



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000  
  
Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	WEDNESDAY, 22 NOVEMBER 2023, 10.00 AM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Michael (Chairperson) Councillors Lancaster and Palmer

### 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 Birchgrove Inn** *(Pages 3 - 24)*

### 3 **Application for the Grant of a Premises Licence - Bodega, Clearwater Way** *(Pages 25 - 46)*

### 4 **Urgent Items (if any)**

#### **D Marles**

#### **Interim Monitoring Officer**

Date: Thursday, 16 November 2023

Contact: Graham Porter,  
02920 873401, [g.porter@cardiff.gov.uk](mailto:g.porter@cardiff.gov.uk)

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This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg

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CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 22 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 090804

Name of Premises: The Birchgrove Inn

Ward: Heath

## 1. Application

1.1 An application to vary a Premises Licence has been received from Marston's Plc in respect of The Birchgrove Inn, Caerphilly Road, Birchgrove, Cardiff, CF14 4AE.

1.2 The applicant has 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".*

## 2. Current Licence

2.1 The current Premises Licence permits the following:

(1) 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:  
Monday to Sunday: 10:00 to 00:00 hours

(2) The sale by retail of alcohol for consumption on and off the premises:  
Monday to Sunday: 10:00 to 23:30 hours

- (3) The provision of regulated entertainment in the form of indoors sports, live music (indoors) and recorded music (indoors):  
Monday to Sunday: 10:00 to 23:30 hours
- (4) The provision of late night refreshment (indoors and outdoors):  
Monday to Sunday: 10:00 to 23:30 hours
- (5) Non standard timings:

On New Year's Eve between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.

When there is a major sporting or entertainment event that shall be of the stature as listed. Rugby/Football world cup matches, world Boxing title fights, British Lions test matches, International Test Cricket. In an area of the world where a time difference occurs, to open and serve alcohol 30 minutes before and 30 minutes after the event and co join the hours should they meet or overlap. Breakfasts teas and coffees will be available.

On the days listed below additional hours are to be permitted for licensable activity

1st March (St David's day) 1hr, 17th March (St Patrick's day) 1hr, Good Friday 1hr, Easter Saturday 1hr, Easter Monday 1hr, 2nd May Bank Holiday Saturday prior 1 hr, 1st May Bank Holiday Friday prior 1hr, 1st May Bank Holiday Saturday prior 1hr, 1st May Bank Holiday Sunday prior 1hr, 1st May Bank Holiday Monday 1hr, 2nd May Bank Holiday (Whitsun) Friday prior 1hr, 2nd May Bank Holiday Saturday prior 1hr, 2nd May Bank Holiday Sunday prior 1hr, 2nd May Bank Holiday ( Whitsun) Monday hr, August Bank holiday Friday prior 1 hr, August Bank Holiday Saturday prior 1 hr, August Bank Holiday Sunday prior 1hr, August Bank Holiday Monday 1 hr, Christmas Eve 24th December 2 hrs, Boxing Day 26th December 1hr, December 27th 1 hr

- 2.2 A site map showing the premises and a copy of the current plan of the premises be found in **Appendix A**.

### **3. Promotion of Licensing Objectives**

- 3.1 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.

### **4. Relevant Representations**

- 4.1 A representation has been received from Pollution Control (Shared Regulatory Services). A copy of the representation can be found attached as **Appendix C**.
- 4.2 A number of representations have been received from local residents. Copies of these representations can be found attached as **Appendix D**.
- 4.3 A representation has been received from local ward Councillors. A copy of this representation can be found attached as **Appendix E**.

### **5. Legal Considerations**

- 5.1 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

5.2 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.

5.3 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.

## **6. Issues for Discussion**

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

**Helen Picton**  
**Regulatory Services**

**6<sup>th</sup> November 2023**

# **APPENDIX A**

## **Site Map and Plan**



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd  
CAERDYDD CF10 4UW  
Tel: 029 20872088

County Hall, Atlantic Wharf  
CARDIFF CF10 4UW  
Tel: 029 20872087

**Cyngor Caerdydd**

**Cardiff Council**



**Title**

Scale: 1:1000

Date: 6/11/2023 at 11:11 AM

Coordinates:

© Crown copyright and database rights (2014).

