

LICENSING SUB-COMMITTEE: 24 January 2024

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 092697

Name of Premises: The Westgate, 49 Cowbridge Road East, Cardiff, CF11 9AD

Ward: Riverside

1. Application

1.1 An application for the Grant of a Premises Licence has been received from The Westgate Pub Cardiff Ltd in respect of The Westgate, 49 Cowbridge Road East, Cardiff, CF11 9AD.

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 regulated entertainment in the form of films (indoors), indoor sporting events, live music (indoors and outdoors), recorded music (indoors and outdoors) and entertainment of a similar description to music and dance (indoors and outdoors).
- (iii) The provision of late night refreshment (indoors).

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

"The premises operates on the ground floor of a 2 storey building situated on the corner/junction of Lower Cathedral Road and Cowbridge Road East.

The premises was previously an SA Brains Pub for many years but closed approximately in 2016. The Premises has been used as a residential house since 2016 but the fixture and fittings and general layout of the PUB hadn't been touched by the previous owner.

I, Adrian Hibbert am the new owner since the 8th November, 2023.

Its general layout internally consists of a Pool/Darts area, smaller lounge area with smaller bar plus a larger lounge area with larger bar, Male and Female Toilets as well as disabled toilet. There is also a Kitchen to the rear.

Externally there is a smaller area on the ground floor called 'The Courtyard'(on plan) which you can gain access to from the 'Games Room'(on plan) area exit doors. This outside area can be used to smoke, sit and drink. There is also another elevated area outside called the 'Roof Top Terrace'(on plan) which can be accessed via an external stairway from 'The Courtyard' where I would like customers to be able to consume alcohol and relax in the good weather. If the weather is bad access won't be allowed to the 'Roof Top Terrace'. But both external areas are within the grounds and title deeds of the main building.

There is also a 'Basement'(on plan) to the premises of which will be used for the delivery of Barrels from the Brewery".

- (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: 10:00 to 02:30 hours
New Years Eve: 10:00 to 03:30 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: 10:00 to 02:00 hours
New Years Eve: 10:00 to 03:00 hours

- (ii) The provision of regulated entertainment in the form of films (indoors):

Sunday to Thursday: 10:00 to 23:30 hours
Friday and Saturday: 10:00 to 01:00 hours

- (iii) The provision of regulated entertainment in the form of indoor sporting events,

Monday to Sunday: 10:00 to 02:00 hours

- (iv) The provision of regulated entertainment in the form of live music (indoors and outdoors), recorded music (indoors and outdoors) and entertainment of a similar description to music and dance (indoors and outdoors):

Monday to Sunday: 10:00 to 02:00 hours
New Years Eve: 10:00 to 03:00 hours

- (v) The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 01:30 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 applicant has partially agreed to licence conditions requested by South Wales Police. A copy of the representation and the subsequent emails from the applicant can be found in **Appendix C**.
- 3.2 A representation has been received from Neighbourhood Services (Pollution Control). A copy of the representation and subsequent emails sent by the applicant can be found in **Appendix D**.

