

LICENSING SUB-COMMITTEE: 3rd February 2017

Report of the Head of Regulatory Services

Application to vary a Premises Licence

Application No: 003720

Name of Premises: CFEleven

Ward: Riverside

1. Application

1.1 An application for the grant of a Premises Licence, has been received from Mr Jason Arthur Hamer in respect of CFEleven, 151 Cathedral Road, Cardiff, CF11 9PJ.

1.2 The application requests the following:

Supply of alcohol for consumption on and off the premises:
Monday to Sunday 10:00 to 23:00

Opening hours: 24 hours a day

2. Promotion of Licensing Objectives.

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

3. Relevant Representations

Representations have been received in respect of the application, copies of which are enclosed with the report.

4. Legal Considerations.

4.1 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 eg. 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 appropriateness of the hours of operation and conditions on the licence needs to be discussed.

Dave Holland
Regulatory & Supporting Services

19 January 2017

3720



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Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW
10 January 2017

Jason Hamer,
CF11,
151 Cathedral Road,
Cardiff,
CF11 9PJ

Application for the Grant of a Premises Licence under the Licensing Act 2003
CF11, 151, Cathedral Road, Cardiff, CF11 9PJ

Dear Mr Hamer,

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

We therefore ask that the Licensing Committee hear the representation made by the police when determining the grant of this application.

Should the applicant agree to comply with the representation 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.

The following conditions are believed to be reasonable and proportionate to assist in promoting the licensing objectives at CF11, South Wales Police desire that they be added to the premises licence conditions;

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 accommodation and toilets) including all entrances and exits and outside areas used for consumption of alcoholic beverages. The images will be kept for a minimum period of 31 days. The images will 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 (subject to data protection legislation. There will be sufficient trained staff to facilitate the above. Signs will be prominently displayed at the premise, advising patrons that CCTV is in operation.

2. An incident book shall be kept and maintained at the premises. The incident book shall have sequentially numbered pages and will record the following; any incidents that may be of interest to police; e.g. incidents involving crime and/or disorder, matters where child and/or public safety is threatened and also where public nuisance is/has been caused.

NOT PROTECTIVELY MARKED

3. A monitor screen will be positioned at the bar to enable bar staff to monitor the behaviour of patrons seated away from immediate supervision.
4. Patrons will not be allowed outside the premise with alcoholic beverages.
5. There will be prominent, clear and legible, notices at exit points requesting that patrons leave the premises in a quiet and orderly manner, so as to respect the rights of local residents.
6. Persons under the age of 18 will not be permitted in the licenced area unless accompanied by a responsible adult.

Finally, the applicant has agreed to alter his application to reflect his intention to sell alcohol for consumption on-premises only as this reflects his intended operation. He needs to confirm this with Council Licensing in order that his licence can be issued correctly.

If the applicant does not agree with the afore-mentioned representations, police objection will be based on the following:

The prevention of crime and disorder
The prevention of public nuisance

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

If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 02920 222111 ext 34350.

I submit this report for consideration of the above information.

Yours faithfully,



D Howe
Chief Inspector

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SOUTH WALES POLICE EASTERN BCU

Cardiff Bay Police Station, James Street, Cardiff Bay CF10 5EW
Telephone: 029 2022 2111 Facsimile: 029 2052 7280

HEDDLU DE CYMRU URhS Y DWYRAIN

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW
Teleffon: 029 2022 2111 Ffaesimili: 029 2052 7280

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SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

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.

CCTV will be provided in the licensed area of the premises.

Staff will be trained in their responsibilities in selling alcohol and a record of that training kept.

A challenge 25 policy will be adopted whereby any customer appearing to be under the age of 25 will be asked for photographic ID to prove they are over the age of 18, such ID to be in accordance with the mandatory licensing condition.

The only part of the premises which will be licensed for the sale of alcohol is the coffee shop on the ground floor which will be open from 8am until 11pm.

b) The prevention of crime and disorder

No additional steps

c) Public safety

Continued from previous page...