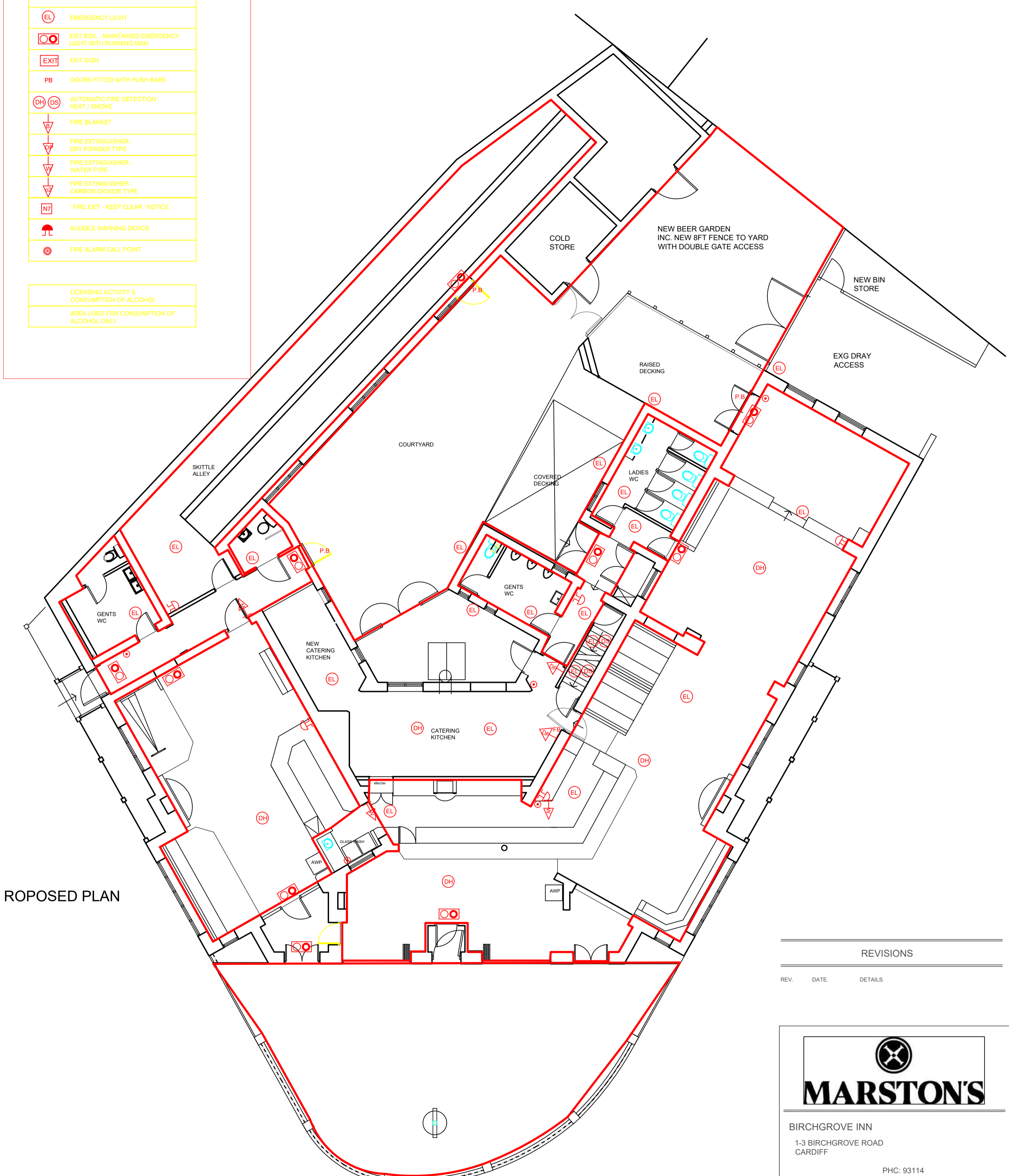
This copy is produced specifically to supply County Council information NO further copies may be made.

**Ordnance Survey AC0000816513 (2023).**

**FIRE PREVENTION LEGEND**

FD	1/2 HOUR FIRE RESISTING DOORS
EL	EMERGENCY LIGHT
	EXIT BOX... MAINTAINED EMERGENCY LIGHT WITH RUNNING MAN.
EXIT	EXIT SIGN
PB	DOORS FITTED WITH PUSH BARS
DH DS	AUTOMATIC FIRE DETECTION - HEAT / SMOKE
	FIRE BLANKET
	FIRE EXTINGUISHER - DRY POWDER TYPE
	FIRE EXTINGUISHER - WATER TYPE
	FIRE EXTINGUISHER - CARBON DIOXIDE TYPE
N7	'FIRE EXIT - KEEP CLEAR' NOTICE
	AUDIBLE WARNING DEVICE
	FIRE ALARM CALL POINT

LICENSING ACTIVITY & CONSUMPTION OF ALCOHOL
AREA USED FOR CONSUMPTION OF ALCOHOL ONLY



PROPOSED PLAN

REVISIONS		
REV.	DATE.	DETAILS.



**MARSTON'S**

BIRCHGROVE INN  
 1-3 BIRCHGROVE ROAD  
 CARDIFF

PHC: 93114

Drawing No: 04.22/93114/401

PROPOSED LICENSING 2022

Scale: 1:100 @ A2 | Drawn By: LB

MARSTON'S PUBS AND BARS, SURVEYORS  
 DEPARTMENT, MARSTON'S HOUSE, BREWERY  
 ROAD, WOLVERHAMPTON, WV1 4JT  
 Tel: 01902 711811

- Contractors responsibility to check all site dimensions & levels prior to commencing works.
- Contractor to comply in all respects with current building regulations & guidelines whether specified on this drawing or not.
- The drawing must be read & checked against any other specialist drawings provided by the company or by consultants.
- This drawing and the works depicted are the copyright of the company & may not be replicated without written permission.



# **APPENDIX B**

## **Operating Schedule and Current Conditions**

## M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)**

Application is made to reflect the agreement previously achieved in principle with the Police regarding differential operating times to the front and rear external areas. The front external area is sought to mirror the hours of operation permitted under the premises for opening.

The above is provided by way of explanation and is not intended to be converted into conditions.

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed

**c) Public safety**

No further risks have been identified which need to be addressed

**d) The prevention of public nuisance**

The following two conditions are proposed to be endorsed upon the Licence in substitution for condition Annex 2 condition 6:

1. 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.
2. The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from midnight.

**e) The protection of children from harm**

No further risks have been identified which need to be addressed

## 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.
- (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.

**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. 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."
4. 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.

5. 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

6. 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.

7. (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.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises including the external bar. The images will be kept for a minimum of 31 days and shall be produced to a police employee in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

2. Other than for off sales in sealed containers no drinks are permitted to leave the licensed area.

3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received concerning crime and disorder

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(g) any refusal of the sale of alcohol

4. The gates within the external rear drinking area will only be used for delivery access and in the event of an emergency.

5. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

6. The external drinking area should be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of any properties within the vicinity.

7. All windows and doors to be closed will be closed save only to allow persons to enter or exit from 23:00 hours when live music is being performed.

8. Signage will be displayed requesting customers leave the premises quietly.

9. Under 18s will only be permitted on the premises until 22:00 hours when accompanied by a responsible adult.

## ANNEXES: CONDITIONS continued ...

**Non-Standard Timings** for opening hours, the sale of alcohol, live music, recorded music and late night refreshment:

On New Year's Eve between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.

When there is a major sporting or entertainment event that shall be of the stature as listed. Rugby/Football world cup matches, world Boxing title fights, British Lions test matches, International Test Cricket. In an area of the world where a time difference occurs, to open and serve alcohol 30 minutes before and 30 minutes after the event and to join the hours should they meet or overlap. Breakfasts teas and coffees will be available.