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

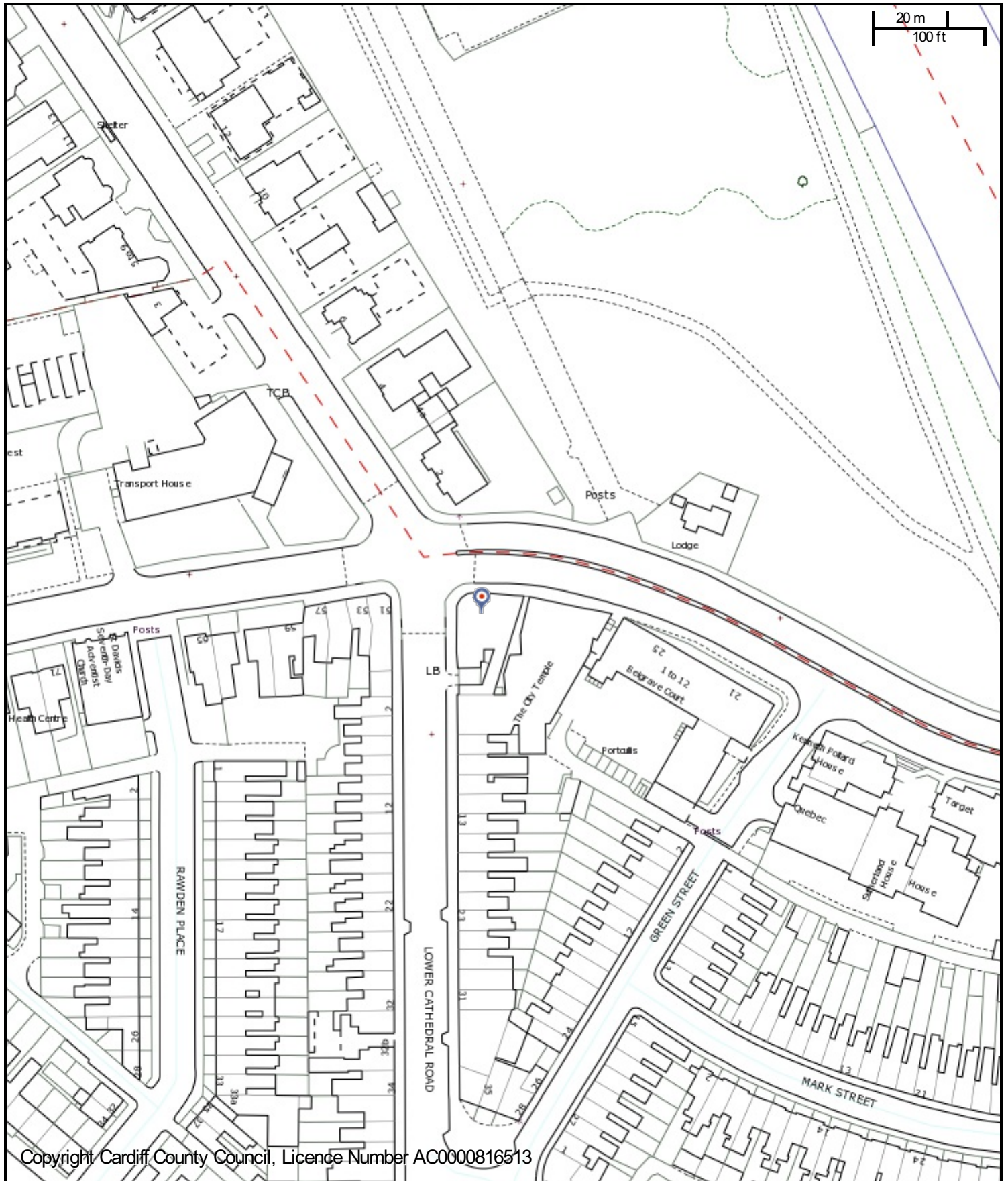
5.1 The application should be determined and the appropriateness of any conditions on the licence need to be discussed.

Helen Picton
Regulatory Services

8th January 2024

APPENDIX A

Site Map & Plan



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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

