

LICENSING SUB-COMMITTEE: 24 May 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 085208

Name of Premises: Moura Restaurant & Pop Up

Ward: Llandaff

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Mrs Caitlin Lee-Ann Vause and Mr Francis Basil Goncalves in respect of Moura Restaurant & Pop Up, 6 Waungron Road, Llandaff, Cardiff CF5 2JJ.

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.

(2) Description of Premises (as stated by applicant):

"This premises will have two businesses acting in partnership with each other. Wicked Food and Drink Co Ltd will be operating the restaurant premise and would like to sell wine, beer and spirits intended for consumption on the premises. Whereas Wicked Vintner will sell wines, beer and spirits for retail from a pop-up shop and e-commerce store operating from the premises, which products are intended to be consumed off premises. There is a store unit at the back of the property which will be used to store the stock for both businesses. Caitlin Vause, has a substantial interest in both businesses and would like to act as the responsible individual for both businesses for all matters relating to licensing."

(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: 08:30 to 22:00 hours
New Year's Eve: 08:30 to 00:30 hours

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

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

Monday to Sunday: 08:30 to 22:00 hours
New Year's Eve: 08:30 to 00:30 hours

Following agreement with South Wales Police the applicant has however agreed to amend the sale by retail of alcohol for consumption on and off the premises to:

Monday to Sunday: 11:00 to 21:30 hours
New Year's Eve: 08:30 to 00:30 hours

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

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**.

Relevant Representations

3.1 A representation has been received from South Wales Police. Licence conditions and a reduction in licensable activity hours for the sale of alcohol have been proposed and these proposals/conditions have been agreed by the applicant. A copy of the representation and subsequent agreement is attached as **Appendix C**.

3.2 A representation has been received from Neighbourhood Services (Shared Regulatory Services). Licence conditions have been proposed and these conditions have been agreed by the applicant. A copy of the representation and subsequent agreement can be found attached as **Appendix D**.

3.3 A representation has been received from a local resident and can be found attached as **Appendix E**.

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.

Issues for Discussion

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

APPENDIX A

Site Map & Plan

APPENDIX B

Operating Schedule

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.

We will not use irresponsible alcohol promotions to drive business.

We will ensure that a strict challenge 25 policy is applied in store for both the restaurant premises and the e-commerce and pop-up store. We will ensure that any staff that we employ to work in or from the premises will be trained on (and receive regular refresher courses) on our challenge 25 policy. We will also ensure that this policy is applied to any food and/or wine deliveries from the store. (For example, we refuse delivery if there is an unaccompanied minor at the delivery address, or if we have any reason to believe that the order was placed by a minor).

Free drinking water will be made available to all our customers. If we hold wine tasting events, we will ensure that spittoons are provided and that food and water is readily available to customers.

We will provide only legal appropriate measures of alcohol, and have health information regarding alcohol measures readily available.

We will maintain a refusal book noting the time, place and details of any refusal to sell alcohol.

We will encourage responsible drinking, both in store, and on the Wicked Vintner e-commerce store, making reference to drinkaware.co.uk.

We will endeavour to sell products of known brands that can guarantee quality assurances and ensure that the bottles sold are correctly labelled if the product in question contains sulphites or other substances of that nature.

We will ensure that minimum pricing laws as currently in place in Wales are strictly adhered to with reference to our pricing strategy.

We will aim to maintain a acceptable level of food safety on the premise and to be certified a such by the EHO. We will also make our best efforts to ensure that the premises is safe for our staff and members of the public by complying with any health and safety and fire safety requirements set for us by a relevant authority.

Although, we do not currently have a security system in place, we are seeking to install an appropriate security and camera system.

The bulk of the wine will be stored in a locked and secured storage unit at the back of the premises.

We have taken out comprehensive business insurance with public liability cover of up to £2,000,000.

Specifically with reference to the Wicked Vintner E-commerce store:

- The Wicked Vintner website will require the viewer to complete an age check when logging on to the website.
- ID checks to be completed in suspected fraudulent transactions or in first time orders over £500.00
- We will endeavour to train staff to ensure that appropriate fraud checks are completed on suspicious orders and challenge 25 policy is strictly adhered to, as well as annual refresher courses.