On the days listed below additional hours are to be permitted for licensable activity

1st March (St David's day) 1hr, 17th March (St Patrick's day) 1hr, Good Friday 1hr, Easter Saturday 1hr, Easter Monday 1hr, 2nd May Bank Holiday Saturday prior 1 hr, 1st May Bank Holiday Friday prior 1hr, 1st May Bank Holiday Saturday prior 1hr, 1st May Bank Holiday Sunday prior 1hr, 1st May Bank Holiday Monday 1hr, 2nd May Bank Holiday (Whitsun) Friday prior 1hr, 2nd May Bank Holiday Saturday prior 1hr, 2nd May Bank Holiday Sunday prior 1hr, 2nd May Bank Holiday ( Whitsun) Monday hr, August Bank holiday Friday prior 1 hr, August Bank Holiday Saturday prior 1 hr, August Bank Holiday Sunday prior 1hr, August Bank Holiday Monday 1 hr, Christmas Eve 24th December 2 hrs, Boxing Day 26th December 1hr, December 27th 1 hr

*Helen Picton*

**Helen Picton**  
**Shared Regulatory Services**

23 March, 2023

# **APPENDIX C**

## **Noise Pollution Representation**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 09 October 2023 11:45  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Re: The Birchgrove Inn, 1-3 Birchgrove Road, Heath, Cardiff, CF10 3ND - Variation of cnd 6

**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.

I wish to advise that I objected to the above application under the grounds of prevention of public nuisance. The front of the above premises is open to multiple residential premises which will still likely give rise to complaints of nuisance and disturbance:

**Cnd 6:** *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, and to add the following condition: The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from 00:00 hours.*

It is my position to advise you that we have received complaints from members of the public, where activity in the external area to the front of the premises has unreasonably detracted local residents from the enjoyment of their property, to include the following:

**15/07/2022:** Out of hours call was received to our department regarding loud music at the premises.

**15/07/2022:** Complaint was received in relation to loud music from the premises, alleging music to be loud past 23.00 hours. On call duty officers attended the premises on this occasion and witnessed around 15 people in the external area and loud music at 23.10 hours.

**18/0/2022:** Complaints were made to suggest that the recent extension of the beer garden was causing unbearable noise, the complaint also indicated that the external area should have not yet been in use until the 27<sup>th</sup> of July 2022. In this case the complainant advised they had to sleep at an alternative address because of the noise.

**19/07/2022:** A letter was sent to the DPS Carly Booth regarding noise at the premises.

**05/09/2023:** Complaints in relation to loud music at the premises were received, diary sheets were sent to the complainant which indicated excessive noise from front area of the premises can be heard most weekends. The complainant has indicated that the front external area is often open until 23.45.

Many Thanks



# **APPENDIX D**

## **Other Persons representations**



## **Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

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**From:**  
**Sent:** 24 October 2023 13:58  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Change of license , Birchgrove pub.

Good afternoon,

I wish to object to the Birchgrove's application to extend the license to allow the use of the front, outside area until midnight.

As the position of these premises is in a residential area, the use of this facility causes a great deal of noise from the patrons- impacting on at least 25 residential properties.

We have had issues with noise from this area throughout the last 2 summers, contacting the Council noise pollution and licensing departments on numerous occasions . The problem often continues long after closing time.

We have witnessed, on some occasions, people urinating in the street, fighting and general poor behaviour. Recently we had a raucous extremely loud rendition of "Happy Birthday" at 11:45 pm.....

Very little monitoring of the outside area seems to go on, allowing shouting, shrieking, loud conversations and laughing , which we believe to be a breach of the peace and a public nuisance.

We haven't reported some instances as by the time the Police / noise team arrive, all will be finished and we know that the landlady would deny any of it.

Frequently, after a "live" event which are extremely loud, people come outside to carry on conversations.....which are very loud as their ears are still adjusting to the noise. We have witnessed some passing pedestrians being shouted at, especially females.

I have noticed on some "legal advice for pub landlords" websites, a general opinion is that no outside area should remain open after 11pm , especially in residential areas.

To sum up, I believe allowing this change of license will cause a public nuisance and a breach of the peace to the residents of the area.....which we have had to put up with for the last 2 years.

Yours faithfully,

Sent from my iPad

Ref: ecc P00 285 Birchgrove Inn



30-10-2023

Dear Helen Pictou,

My name is

I live to the

rear of the Birchgrove Inn owned by Marsden's now

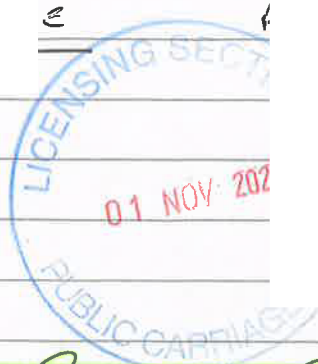
I'm writing to object to any extension of their opening hours. As it is it's far too late (the outside area I use)

The problems started when Marsden's extended the beer garden it used to be up by Coarbilly Rd end but now it's all the way down to the side of the house next door you can't have the windows open in the hot weather it's a nightmare

I am unwell I cannot stay up for the noise pollution people I have to take strong medication if it's not drunk coming arguing fighting its kids screaming

Please consider the cottages to the rear of me I mean when making any decision

Thank you



Re C.C.C. Poo 285 Birchgrove Inn.

Dear Helen PICTON,

I AM OPPOSED TO THE PROPOSED NEW OPENING TIMES OF THE BIRCHGROVE PUB. THE LETTER OUTSIDE ON THE WINDOWS DOES NOT TELL THE LOCALS ABOUT WHAT THEY ARE INTENDING TO DO,

AMEND ANNEX 2. CONDITION 6.

As the people I have spoken to have no idea what it means.

This pub has caused major problems in the Heath area with rowdy gangs, parking issues, and now citizens parties. Something has to be done.

ANNEX 2. SECTION 4. THE ENTRANCE IS USED FOR CUSTOMERS AND KIDS PARTIES AND IS NEVER LOCKED.