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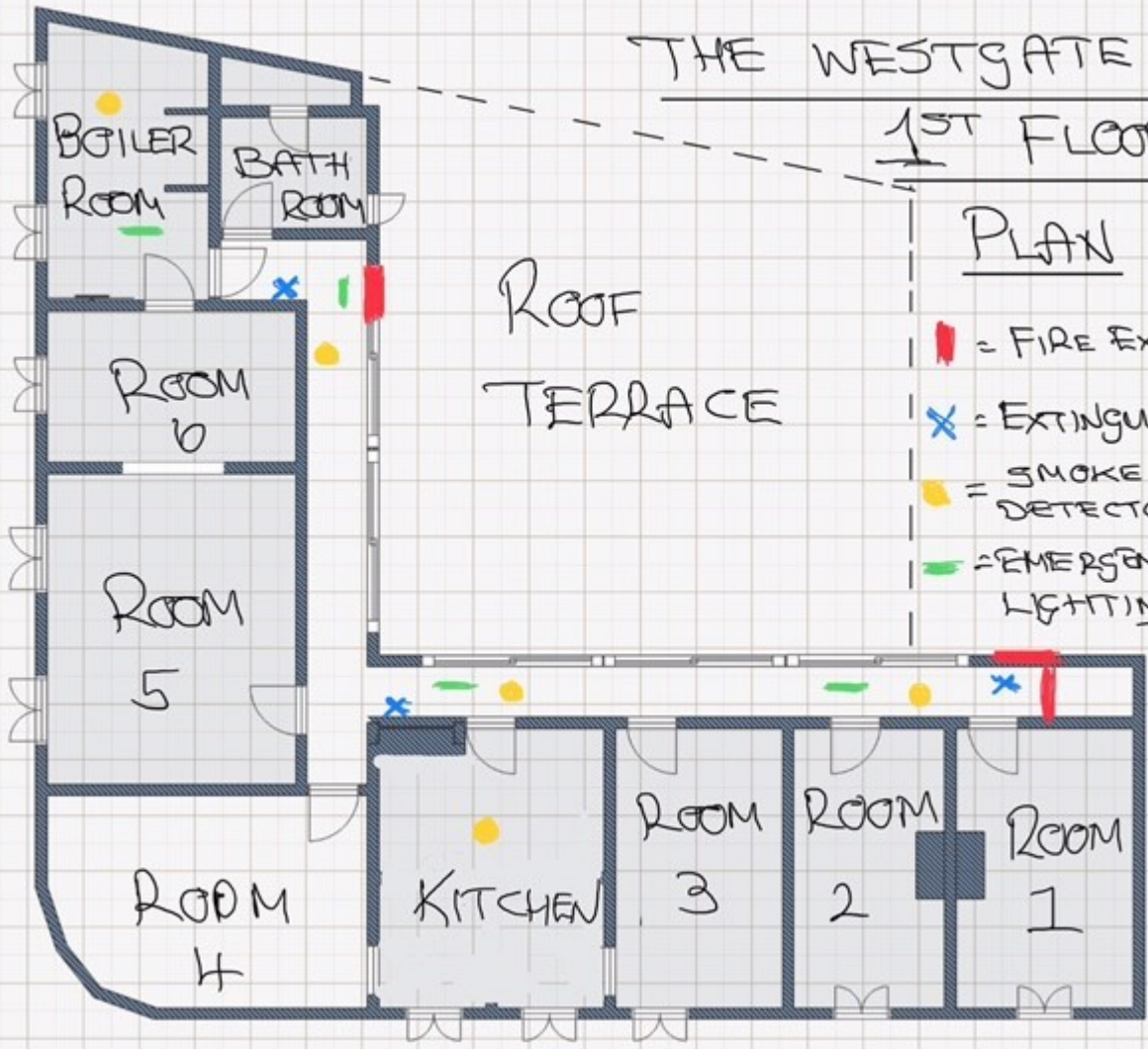
THE WESTGATE FLOOR PLAN







THE WESTGATE

1ST FLOOR

PLAN



-  = FIRE EXITS
-  = EXTINGUISHER
-  = SMOKE DETECTORS
-  = EMERGENCY LIGHTING

- Red line = FIRE EXITS
- Yellow dot = SMOKE DETECTORS
- Blue 'X' = EXTINGUISHERS
- Green dash = EMERGENCY LIGHTING



APPENDIX B

Operating Schedule

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

I, Adrian John Hibbert shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

I shall ensure that all my staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. I, Adrian John Hibbert will install comprehensive CCTV coverage at the premises and it will be operated and maintained at the premises. The CCTV system will conform to the following points:

1. Cameras will be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas will be wide angled to give an overview of the premises.
5. Cameras will be capable of visually confirming the nature of any crimes committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images – colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images will be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment will have a suitable export method, e. G. CD/DVD writer so that the Police can make an evidential copy of the data they require. This data will be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer will supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies will be made available to Police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting/

All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

I, Adrian Hibbert and all my staff will ask people who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. All my staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales will be kept and maintained on the premises.