No additional steps

d) The prevention of public nuisance

No additional steps

e) The protection of children from harm

No additional steps

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00

Barker, Kirstie

From: Wallsgrove, Jon <Jon.Wallsgrove@blakemorgan.co.uk>
Sent: 16 January 2017 13:55
To: Licensing (Licensing, Regulatory)
Cc: john.crowther@south-wales.pnn.police.uk
Subject: CF Eleven

Dear Sir or Madam

We act for Jason Hamer in relation to his application for a new premises licence. We are writing further to the letter from the South Wales Police dated 10th January in which a number of conditions are set out. Please accept this email as acceptance by our client to all those conditions including the amendment of the application to remove the permission for the sale of alcohol for consumption off the premises.

Given this agreement the police acknowledge in their letter that their representation will be immediately withdrawn and you will note we have cc'd the relevant officer.

Today is the last day for representations and I would be grateful if you would confirm if you have received any other representations. We will telephone your offices tomorrow morning as well as of course someone may hand deliver an objection to your offices later today (albeit unlikely).

We look forward to hearing from you,

Yours Faithfully

Blake Morgan LLP

Jon Wallsgrove
Partner
For and on behalf of Blake Morgan LLP



DDI: 023 8085 7224 ■ M: 07900 905849 ■ F: 0844 620 3401 ■ E: Jon.Wallsgrove@blakemorgan.co.uk
New Kings Court, Toilgate, Chandler's Ford, Eastleigh, Hampshire SO53 3LG ■ T: +44 (0) 23 8090 8090 ■ DX 155850
Eastleigh 7 ■ www.blakemorgan.co.uk

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Barker, Kirstie

From:
Sent: 06 January 2017 14:30
To: Licensing (Licensing, Regulatory)
Subject: Objection - LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION - CFEleven
151 Cathedral Road - Jason Arthur Hamer

Hello,

I wish to object to the following application re Premises Licence

The owner of CF Eleven sells used cars from the rear of the property and as such there would be no onsite parking anyway

Key reasons for objecting to the planning application

Parking/highway safety

- Parking in the area is at a premium and it is generally difficult to find a parking space
- Due to the lack of legal parking spaces there will be indiscriminate parking to access the premises. This would have a negative impact on highway safety on an already busy and dangerous junction.
- No off road parking within a convenient distance of the premises - The owner of CF Eleven sells used cars from the rear of the property and as such there would be no onsite parking anyway.
- There will an increase in vehicular traffic and parking requirements as a result of the opening hours.

Local Development plan.

- The site falls within a residential area as defined by the local development plan and outside of any district or local centre identified for retail use.

Restrictive covenants

- There are restrictive covenant for most of the properties within the area which prevent certain commercial activities from being practiced. Can we ascertain that there are no restrictive covenants which prevent the change of use ?

Anti Social

- There are already anti social issues on Cathedral Road with loud drunken anti social behaviour adding yet another licenced premises will only add to problems

Kind regards

LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

APPLICATION FOR A PREMISES LICENCE (under Sections 17)

Name of Applicant

Postal address of premises

Jason Arthur Hamer

CFEleven, 151 Cathedral Road, Cardiff, CF11 9PJ

Statement of Relevant Licensable Activities which it is proposed will be carried on or from the premises together with the relevant times.

1. The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 10:00 to 23:00

The Licensing Register may be inspected at the Licensing Authority, Cardiff County Council, Regulatory Services, Licensing Section, City Hall, Cardiff CF10 3ND between 9.00 am and 4.00 pm (Monday to Friday except public holidays). Representations must be made in writing to the above address by 16 January 2017.

It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.

Barker, Kirstie

From:
Sent: 06 January 2017 17:42
To: Licensing (Licensing, Regulatory)
Subject: Objection "CFElevan "151 Cathedral Road - Jason Arthur Hamer

Hello

I would like to object to the application for an alcohol licence and the hours applied for by a Mr Jason Arthur Hamer 151 Cathedral Road for CF Eleven.

When the owner previously applied to have a 'coffee shop' at I suspected there would be more applications , as the work the owner has done is way more than one would expect from just a coffee shop. We have had a change of use application to a coffee shop, now we have a alcohol licence and the next one down the line will be for full A3, including hot food / restaurant – the owner has as much intimated as such to neighbours on numerous occasions.