We are happy to take on any other measures that Cardiff Council feel are necessary for a business of this nature.

b) The prevention of crime and disorder

Our aim is to provide our customer's with a safe environment and to encourage responsible drinking only. We will install an appropriate security and camera system as a deterrent to petty crime and disorderly conduct in the store. We aim to be vigilant to avoid any incidents in store.

Operating Schedule Continued

Continued from previous page...

c) Public safety

As already mentioned, we will aim to maintain a high level of food safety on the premise and to be certified a such by the EHO. We will also make our best efforts to ensure that the premises is safe for our staff and members of the public by complying with any health and safety and fire safety requirements set for us by a relevant authority.

d) The prevention of public nuisance

Our staff will be appropriately trained to deal with disorderly guests and we will ensure customer's that drink excessively or misbehave are refused further sales of alcohol. We will have a sign at our door exit, reminding customers to be considerate to our neighbours.

e) The protection of children from harm

Strict challenge 25 policy to be adopted with a refusal book to be maintained.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

South Wales Police Representation and Agreement

Police Representation

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Teliffon: 01656 869211
Mewn argyfwng ffoniwch **999**
Fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Cardiff & Vale BCU
Cardiff Bay Police Station,
James Street, Cardiff Bay
CF10 5EW
Telephone: 01656 869211
In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

SWYDDOGOL - OFFICIAL

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff,
CF10 5EW

25th April 2023

Moura Restaurant and Pop Up
6 Waungron Road,
Llandaff,
Cardiff,
CF5 2JJ

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – MOURA RESTURANT & POP UP, 6 WAUNGRON ROAD, LLANDAFF, CF5 2JJ.

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within 6 Waugron Road has recently been leased to the applicant. The applicant has advised that she is looking to open up two businesses within the premise in the form of Wicked Food and Drink Co which will be a restaurant with on sales, and Wicked Vintner a retail pop up store and online element where they would look at products intended for being consumed off premises.

The opening hours proposed as follows:

Mon- Sun 0830-2200

The application seeks the following licensable activity;

Supply of Alcohol (for consumption on & off premises);

Mon- Sun 0830-2200

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Police Representation Continued

The applicant has been spoken to and the application has been discussed on 18th April 2023. As a result of this consultation, I now make the following representations on behalf of South Wales Police. During our discussion the applicant stated that she would like to reduce the timings for the supply of alcohol to the following:

Supply of Alcohol (for consumption on & off premises);

Mon- Sun 1100-2130

At this time, South Wales Police object to the grant of a new premises licence as applied for under the following licensing objectives, namely those of;

The Prevention of Crime and Disorder

Public Safety

Public Nuisance

Protection of Children from Harm

However, should the applicant agree to the below representations deemed to be appropriate and proportionate to support the licensing objectives, then the Police will automatically withdraw their request for a hearing before the Licensing Committee.

POLICE REPRESENTATIONS.

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated, at all times the premises are open to the public. The system will cover all internal areas of the premises {Excluding toilets} where the public have access including all entrances and exits and any external areas associated with the premises. The images shall 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 and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
2. Staff authorised to carry out Licensable Activity shall receive initial training in relation to age-related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. Refresher training shall be conducted every 6 months. The DPS shall keep records of such training for a period of at least 18 months.
3. No self-service of alcohol will be permitted at the premises, and alcohol will be stored in lockable containers at times when the sale of alcohol is not permitted.
4. The premises shall operate a "Challenge 25 Policy" at all times.
5. For the purpose of the sale and supply of alcohol off premise, payment shall only be permitted to be made by debit/credit card only.

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.

South Wales Police welcomes receiving correspondence in Welsh and English.

Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Police Representation Continued

6. Alcohol sold for consumption off-premises will only be made in unopened vessels that have been sealed by the manufacturer.

7. At least 75% of the public space within the licensed area of the premise shall be occupied with tables and chairs. There shall be no vertical drinking at any time.