APPENDIX C

**South Wales Police representation and applicant
response**

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 22 December 2023 12:59
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE WESTGATE, 49 COWBRIDGE ROAD EAST, CARDIFF, CF11 9AD
Attachments: CI Draft Letter Westgate Letter Headed Paper.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. ***

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

Good Afternoon,

Please see the attached response from South Wales Police in relation to the above application.

Kind Regards

Licensing Officer
Cardiff Bay Police Station

 : 101 |

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.

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

21st December 2022

The Westgate,
49 Cowbridge Road East
Cardiff,
CF11 9AD

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE
WESTGATE, 49 COWBRIDGE ROAD EAST, CARDIFF, CF11 9AD

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within 49 COWBRIDGE ROAD EAST, CARDIFF will be a late night bar offering supply of alcohol, late night food, indoor sporting events, films, live and recorded music inside and outside. The opening hours proposed as follows:

Mon- Sun 1000-0230

The application seeks the following licensable activity;

Films

Sun-Thurs 1000-2330

Fri-Sat 1000-0100

Indoor Sporting Events

Mon-Sun 1000-0200

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.



Live Music

Mon-Sun 1000-0200

Recorded Music

Mon- Sun 1000-0200

Late Night Refreshment

Mon- Sun 2300-0130

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

Mon- Sun 1000-0200

I now make the following representations on behalf of South Wales Police.

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
Protection of Children from Harm

After our second meeting with the applicant on 13th December 2023 the hours the applicant has requested has been reduced to the hours below:

Opening Hours:

Sun-Thurs 1000-0000

Fri-Sat 1000-0230

Films

Sun-Thurs 1000-2300

Fri-Sat 1000-0100

Indoor Sporting Events

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Live Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Recorded Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

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.



Late Night Refreshment

Sun-Thurs 2300-2300
Fri-Sat 2300-0130

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

Sun-Thurs 1000-2330
Fri-Sat 1000-0200

However, should the applicant agree to the below representations deemed to be appropriate and proportionate to support the licensing objectives, then South Wales Police will have no objections to this application.

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.
4. Alcohol shall be stored and displayed in a secure area behind the service counter away from public access.
5. The premises shall operate a "Challenge 25 Policy" at all times.
6. The premises shall operate a Radionet system at all times
7. The premises will adopt the drug safe scheme. A lockable drugs safe will be installed at the premises and accessible only to a police officer, or a member of police staff. Any drugs seized at the premises will be recorded in the premises incident book. This entry will record the date and time of seizure, the details of the person seizing the item, a description of the item and the circumstances of the seizure. Where it is suspected a person is supplying drugs then police will be contacted at the time.

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.



8. 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.

9. 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.

10. On Friday and Saturdays there shall be a minimum of 2x SIA registered door supervisors employed at the premises and then working at a ratio of 1:50 thereafter on duty from 20:00hrs until closure. i.e. 50 patrons - 3 SIA, 100 patrons - 4 SIA etc.

11. A minimum of 2 SIA registered door supervisors, with additional door supervisors at a ratio of 1:50 thereafter will be employed during the showing of any live televised sporting events taking place at the premise. The SIA staff will be on duty from 3 hrs before the start of the event until a minimum of 1 hour after the conclusion of the event or the closure of the premise whichever is earlier. i.e. 50 patrons - 3 SIA, 100 patrons - 4 SIA etc.

12. When SIA registered door supervisors are employed on the premises, a minimum of 50% of door supervisors working will utilise a body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a police employee in a readily available 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.

13. A duty register will be maintained of all persons engaged as door and security staff to include name and SIA number of person, time and date duty commenced/finished, with a signed acknowledgement by that person and the details of the company employed or through whom the services of that person are engaged. The register shall be kept so that it can be readily inspected by a police employee or authorised officer of the council.