Anyway – I would like to object for the following reasons :-

1. It is a residential area with no other commercial alcohol premises. The Pontcanna area already has a designated area for alcohol licenced premises. They are called pubs and restaurants and as such the area is already well served by – The Cameo, The Cinnamon Tree , The Halfway Pub, The Smoke House, Cibo, The Beverley, The Cricketers, The Conway, The Cayo , Elgano etc etc. A further alcohol licence is not required in the area.
2. Parking – there is no parking anywhere in the area, than is not already in use by either residents parking and a few limited on street parking. This application would further reduce the parking available.
3. An increase in traffic to the area – and area which is already very busy for traffic.
4. The site is in a conservation area, just are there are restrictions on what colour paint and types of door / window – a further alcohol licenced business would detract from the overall aesthetic of the area.
5. Anti Social behaviour would increase. Anti Social problems already exist with various drunken people on Cathedral Road – more is not required.

Can you please pass my concerns on to the relevant authorities – and let me know who I need to appeal to if this application is passed.

Barker, Kirstie

From:
Sent: 09 January 2017 11:20
To: Licensing (Licensing, Regulatory)
Cc: Gordon, Iona (Cllr)
Subject: CF11 151 Cathedral Road Objection - LICENSING ACT 2003 - PUBLIC NOTICE OF APPLICATION

To who it may concern :-

I would like to object to the alcohol licence that has been applied for by Mr J Hamer – 151 Cathedral Road .

Mr Hamer recently applied for a licence to become a 'coffee / sandwich' shop and now before this coffee shop has even opened there has been an application for a licence to sell alcohol. This demonstrates clearly the intention of 151 Cathedral road all along. It will not be a coffee shop – the intention has always been to an Alcohol licence.

Anyway I would like to object to this application on the following :-

Parking – Parking is bad enough at the moment to find parking on the street for the public and for residents that live on Cathedral road – this application will make available parking worse.

Parking – Lack of 'legal' parking will lead to indiscriminate parking close to junctions and on yellow lines

Parking – no off road parking will be made available.

Parking – Having such late opening hours will lead to an increase in vehicle traffic and parking issues after 5pm

Local Development Plan - Pontcanna is part of the local development plan by the Council. The area of 151 Cathedral Road is a residential area – not an A3 type area serving hood food and alcohol till 11pm. There many establishments on Pontcanna Street that cater for this need – as well as pubs further down Cathedral road – ie the Beverley , The Cricketers, The Cayo, The Mocyn Du etc . 151 Cathedral road is a residential area.

Anti Social Behaviour – As well as the reasons listed above – wherever alcohol is concerned there is rise in drunken anti social behaviour and litter. Anything from people urinating in the street to people leaving bottles on the pavement, vomiting etc. I have seen it all on Cathedral road – and adding yet another alcohol establishment open to the public all day and until nearly midnight is just adding to the problems in the area.

Kind regards

Griffiths, Paul (PPE)

From:
Sent: 13 January 2017 14:11
To: Licensing (Licensing, Regulatory)
Subject: 151 Cathedral Rd

Dear Madam/Sir:

My wife () and I both wish to object to the application for a licence to sell alcohol for consumption on and off the premises, at 151 Cathedral Road, Cardiff. (Also known as CF1).

We live at Cathedral Road and are near neighbours of the premises in question. The grounds for our objection are that it will severely affect the lives of those living, as we do, in the vicinity of the applicant's premises. This section of Cathedral Road has always been residential, and indeed when we bought our property last year we were pleased to hear that the council had a preference for a return to residential usage in Cathedral Road, in keeping with the aims of the conservation area.

There are already sufficient establishments selling alcohol at the city end of Cathedral Road. To grant this licence would be a departure from the status quo and is an unnecessary disturbance to the lives of those nearby. It would set a precedent which, if followed by other applications, would change the entire nature of this street.

I should be grateful for an emailed acknowledgement of this objection.

Barker, Kirstie

From: Davidson, Kirrin <Kirrin.Davidson@assembly.wales>
Sent: 16 January 2017 09:28
To: Licensing (Licensing, Regulatory)
Cc: SIMMONS, Elaine
Subject: CFEleven Licensing application
Attachments: CFEleven.pdf

Good morning,

Please find attached a joint letter from Mark Drakeford AM and Kevin Brennan MP, for the attention of Licensing.