ANNEX 2 SECTION 7. NEVER LOCKED OR CLOSED DURING LIVE MUSIC

Yours Sincerely  
Page 19

REF:- CCC P00285

BIRCHGROVE INN CARDIFF



31-10-2023

DEAR HELEN PICTON

AS JOINT OWNER OF

I AM AGAINST EXTENDING THE HOURS TO THE OUTSIDE AREAS

MY REASON FOR THIS IS SINCE MARSDEN'S HAVE TAKEN OVER THE GARDEN OF [REDACTED] HAS BEEN RENDERED USELESS. YOU CANNOT SIT OUT THERE AS IT FEELS AS THOUGH THE CUSTOMERS ARE IN THE GARDEN TOO. THIS IS BECAUSE MARSDEN'S HAVE EXTENDED THE BEER GARDEN RIGHT UP TO THE SIDE OF PINE LIND WALL.

I DON'T UNDERSTAND ANNEX 2-6 DOESN'T NO COUNT BECAUSE THERE IS ALWAYS UNREASONABLE DISTURBANCE IT'S HORRIBLES ANNEX 2-7 DOESN'T MAKE SENSE EITHER SURLY THEY SHOULD CHOSE ALL WINDOWS & DOORS AT THE START OF THE LIVE MUSIC? IS THIS A TYPING ERROR?

ANNEX 2-4 THESE GATES AREN'T LOCKED CUSTOMERS TAKE THEIR CHILDREN INTO PARTIES THROUGH THESE GATES THE CHILDREN ARE ALLOWED TO RUN & SCREAM UNSUPERVISED SO ARE THE CUSTOMERS UNSUPERVISED I MEAN THE ONLY WAY YOU CAN APPRECIATE THE SITUATION IS IF YOU WERE TO VISIT [REDACTED] FOR YOURSELVES

TO UNDERSTAND WHAT IMPACT THIS SITUATION HAS ON THIS PROPERTY THE BIRCHGROVE INN IS NO'S 1-3 BIRCHGROVE RD & THIS PROPERTY IS [REDACTED] PLEASE SEE THE MAP I'VE ENCLOSED IT'S NEXT DOOR!

Yours sincerely

RE. CCC P00 285

"BIRCHGROVE INN"

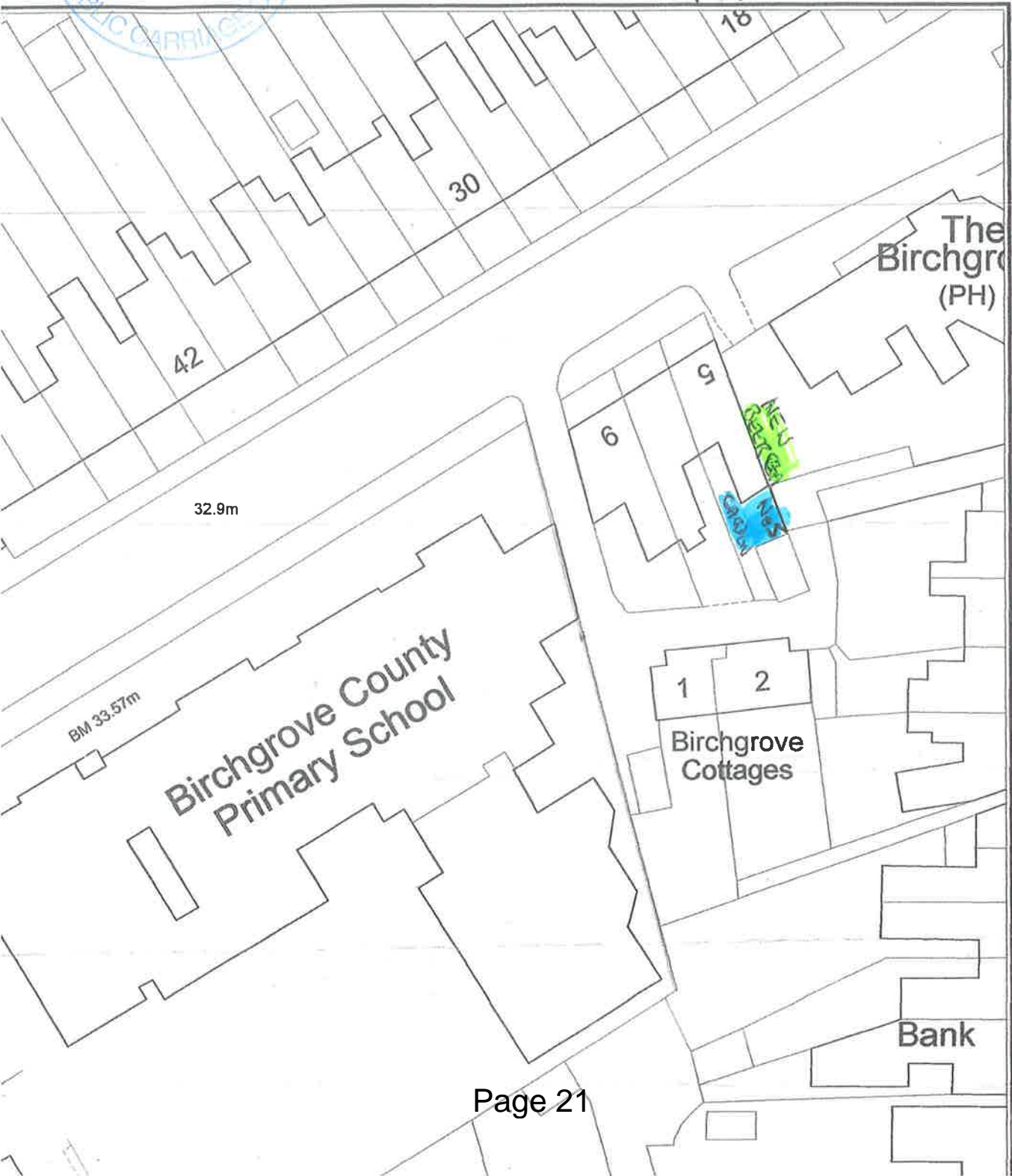
BLUE AREA No 5'S GARDEN



GREEN AREA HIGHLIGHTS

THE PROBLEMS IT'S RIGHT UP TO THE WALL OF No 5 THIS IS

A RESIDENTIAL HOUSE



# **APPENDIX E**

## **Local Ward Councillor representation**

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**From:** Hinchey, Graham (Cllr)  
**Sent:** 27 October 2023 10:57  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Re: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Any and all of the reason codes used for refusal below can be attributed to our objection.  
Please see below information to support our objections to amending the license to midnight in external areas.