14. When door supervisors are employed at the premises, the premises will utilise a counting device for monitoring the number of patrons entering and leaving the premises.



15. A trained first aider will be on the premises and available at all times the premise is open to the public.

16. No performance of striptease, lap dancing or other similar entertainment will be permitted on the premises without the permission of the licensing authority and in accordance with any conditions required by the authority.

17. On major event days, SIA door supervisors will be employed on duty from opening to 30 minutes after the premises close to the public where there shall be a minimum of 4 door supervisors employed with additional door supervisors required at a ratio of 1:50 or part thereof i.e. 50 patrons - 5 SIA, 100 patrons - 6 SIA etc.

18. No drinks are to be taken into the external smoking area after 20:00 hours on Friday and Saturday. This condition also applies on Sundays before a Bank Holiday, and during major events.

19. There shall be no drinks consumed outside the front of the premises at any time.

20. There will be a register of SIA Door Supervisors employed at the premises containing the full SIA registration number of each door supervisor, as well as their full name, start time and end time with a signed acknowledgment by each door supervisor. The register shall be retained by the DPS for a minimum of 12 months and will be made available to police, or other relevant agency upon request.

21. On event days as and when required by South Wales all drinks will be dispensed into non glass drinking vessels.

22. In addition to the above requirements SIA door supervisors will be employed on duty from opening to 30 minutes after the premises close to the public where there shall be a minimum of 4 door supervisors employed with additional door supervisors required at a ratio of 1:50 or part thereof for the following circumstances, i.e. 50 patrons - 5 SIA, 100 patrons – 6 SIA etc;

a) When any football event is shown at the premises involving Cardiff City, any international football match when Wales, England, Scotland, Republic of Ireland or Northern Ireland where they are playing in the Euro's or World Cup, International qualifier, or any match deemed as high risk by South Wales Police.

b) Cardiff City Football Club are playing at home. Cardiff City Football Stadium.

c) Live international rugby matches involving Wales, England, Scotland, Republic of Ireland or Northern Ireland where they are playing during the Six Nations, Autumn Internationals or Rugby World Cups.

d) Any Boxing, Wrestling or Mixed Martial Arts is shown with a domestic fighter involved or any such event specified by South Wales Police.



23. A search policy shall be in place and will include procedures for the confiscation of prohibited articles such as drugs and weapons

- a) A metal detecting wand or similar device will be used to assist in searching
- b) Searches will be conducted at the discretion of door supervisors
- c) Anyone found in possession of weapon(s) and/or a quantity of drugs consistent with supply will be detained and presented to Police when it is safe for staff to do so

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

25. There will be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

26. A dispersal policy will be drawn up and implemented to ensure that as far as practicable customers leaving the premises at the end of each nights trading session do so quickly and quietly.

South Wales Police in relation to the concerns raised above will provide evidence ahead of any potential hearing.

If you require any further information then please contact Police Licensing Officer Jason Jones at Cardiff Bay Police Station

Yours Faithfully

Licensing Sergeant

Community Safety Department

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



Jeremy Vaughan
Prif Gwnstabl | Chief Constable

Heddlu De Cymru
South Wales Police



Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 27 December 2023 02:55
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE WESTGATE, 49 COWBRIDGE ROAD EAST, CARDIFF, CF11 9AD

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

Dear Licensing,

With regards to your email dated 22nd December from [redacted] with his attached documents referencing the proposed conditions to my Licensing Application...

Below are PC [redacted] conditions and reduced hours on opening and closing times.

I am fully in acceptance of the below times...if you could just clarify on the Late Night Refreshment for Sun-Thurs 23.00-23.00...? Does that mean that NO Late night food is allowed...?

Opening Hours:

Sun-Thurs 1000-0000

Fri-Sat 1000-0230

Films

Sun-Thurs 1000-2300

Fri-Sat 1000-0100

Indoor Sporting Events

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Live Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Recorded Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Late Night Refreshment

Sun-Thurs 2300-2300

Fri-Sat 2300-0130

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

Sun-Thurs 1000-2330

Fri-Sat 1000-0200

My main concern of the conditions are the number of SIA Door Supervisors...

