more than 12 occasions per calendar year when extensions of hours shall be applied for.

Non-standard timings

A further additional hour to the above timings is permitted for the Bank Holiday weekends of May, Whitsun and Easter, and Christmas Eve, New Year's Eve and Boxing Day.

APPENDIX C

Other Persons Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 29 January 2023 18:28
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: The Globe, 125 Albany Road, Cardiff, CF24 1LH

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Sir/Madam

We are writing to object to the proposed changes to the license at the Globe, Cardiff.

We live behind the Globe at . We have had many problems over the years with noise and anti-social behaviour from The Globe.

NOISE -

We have had a history of difficulties with noise from the Globe since it opened. In 2009 a License Application Hearing was held due to noise and anti-social behaviour. From that hearing we understand that the license was temporarily removed while sound insulation was being fitted inside the Globe. Once the insulation was fitted the Council permitted the license on the condition that all windows and doors be shut while live music was going on. Over the years since 2009 we have had to call noise pollution in the council and make visits to the Globe because of ongoing noise issues. This is particularly bad in the summer months when we need to have our windows open in the evening or sit in the back garden. The insulation did improve the noise but it did not solve it.

Our son's bedroom and daughter's bedroom windows face the back of the Globe. When they open their windows in the summer they are disturbed by the noise from the Globe until it closes around 12/12.30. It would be unreasonable for them to be disturbed by the noise of the music until 3am on the weekends and then the noise of the customers which may go on until about 4am. We live in a residential street and our house is directly behind the Globe. We have worked very hard trying to negotiate with the Globe since they opened, and working with the Council to come to a compromise so that we can live relatively peacefully while the Globe still operates. This compromise would be broken by the extension of the license any later than the current hours. We have had to have many evenings disturbed by the Globe and have had to have many evenings when Noise Pollution officers have had to come and sit in our living room monitoring the noise.

The situation has improved with the Noise but we can still hear it in the house. When the summer months come this will get worse as we will want to open our windows.

ANTI-SOCIAL BEHAVIOUR -

The Globe is mainly a live music venue which also has a License to sell/serve alcohol. The Globe has the capacity to hold around 150/200 customers. Before each concert there is very often a large queue of customers queuing down Albany Road, adjacent to the lane that runs alongside our house. People are often drinking alcohol while queuing up and often use the lane for drinking, gathering and going to the toilet. The same then happens when the concert finishes around midnight. The customers are often more rowdy and drunk at that time of night, causing us more disturbance.

When the customers queue and leave the Globe on a concert night as described above they very often leave litter such as empty beer cans or takeaway food wrappers. We use this lane as access for us to go onto Albany Road. It's not fair that we have to walk through the litter. At the moment Pest Control and Environmental Health (Cardiff Council) are currently trying to resolve a problem with a large number of rats in our area causing much distress to our daughter as she sees them on a daily basis. We often clear the litter ourselves. We feel that adding more litter from the Globe's customers would only make matters even worse.

We are also aware that customers of the Globe often use our street to park even though it's a residents only cul - de sac. The Council Highways department are currently looking at the parking problems in the street. We feel that extra licensing for the Globe would exacerbate the issue..

Could please respond to let us know what is going to happen next.

Could you also let us know why we didn't receive any letter in relation to the application. We were only told about this when a member of our family saw the notice on the door of the Globe.

Kind Regards

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