1. The prevention of crime and disorder  
there have been a number of disorderly incidents just outside the boundary of the external area, with broken glassware found by residents and local businesses the following morning.
2. Public safety  
as above
3. The prevention of public nuisance  
there have been complaints to Local Members from residents who live w very close (within 20m) of noise and nuisance from music being played loudly and with doors/windows left open until late at night, particularly at weekends. The previous landlady did try and engage with Members and put up signs on the external doorways, asking for people to leave quietly. Unfortunately this did not stop external noise and nuisance and 23:00hrs closing of the external areas would ease the problems for neighbours
4. The protection of children from harm  
Birchgrove primary school is within 100m of the external area of the pub and most children will walk past on their way to school. parents have raised concerns about broken glassware found on the footway in mornings.

Cllr Graham Hinchey  
Councillor for Heath & Birchgrove

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**From:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>  
**Sent:** Monday, October 23, 2023 9:27:13 AM  
**To:** Hinchey, Graham (Cllr)  
**Subject:** RE: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Hello Cllr Hinchey,

Thank you for your email.

Your objection has been received but we would appreciate it if you could provide further information with regards to your concerns. All representations should give detail about the likely effect of the granting of the licence on one or more of the licensing objectives. These are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

If you require any further information please do let me know.

Regards

---

**From:** Hinchey, Graham (Cllr)  
**Sent:** Sunday, October 22, 2023 8:57 AM  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>;

**Cc:** Sangani, Julie (Cllr) >; Ash-Edwards, Mike (Cllr)  
**Subject:** RE: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Birchgrove Pub, Heath.  
Re: Proposed amendment to vary hours of use

Having considered concerns expressed by local residents and the close proximity to the public highway and neighbouring domestic properties on Birchgrove Rd, and Caerphilly Rd, all 3 Local Members would like to object to the amendment and use of the outside areas (rear and front of the pub) beyond 23.00 hrs.

Kind regards  
Heath Ward Councillors  
Mike Ash-Edwards  
Graham Hinchey  
Julie Sangani

---



CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 22 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 090462

Name of Premises: Bodega, Unit 3, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DL

Ward: Cyncoed

### 1. Application

1.1 An application for the Grant of a Premises Licence has been received from Bodega (Lakeside) Ltd in respect of Bodega, Unit 3, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

1.2 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 late night refreshment (indoors and outdoors).

(2) 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”.*

(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: 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

1.3 A site map showing the premises and a plan of the premises submitted with the application can be found in **Appendix A**.

## **2. Promotion of Licensing Objectives**

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B**.

## **3. Relevant Representations**

- 3.1 A representation has been received from South Wales Police. The conditions proposed in this representation have been agreed by the applicant. Copies of the representation and the subsequent agreement can be found in **Appendix C**.
- 3.2 A representation has been received from Pollution Control with proposed licence conditions. These conditions have been agreed and the representation has been withdrawn. A copy of the representation and subsequent agreement can be found in **Appendix D**.
- 3.3 A representation has been received from a local resident. A copy of the representation can be found in **Appendix E**.

## **4. 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 need to be discussed.

# **APPENDIX A**

## **Site Map & Plan**



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd  
 CAERDYDD CF10 4UW  
 Tel: 029 20872088