Many thanks,

Kirrin

Kirrin Davidson

Constituency Caseworker and Researcher to Mark Drakeford AM/ Gweithiwr Achos Etholaethol ac Ymchwilydd i Mark Drakeford AC
Cardiff West/ Gorllewin Caerdydd

Tel/ Ffôn: 0300 200 7318

Email/ E-bost: kirrin.davidson@assembly.wales / kirrin.davidson@cynulliad.cymru

MARK DRAKEFORD AM & KEVIN BRENNAN MP

Licensing Authority
Cardiff County Council
Regulatory Services
Licensing Section
City Hall
Cardiff
CF10 3ND

16.01.2017

To whom it may concern,

Re: CFEleven, 151 Cathedral Road, Pontcanna, Cardiff, CF11 9PJ.

We write to object to the application, at the above address, for a new premises license for sale of alcohol. We do so following consultation with local ward councillors.

You will know from our views in relation to similar applications in the past that we believe the Pontcanna area to be already saturated as far as alcohol licensing is concerned. The area is one of the most densely populated residential communities in Wales. While businesses add a great deal to the rich mix of the locality, their needs and ambitions have to be balanced against the on-going requirements of permanent residents to the ordinary enjoyment of their homes.

The current application, if granted, would alter the nature of the business, adding inevitably to noise and disturbance. The licensing hours for which this application has been made are especially unreasonable to those who live nearby, prolonging the impact on their lives over many hours each day, and into the late hours of the evening.

We ask members of the Planning Committee to take these matters fully into account, and to consider the adverse impact of the application on those most directly affected, but also on the nature of the area as a whole.

Yours sincerely,



Mark Drakeford AM
Cardiff West

Kevin Brennan MP
Cardiff West

Cardiff West Constituency Office
395 Cowbridge Road East
Cardiff
CF5 1JG

Barker, Kirstie

From: Gordon, Iona (Cllr)
Sent: 06 January 2017 12:16
To: Licensing (Licensing, Regulatory)
Subject: Licensing Act 2003: Application for the grant of a Premises Licence - CFEleven, 151 Cathedral Road, Cardiff
Attachments: New Premises CFEleven 151 Cathedral Road Cardiff CF11 9PJ.pdf

I wish to lodge an objection to the application for a new premises license submitted by CFEleven 151 Cathedral Road.

This stretch of Cathedral Road is largely residential area with a residential care home, and a number of guest houses and small hotels. A hotel with a public bar would be a departure from the character of this part of Cathedral Road and several residents have expressed their concerns about noise, associated anti social behaviour late at night and litter associated with late night drinking, glasses and bottles and cigarette boxes and butts left on garden walls or dropped on the pavement.

Iona Gordon

Councillor Iona Gordon Cyngorydd Iona Gordon
Riverside Ward Ward Glan yr Afon
Cardiff Caerdydd

029 2034 5213

@CllrIonaGordon

Barker, Kirstie

From: Iona Gordon <ionamgordon@gmail.com>
Sent: 16 January 2017 14:31
To: Licensing (Licensing, Regulatory)
Cc: Wild, Caro (Cllr); Williams, Darren (Cllr)
Subject: Alcohol license for CFEleven, 151 Cathedral Road

Ward Member Objection to License Application for 151 Cathedral Road

I wish to register my objection, on behalf of residents living near 151 Cathedral Road, to the license for on and off sales of alcohol at CFEleven, formerly the Abbey Hotel.

This end of Cathedral Road is predominantly residential with a few properties used as business premises for services such as dentists, therapeutic clinics etc.

Residents are concerned that a license at 151 Cathedral Road will alter the character of this historic Victorian street which is part of a Conservation Area. They fear that a new license will lead to further license applications and fundamentally affect the quality of life of people who live here or live in the side streets adjoining Cathedral Road.

Pontcanna has a wide offer of licensed premises at the lower end of Cathedral Road - Jolyon's Hotel, The Cricketers, Cayo Arms, Beverley Hotel, Moch yn Du in Sophia Gardens, at the top end there is the Halfway, The Conway and at the end of Pontcanna Street there is the Cameo Club.

The clientele of licensed premises can behave badly with loud anti social behaviour, rowdiness, extra litter, broken glass and bottles in the street etc. All to be discouraged in a residential area.

I would be most grateful if the Licensing Committee would reject this application.