8. There shall be no draught alcoholic beverages on site.

9. An incident log will be maintained at the premises. Each entry shall carry the day, date, and time that each report was made. It will record the follow; The DPS shall use best endeavours to ensure that all incidents are logged on the day of the incident.

A – All crimes reported to the venue

B – All ejections of patrons, with details of the individual(s) if known.

C – All complaints received directly by the premise of a criminal or licensing nature

D – All incidents of disorder of which the premise are aware.

E – The seizure of drugs and offensive weapons.

F – All visits by a responsible authority, or emergency service.

The log shall be made available to the police or other responsible authorities on request.

The log shall be retained for a minimum of 12 months.

10. Use of the outdoor designated area will only be permitted from 10:00-2000hrs.

11. There shall be no outdoor bar permitted within the designated outside area.

12. There shall be no external speakers within the outdoor designated area.

13. Any drinks to be consumed within the external seated area shall be purchased and supplied via table service only.

14. There shall be no showing of any pre-recorded, or live sporting events at any time within the licensable area.

15. Signage will be displayed requesting that customers leave the premises quietly.

16. Windows and Doors will be closed from 20:00hrs in order to minimise noise emanating to neighbouring properties. The only exemption to this is to allow the entrance and egress of patrons to and from the premise.

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.

South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Police Representation Continued

17. Orders for home delivery of alcohol will be online only and paid for at the time of ordering. There will be no payment for alcohol at the point of delivery.
18. Delivery of alcohol will only be made to a verified residential address at which the customer is present to receive the order.
19. Customers taking delivery of must be at least 18 years of age. If any customer appears to be 25 or younger, appropriate photo identification will be required. Without such identification the delivery of alcohol will be refused. Terms and conditions will state that if the delivery person is unable to verify the age of the customer at the point of delivery, then the delivery will be refused.
20. Age verification will be implemented for online orders.

Yours Faithfully



PS 2027 Justin Hardwick
Licensing Sergeant

Chief Inspector 3006 Daniel Howe
Community Safety Department

COPY TO:

Dan Cook
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall, Cardiff
Cardiff.
CF10 3ND

SWYDDOGOL – OFFICIAL

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.
South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Applicant agreement to Police Conditions

From: Caitlin Lee-Ann Vause [REDACTED]
Sent: 05 May 2023 15:22
To: Evans, Kirsty <Kirsty.Evans@cardiff.gov.uk>
Subject: Re: FW: Licensing Act 2003: New Premises: Moura Restaurant & Pop Up, 6
Waungron Road, Llandaff, CF5 2JJ

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.

Hi Kirsty

We are happy to accept the proposals by South Wales police as conditions to our licence.

At this juncture, is there any further information that you require?

Kind regards,

Caitlin Vause

APPENDIX D

Neighbourhood Services Representation and Agreement

Neighbourhood Services' Representation

On Tue, May 2, 2023 at 3:48 PM Jenkins, Tomos <tjenkins@valeofglamorgan.gov.uk> wrote:

Caitlin, Francis

Further to the site visit last week, thank for patience whilst I made it to site.

The proposal is seeking: **Supply of Alcohol (for consumption on & off premises); Mon- Sun 0830 – 2200 hours.**

In order to promote the Licensing Objective Prevention of Public Nuisance, your operating schedule details:

d) The prevention of public nuisance

Our staff will be appropriately trained to deal with disorderly guests and we will ensure customer's that drink excessively or misbehave are refused further sales of alcohol. We will have a sign at our door exit, reminding customers to be considerate to our neighbours.

The premises is situated beneath and adjacent to existing residential premises in mixed commercial residential area, with a string of retail shops and other licensed venues in the immediate vicinity. The premises includes the use of a rear external court yard offering up to 30 covers. The residential units overlook this court yard, and at present there are no mitigation measures to promote the licensing objective Prevention of Public Nuisance, as such it is my intention to **object to the application** on the grounds of Prevention of Public Nuisance.