County Hall, Atlantic Wharf  
 CARDIFF CF10 4UW  
 Tel: 029 20872087

**Cyngor Caerdydd**

**Cardiff Council**



**Title**

Scale: 1:1417

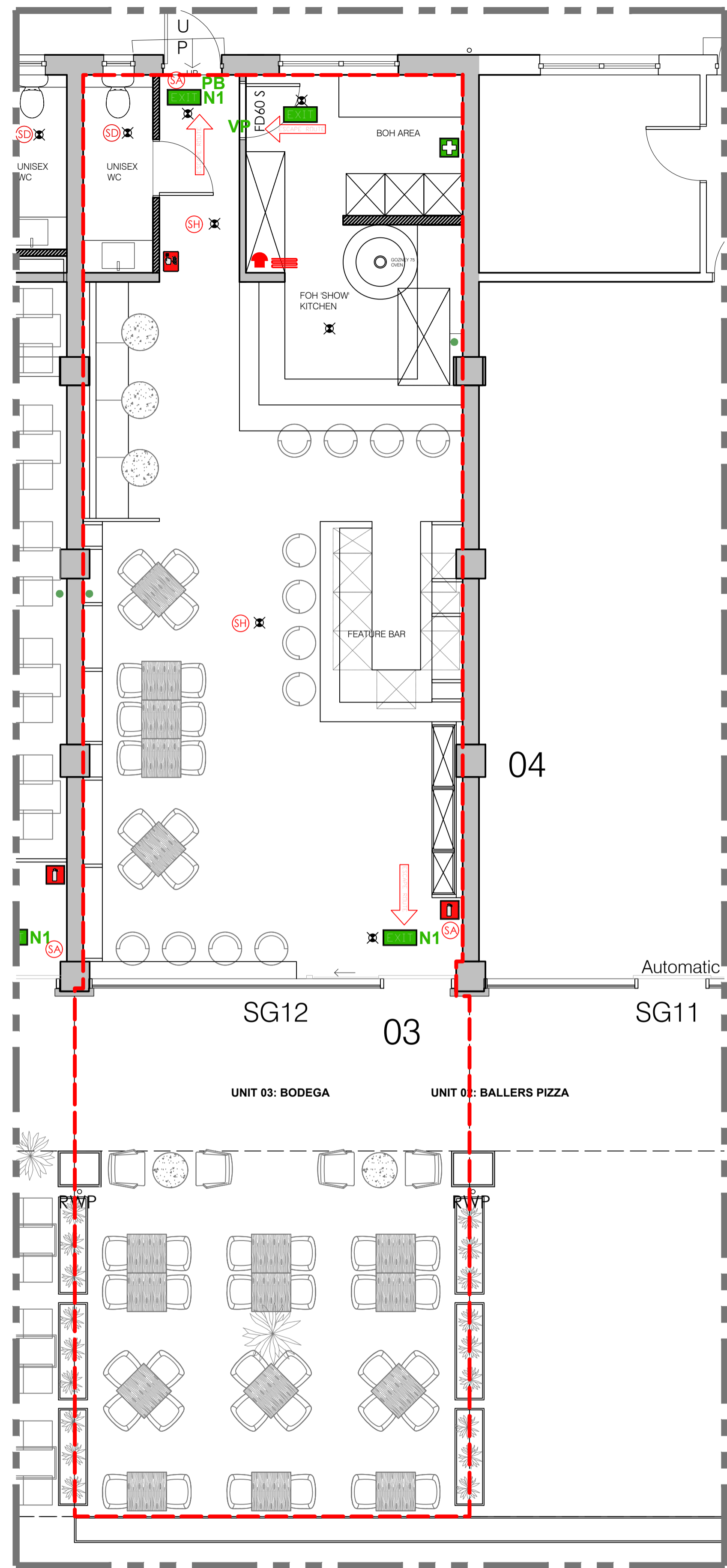
Date: 31/10/2023 at 13:02 PM

Coordinates:

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**Ordnance Survey AC0000816513 (2023).**



Fire		Emergency Lighting		Emergency Exit		Notices		Sensors		Note:	
	Fire Extinguisher		Emergency Spot Light		Emergency Exit Sign		N1 Fire Door Keep Clear		SD Mains Smoke Detector	<p>All emergency equipment shown is indicative only. All equipment placement, zoning and compartmentation is to be in accordance with local legislation and regulations, and to be agreed with the local Fire Authority.</p> <p>Fire alarm zones should be determined in accordance with a suitable qualified fire alarm engineer. Fire alarm is to be installed to comply with BS 5839. Smoke detectors must to voids in excess of 800mm.</p> <p>Fire Extinguishers and Equipment to be specified by Fire Engineer.</p> <p>Note that all emergency equipment must be displayed on suitable wall brackets, and with appropriate luminescent signage.</p> <p>Sprinkler and Ansul Suppression requirements are to be in accordance with landlord, and Building Control requirements, to specialist design.</p> <p>All emergency lighting to conform with BS 5266 Pt.1. All emergency and safety signage must comply with BS 5499:2014.</p> <p>Sprinklers where required by insurers, installed to applicable British standards.</p>	
	Fire Hydrant		Emergency Flood Light		Emergency Exit Downstairs		N2 Keep Closed Locked		HC Heat Detector		
	Fire Pump				Exit Sign		N3 General Fire Notice		SH Combined Smoke & Heat Detector		
	Fire Equipment				Door Release Unit		N4 Staff Fire Notice		SA Security Alarm		
	Fire Buckets				Evacuation Assistance Call Point		PB Push Bar to Open		DA Disabled Toilet Alarm		
	Fire Alarm				Break Glass Call Point		VP Vision Panel				
	Fire Blanket				Sounder Beacon						
	Fire Evacuation Horn				Combined Visual & Audio Sounder						
	FAP Fire Alarm Interface Panel										
	Fire Hose Reel										
	Fire Alarm Zones										
	First Aid Kit										
	Gas Shut Off @ 1350mm above FFL										
	Ansul Suppression System										

--- RED LINE INDICATES LICENSING DEMISE

01 UNIT 03 BODEGA - PROPOSED LICENSING DEMISE PLAN  
SCALE 1:50 @ A1

NOTES:  
DO NOT SCALE FROM THIS DRAWING ALL DRAWINGS TO BE CHECKED ON SITE COPYRIGHT PROTECTED

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS SCHEDULES & DRAWINGS BY THE DESIGNER.
- ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO MANUFACTURE. ROD DRAWINGS TO BE ISSUED FOR DESIGNER COMMENT.
- SAMPLE OF ALL FINISHES TO BE SUBMITTED TO DESIGNER FOR APPROVAL.
- ALL DISCREPANCIES AND OMISSIONS ON SITE MUST BE REPORTED TO DESIGNER FOR THEIR COMMENTS OR APPROVAL PRIOR TO COMMENCING WORK.
- ALL ELECTRICAL, LIGHTING, HVAC AND PLUMBING ISSUES TO BE REFERRED TO ENGINEERS DRAWINGS PRIOR TO COMMENCEMENT OF WORKS.
- THE DESIGNS ARE SUBJECT TO APPROVAL BY STATUTORY AUTHORITIES AND ANY NECESSARY ALTERNATIONS SHOULD BE MADE IF REQUIRED TO COMPLY WITH STATUTORY REQUIREMENTS.

DRAFT FOR INFORMATION

Location Plan (NTS)

STUDIO SEVERN

Client BODEGA

Project AMBER VISTA UNITS 03

Drawing PROPOSED LICENSING PLAN

Drawing No. 105.2

Date 24/08/23

Scale 1:50 @ A1

Revision - Drawn By SLP

# **APPENDIX B**

## **Operating Schedule**

*Continued from previous page...*

**Section 18 of 21**

**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.

There will be sufficient competent staff on site during opening hours.  
Required training will be provided and updated regularly.  
Senior team members will have appropriate qualifications by a recognized body.  
All staff will be advised of licensing law in writing before they are allowed to serve alcohol.  
With the support of our Health and Safety advisor, Fire Safety advisor and Environmental Health Officer risk assessments will be carried out. We will implement and maintain all required policies.

b) The prevention of crime and disorder

We will install a CCTV system that will cover indoor and outdoor areas even when premises are not in use.  
A notice will be displayed at the entrance to the premises advising that CCTV is in operation.  
Bottles and glasses will be collected from the outdoor and public areas.  
Glass bins won't be accessible for the public.  
All instances of crime and disorder that may happen on the premises will be reported to the local police department.  
On request CCTV footage will always be provided to the police.

c) Public safety

Health and safety assessments will be carried out and reviewed annually. Copy of all risk assessments to be kept at the premises.  
Health and safety policy will be prepared by Chappell Safety Services Ltd.