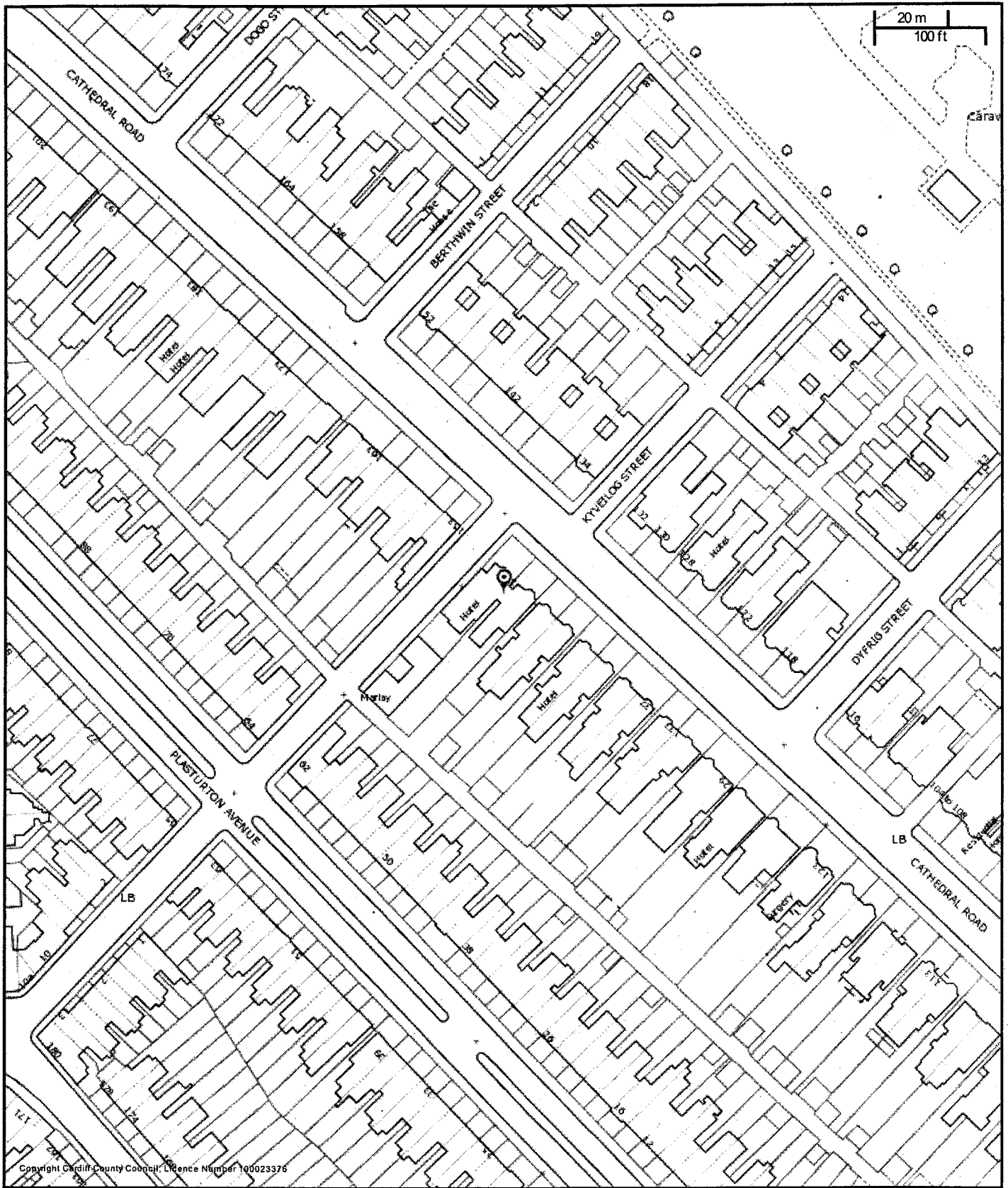
Yours sincerely,

Iona Gordon

Councillor Iona Gordon

Riverside Ward

Cardiff Council 029 2034 5213 [Please use home email address to respond as I have problems with Council IT equipment again]



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CHIEF EXECUTIVE
Paul Orders
County Hall
Atlantic Wharf
Cardiff CF10 4UW
Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

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