I understand that South Wales Police have made representations on this matter too, and will be, or have, offered conditions. I have had sight of these conditions much of which cross over, and you verbally advised on site you were happy with theses. As such, I would be happy to withdraw my objections if the following can be agreed:

- **Supply of Alcohol (for consumption on & off premises); Mon- Sun 1100-2130**

this condition is specific to ensure that sale of alcohol allows for a drink-up time before your closing time.

- Use of the outdoor designated area will only be permitted from 10:00-2000hrs.
- There shall be no outdoor bar permitted within the designated outside area.
- There shall be no external speakers within the outdoor designated area.
- Any drinks to be consumed within the external seated area shall be purchased and supplied via table service only.
- Signage will be displayed requesting that customers leave the premises quietly.
- Windows and Doors will be closed from 20:00hrs in order to minimise noise emanating to neighbouring properties. The only exemption to this is to allow the entrance and egress of patrons to and from the premise

Neighbourhood Services' Representation Continued

In addition, the only matter not discussed on site was the movement of waste, specifically glass. I would propose a condition as follows:

- The disposal of waste to external areas should not take place between 2100 – 0800 hours on any day.

If you can return and advise you are happy with the proposed, or offer any alternative wording to be agreed, I will withdraw my objections.

Licensing – for info.

Jason – conditions supported as discussed as they promote the Prevention of Public Nuisance.

Sincerely,



Mr Tomos Jenkins

Neighbourhood Services Officer

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

e-mail / e-bost: tjenkins@valeofglamorgan.gov.uk

From: Jenkins, Tomos <tjenkins@valeofglamorgan.gov.uk>

Sent: 03 May 2023 07:31

To: Caitlin Lee-Ann Vause [REDACTED]

Cc: Francis Goncalves [REDACTED]; Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>; Jason.Jones@south-wales.police.uk

Subject: RE: SR 1028309

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.

Good Morning, to confirm and for clarity with for the Licensing Authority – conditions are agreed as follows:

- Use of the outdoor designated area will only be permitted from 10:00-2000hrs.
- There shall be no outdoor bar permitted within the designated outside area.
- There shall be no external speakers within the outdoor designated area.

Neighbourhood Services' Representation Continued

- Any drinks to be consumed within the external seated area shall be purchased and supplied via table service only.
- Signage will be displayed requesting that customers leave the premises quietly.
- Windows and Doors will be closed from 20:00hrs in order to minimise noise emanating to neighbouring properties. The only exemption to this is to allow the entrance and egress of patrons to and from the premise.
- The disposal of glass waste to external areas should not take place between 2100 – 0800 hours on any day

On confirmation I will withdraw my representations to the Licensing Authority.

Kind regards



Mr Tomos Jenkins

Neighbourhood Services Officer

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

e-mail / e-bost: tjenkins@valeofglamorgan.gov.uk

Applicant agreement with Neighbourhood Services

From: Caitlin Lee-Ann Vause [REDACTED]
Sent: 03 May 2023 07:34
To: Jenkins, Tomos <tjenkins@valeofglamorgan.gov.uk>
Cc: Francis Goncalves [REDACTED]; Jason.Jones@south-wales.police.uk;
Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Subject: Re: SR 1028309

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.

Hi Tomos

Thank you confirming. We are happy to accept these conditions to the licence.

Kind regards,

Caitlin

APPENDIX E

Local Resident Representation

Local Resident Representation

From: [REDACTED]
Sent: 01 May 2023 20:39
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
<licensing@cardiff.gov.uk>
Subject: 6 waungron rd .Moura restaurant pop up

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.

To whom it concern

My name is [REDACTED] of [REDACTED]

I live [REDACTED]

Have been here 17 years and have a mortgage on the property

My kitchen,bedroom,bathroom overlooks the garden

I strongly object to a license being granted as this will turn into

A beer garden which can hold 50 plus people which by experience

Of il giglio the restaurant next door to that which is about to re open

Can cause a lot of noise etc front and back ... if both restaurants had parties etc

On same days through the summer be 100 plus people drinking alcohol ..

My property would become unsellable and unbearable to live at

New opening hours every daylight hour

Yours sincerely

[REDACTED]