Suitable fire risk assessment will be carried out, and will implement all necessary control measures.  
Capacity to avoid overcrowding will be set for the premises followed by fire risk assessment.  
Required weekly, monthly, six monthly and annual tests will be carried and records kept on site in suitable log book.  
All portable fire fighting equipment and fire alarm system will be maintained and tested by a qualified technician.  
Adequate and appropriate first aid kits to be available at premises.  
At least one suitable trained first aider will be on duty when the public are present.

All required electrical testing will be carried out by a certified electrician. test results will be kept at premises. Annual inspections and testing will be in place. Electrical installation report will also be at the premises.  
Gas safety certificate will be on premises and annual inspection will be carried out.

d) The prevention of public nuisance

There will only be background music playing in the restaurant during opening times, levels will be regulated to ensure that this is not disturbing any local residents.  
During the final hours of opening the music level will be reduced.  
Disposal of empty bottles into waste bins outside the premises will not be permitted between the hours of 22:00 and 07:00.  
All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing nuisance to nearby properties.  
All external lighting is direct away from residential properties.  
Staff will undertake a litter pick around the premises.

***Continued from previous page...***

e) The protection of children from harm

Children are only allowed on the premises with supervision of an adult or parent.

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID to prove their age.



# **APPENDIX C**

## **South Wales Police Representation and Agreement**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

**From:**  
**Sent:** 13 October 2023 10:22  
**To:**  
(Rheoleiddio Trwyddedu)  
**Cc:**  
**Subject:** reps for BODEGA  
**Attachments:** reps for BODEGA.docx

**\*\*\* Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.**

**Rhybudd: Mae'r e-bost hwn yn cynnwys atodiad Microsoft Office (Word, Excel, PowerPoint) neu PDF Adobe. Er bod yr e-bost hwn wedi'i sganio ar gyfer unrhyw fygythiadau, meddyliwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. \*\*\***

**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

Attached are the conditions that the Police seek to have placed on your premises licence at "BODEGA".

I am aware that the 2100 terminal hour for the use of the outside area may be a sticking point. In relation to the taking in of furniture at 2100 I believe I have found a compromise/solution, please see within the relevant condition number 5.

I have tried to telephone you and have left a voice message on your phone.

Please give me a ring to discuss.

Regards

### Ymateb nad yw'n Argyfwng\ Non-Emergency Response

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan <https://www.south-wales.police.uk>, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to the police but don't require an emergency response? You can make a report via our website <https://www.south-wales.police.uk>, send us a private message via an official South Wales Police Facebook or Twitter account, or call 101. 101 can be used to report a non-emergency to any force in Wales and England. In an emergency always dial 999.

### Cymorth Iaith Gymraeg\Welsh Language Support

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Pencadlys Heddlu**

Heol y Bont-faen  
Penybont  
CF31 3SU

**Police Headquarters**

Cowbridge Road  
Bridgend  
CF31 3SU

Mi **URhS Caerdydd a'r Fro** **Cardiff & Vale BCU** 99  
Gwefan: [www.wales.police.uk](http://www.wales.police.uk) Gorsaf Heddlu Bae Caerdydd, Cardiff Bay Police Station, [www.wales.police.uk](http://www.wales.police.uk)  
Stryd James, Bae, James Street, Cardiff Bay  
Caerdydd CF10 5EW CF10 5EW  
Teliffon: 01656 869211 Telephone: 01656 869211

**SWYDDOGOL – OFFICIAL**

Police Licensing Department

Cardiff Bay Police station.

James Street,

Cardiff.

CF10 5EW.

12th October 2023

**APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003.**

**“BODEGA” 21 CLEARWATER WAY, CYNCOED, CARDIFF, CF23 6DL**

I have caused enquiries to be made into this into this application and make the following representations that I wish to be considered when deciding on the licensable activity and conditions for this licence.

The Police object to this application based on the Licensing Objectives of the prevention of crime and disorder and the protection of children from harm.

Should the applicants agree to comply with the representations made to meet the Licensing Objectives before a hearing is held then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.



## POLICE REPRESENTATION

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 areas to which the public have access (excluding toilets) and all entrances and exits including any outside area 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. At least 75% of the internal area used by customers will be laid out with tables and chairs for the purpose of eating and drinking.

Ordinarily customers will be seated.

3. There will be no outside bar.

4. An incident and refusals log will be kept at the premises. This may be either electronic or written. The log will contain details of all incidents of disorder and breakdowns of the cctv system. The log will be made available for inspection by the police upon reasonable request.

5. Use of the outside area by customers will cease by 2100 hours each day. From 2100 hours to opening the next day, all outside furniture such as tables and chairs will be roped, barred or removed so as to prevent people utilising these tables and chairs.

6. Delivery drivers and riders employed to collect food and drink will gain access to the premises via the rear door. They will not be allowed to congregate at the front of the premises.



7. An age verification system shall be in place to verify that all off sales and deliveries of alcohol are made by persons aged 18 years or over.

8. An age verification system, such as Challenge 25, shall be in place to ensure that at the point of delivery alcohol is only handed to customers aged 18 years or older.

9. Orders will only be dispatched to a bone fide address; no deliveries will be made to open spaces.

10. Details of all orders for alcohol will be kept either electronically or in a register. The details will include the date of purchase, the nature and quantity of alcohol, who makes the delivery and who the alcohol is delivered to. The register shall be made available to the Police upon request.

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder.

The protection of children from harm.

The prevention of public nuisance.

