

## LICENSING SUB COMMITTEE

22 NOVEMBER 2023

Present: Councillor Michael(Chairperson)  
Councillors Gunter and Lancaster

### 1 : DECLARATIONS OF INTEREST

No declarations of interest.

### 2 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE BIRCHGROVE INN

Present:

Applicants: Michelle Hazelwood, John Gaunt Solicitors  
Victoria Small, Area Manager, Marsdons Brewery

Interested Others: Councillor Graham Hinchey, Ward Member

#### The Application

An application to vary a Premises Licence was received from Marston's Plc in respect of The Birchgrove Inn, Caerphilly Road, Birchgrove, Cardiff.

The applicant applied for the following:

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

"In 2022 application was made to undertake substantial refurbishment of the premises and to update the conditions endorsed upon the Licence.

During that application detailed consultation was undertaken with South Wales Police and an agreement was achieved as to the hours of operation of the external areas and that the area to the front and the rear of the premises should operate to different times.##That agreement was not accurately depicted within the conditions proposed to the Licensing Sub Committee and thereby endorsed upon the Licence. Application is therefore made to amend Annex 2 condition 6 as follows:

The external drinking area to the rear of the premises (former beer yard and garden) shall be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of adjacent properties.

That an additional condition should be added to Annex 2 as follows:

The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from midnight.

No further changes are sought to be undertaken in respect of the Licence”.

Members were advised that the applicant had reached an agreement with Pollution Control in respect of the implementation of a Management Plan setting how the external area to the front of the premises would be monitored and managed. Pollution Control had therefore agreed to withdraw their objection to the application.

### Applicants Representations

Michelle Hazelwood presented the application on behalf of the applicants. Members were advised that the application was limited and sought to extend the hours permitted for the hours of operation in the external area at the front of the premises.

Following previous refurbishment of the premises an application was made in respect of the external areas, which was subsequently granted. At the time of that application extensive consultation was undertaken with South Wales Police and a number of conditions were agreed. It was anticipated that a new condition, permitting use of the rear external area until 2300 hours would distinguish between the front and the rear external areas. However, the condition did not accurately reflect the agreement reached between the applicants and South Wales Police and endorsed by the Licensing Sub Committee.

Michelle Hazelwood advised that use of the external area at the front of the premises was historically permitted until 2330 hours. The area had continued to be used until 2330 hours but this now constituted a breach of the licence.

Members were asked to note that South Wales Police had not made any representations regarding the application. Following an objection from Pollution Control, it was agreed that a Management Plan setting out the monitoring, supervision, shutdown and clearance of the area in question would be adopted. Members were advised that, in respect of the written representations received from Pollution Control, 4 of the complaints listed were prior to July 2022 when the previous application was granted. There has been 1 complaint in the 15 months since and despite efforts to contact the complainant, the management of the premises have been unable to clarify the basis of the complaint.

The Sub Committee heard that there would be no children on the premises beyond 2300 hours and as such this variation would not impact the protection of children from harm objective. The premises were now more family friendly and was seeking to engage further with the community. The new landlord was formerly a member of the previous management team and efforts to foster better community links were making progress.

Michelle Hazelwood considered that there was no evidence presented to suggest that the use of the external area at the front of the premises was undermining the licensing objectives.

Responding to a question from the Sub Committee, Victoria Small stated that there are a number of licenced premises in the vicinity of the premises including take-away food premises and restaurants which operate beyond 2330 hours. Members were

advised that the Area Manager has also met with members of staff at the premises in order to provide instructions to them with regard to how the new Management Plan was to be implemented.

### Other Person's Representations

The Chairperson invited Councillor Hinchey to address the Sub Committee. Councillor Hinchey stated that under the former management regime the premises was a popular, well-run, public house. However, in his opinion, the management of the premises has deteriorated of recent months. Councillor Hinchey also considered that the Management Plan agreed with Pollution Control should already have been in place.

Members were advised that Councillor Hinchey had personally raised concerns regarding issues at the premises with the new management. He had also met with South Wales Police and had received numerous emails regarding the premises, with the bar area seeming to be particularly problematic.

Responding to points raised, Michelle Hazelwood stated that there have been no reports of anti-social behaviour or calls for South Wales Police to attend the premises. The point raised regarding the management plan was accepted.

### Summing Up

Michelle Hazelwood stated that the application was limited and sought to reinstate what was permitted previously. Members were invited to consider paragraphs 9.4, 9.44 and 10.10 of the Section 182 Guidance and grant the application.

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 application.

### 3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - BODEGA, CLEARWATER WAY

Present:

Applicant: did not attend

Interested Other: did not attend

### The Application

An application for the Grant of a Premises Licence was received from Bodega (Lakeside) Ltd in respect of Bodega, Unit 3, Amber Vista, Clearwater Way, Cyncoed, Cardiff.

The applicant 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 late night refreshment (indoors and outdoors).

- (1) Description of Premises (as stated by applicant):

“Ground floor A3 site that is part of a mixed use commercial/resi block. Approx 32 internal plus 36 external good weather covers located within walled development. Site located in Lakeside area between Cyncoed Road and Roath Park Lake. On and off licence requested”.

- (2) 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: 09:00 to 22:30 hours  
New Years Eve: 09:00 to 01:00 hours

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

- (i) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 12:00 to 22:30 hours  
New Years Eve: 12:00 to 01:00 hours

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

New Years Eve: 23:00 to 01:00 hours

It was noted that the applicant nor the objector was present during the meeting. Therefore, the Licensing Manager presented the application. A Member raised concerns that the applicant was not present at the hearing to present their application and to respond to concerns or issues that the Member had in relation to the the written representation received from a local resident. The Member considered, therefore, that as the applicant was not there to respond, there concerns remained and they could support the application.

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 application.

4 : URGENT ITEMS (IF ANY)

No urgent items

The meeting terminated at 11.00 am