Additional evidence to support the notice of the representation will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information, then please contact Police Licensing Officer

Yours faithfully,



---

**From:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Sent:** 24 October 2023 10:49  
**To:**  
**Subject:** FW: FW: reps for BODEGA

---

**From:**  
**Sent:** Tuesday, October 24, 2023 10:40 AM  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>  
**Subject:** Re: FW: reps for BODEGA

**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.

All agreed, thanks

Best wishes

Director

# **APPENDIX D**

## **Pollution Control Representation and Agreement**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

---

**From:**  
**Sent:** 02 October 2023 11:09  
**To:**  
**Cc:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Re: Bodega 21, Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

**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

I have reviewed your application and associated documents regarding a premises licence to be granted under *The Licensing Act (2003)*, at *Bodega 21*, Clearwater Way, Cyncoed, Cardiff, CF23 6DL. Where I have concerns regarding the potential for public nuisance, due to the proximity of residential property in the area. I propose on the grounds of the prevention of public nuisance, that the following conditions are applied to the licence:

**Cnd 1.** The movement of bins, glass bottles and rubbish will not be undertaken between 21.00 hours and 08.00 hours, to minimise disturbance to nearby properties.

**Cnd 4.** Prominent clear and legible notices shall be displayed on exits to the premises, requiring patrons to respect the needs of the local residents, and to leave premises and surrounding areas quietly and orderly manner.

It is the authority's position that I am objecting to the above application on the grounds of the prevention of public nuisance. However, where the applicant is willing to accept conditions set out (as above) my objections to your application can be overturned. Therefore, in essence your acceptance of such conditions would satisfy my objections to your application.

I have attached a link to the Cardiff City Council, Statement of Licensing Policy, where you will find guidance in relation to the expectations of noise and nuisance arising from the operation of licensed premises.

Link: <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Premises-licence/Documents/Cardiff%20Council%20-%20Statement%20of%20Licensing%20Policy%202020%20-%202025.pdf>



Please advise if you wish to accept or discuss the proposed conditions further.

Many Thanks



**Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

---

**From:**  
**Sent:** 17 October 2023 16:24  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Re: 19 & 21 Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

**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.

Further to my previous correspondence

I have reviewed applications regarding premises licences to be granted under *The Licensing Act (2003)*, at both 19 and 21, Clearwater Way, Cyncoed, Cardiff, CF23 6DL. Where I have concerns regarding the potential for public nuisance, due to the proximity of residential property in the area. I had proposed to the applicant that on the grounds of the prevention of public nuisance, that the following conditions were applied to both licences:

**Cnd 1.** Movement of bins, glass bottles and rubbish will not be undertaken between 21.00 hours and 08.00 hours, to minimise disturbance to nearby properties.

**Cnd 2.** Prominent clear and legible notices shall be displayed on exits to the premises, requiring patrons to respect the needs of the local residents, and to leave premises and surrounding areas quietly and orderly manner.

**Cnd 3.** The use of external seating areas will cease at 21.00 hours

It is the authority's position that I am now objecting to the above application on the grounds of the prevention of public nuisance, where the acceptance of **Cnd 3**. Could not be agreed between both myself and the applicant in regards to the use of external seating.

Many Thanks

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

---

**From:**  
**Sent:** 18 October 2023 17:54  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:**  
**Subject:** FW: 19 & 21, Clearwater Way, Cyncoed, cardiff, CF23 6DL

**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.

I can confirm that following a discussion with [redacted] today, following submission of my recent objections to his application. I can advise you that [redacted] has now agreed to accept my recommendations in regard to license conditions in relation to external areas.

Therefore, I would like to withdraw any objections to such applications (please see email confirmation below)

Many Thanks

---

**From:**  
**Sent:** Wednesday, October 18, 2023 5:18 PM  
**To:**  
**Cc:** Licensing (Cardiff C.C.) <licensing@cardiff.gov.uk>  
**Subject:** Re: 19 & 21, Clearwater Way, Cyncoed, cardiff, CF23 6DL

Evening

Further to our recent discussion I confirm our acceptance of your proposed conditions to 19&21 Clearwater way.

Best wishes

# **APPENDIX E**

## **Other persons representation**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

---

**From:**

16 October 2023 12:52

**To:**

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

**Subject:**

Opposition to the Proposed Establishment of Bodega (Lakeside) Limited Ltd in Our Residential Locale

**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,

Re: Opposition to the Proposed Establishment of Bodega (Lakeside) Limited Ltd in Our Residential Locale

I am writing to express my objection to the proposed establishment of Bodega (Lakeside) Limited Ltd within our residential area, specifically at Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DZ. While I genuinely appreciate the significance of local businesses and their cultural value, I firmly believe that this particular location is entirely unsuitable for such an enterprise, given several compelling reasons. . Noise Disruption: Our residential area is renowned for its tranquil and peaceful atmosphere, a primary reason many of us chose to call it home. The operation of such a business, particularly during late hours, would inevitably result in elevated noise levels. This disruption would disturb our quality of life and potentially cause discomfort to families, the elderly, and young children residing nearby. Safety Apprehensions: The anticipated influx of patrons, especially during weekends and evenings, raises grave concerns about safety. The heightened traffic and the potential for unruly behavior could lead to accidents and disturbances, placing residents at risk. This is especially concerning given the presence of three schools in proximity—two primary schools and one high school. Ensuring the safety of children in the area must be a top priority for all involved. Parking Predicament: Our neighborhood already grapples with limited parking spaces. The addition of such an establishment could exacerbate this issue, making it exceedingly challenging for residents, myself included, to find parking near our homes. Impact on Property Values: The presence of such a business could negatively impact property values within the vicinity. Prospective buyers and renters may be deterred by the noise and safety concerns associated with residing in proximity to such an establishment. I earnestly beseech the Cardiff Council to carefully consider these objections during the evaluation of the SOLT proposal. Preserving the serenity, safety, and character of our residential area should remain a paramount concern. Exploring alternative locations more suited for such a business is imperative to ensure the well-being and contentment of all residents. I kindly request that you keep me apprised of any further developments and decisions regarding this matter. Your attention to this crucial issue is greatly appreciated.

Sincerely,

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