I feel my applications may be being compared to the likes of some of the larger style pub/night clubs as in Brewhouse and O'Neils in St Mary St...I visit these bars regularly myself on a Friday, Saturday and Sunday and I am always monitoring and watching over how they are running their business especially when it comes to SIA Door Supervisors. I feel the capacity in these

bars is on a much larger scale than The Westgate and that I will be running on a much lower capacity with the amount of customers being allowed in on a very controlled lower capacity basis.

I would like to start first with your conditions in numbers 10 and 11 stating you would like the following:

- 50 Patrons - 3 SIA
- 100 Patrons - 4 SIA
- 150 Patrons - 5 SIA
- etc

Having run a bar previously with number patrons of upto 150 I was running the bar very comfortably with just 2 SIA compared to your conditions in this example of 5 SIA for 150 Patrons...

I would like to please suggest the following and considering this is a new restart of a bar that was previously open last back in 2016, and I have no idea how many customers are going to turn up on a Friday or Saturday night having not yet marketed the place to anyone. I could end up paying wages for 5 SIA and NO customers turn up especially in the earlier weeks/months of a new opening.

Please would you consider the following for your conditions in numbers 10 and 11:

- 50 Patrons - 2 SIA - Opening of 1 Main Door with 1 SIA on Front Door and 1 SIA onitoring indoors**
- 100 Patrons - 3 SIA - Opening of 1 Main Doors with 1 SIA on Front Door and 2 SIA Monitoring Indoors**
- 150 Patrons - 4 SIA - Opening of 2 Main Doors with 1 SIA on each of the 2 Doors and 2 SIA Monitoring Indoors**
- 200 Patrons - 5 SIA - Opening of 2 Main Doors with 1 SIA on each of the 2 Doors and 3 SIA Monitoring Indoors**
- 250 Patrons - 6 SIA - Opening of 3 Main Doors with 1 SIA on each of the 3 Doors and 3 SIA Monitoring Indoors**

With regards to your conditions in numbers 17 and 22(of which I couldn't really see any difference) stating you would like the following:

- 50 Patrons - 5 SIA
- 100 Patrons - 6 SIA
- 150 Patrons - 7 SIA
- 200 Patrons - 8 SIA
- 250 Patrons - 9 SIA

With regards to the above 5 SIA to every 50 People I would have to say I would find it impossible to make ends meet from a point of running a business and the above figures financially would NOT work for me and especially as you asking for SIA staff to start from opening of business to 30 minutes after closing...In fact I don't think I have ever seen any other Bar in South Wales with these figures...Please take into consideration I will be looking to run on low capacity anyway even on a Main Event day as I have never been in favour of filling my pubs to maximum capacity just to make more money. I'd prefer a lesser capacity with less chance of anything going wrong and also putting health and safety first and making a smaller profit than running at a loss.

Also just to let you know I visited 4 popular Pubs in Canton today Tuesday 26th December of which I assume was a Main Event day as Cardiff City Football kicked off at 3pm. I didn't see any SIA at these pubs between 7pm and 10pm so whether their SIA staff left early or whether they were there at all I would like you to check. So I was wondering why arent these pubs employing SIA from opening of business to closing of business...?

Please would you consider the following for your conditions in numbers 17 and 22:

- 50 Patrons - 3 SIA - **Opening of 1 Main Door with 1 SIA on Front Door and 2 SIA Monitoring indoors**
- 100 Patrons - 4 SIA - **Opening of 1 Main Door with 2 SIA on Front Door and 2 SIA Monitoring indoors**
- 150 Patrons - 5 SIA - **Opening of 2 Main Doors with 1 SIA on each of the Front Doors and 3 SIA Monitoring indoors**
- 200 Patrons - 6 SIA - **Opening of 2 Main Doors with 2 SIA on each of the Front Doors and 2 SIA Monitoring indoors**
- 250 Patrons - 7 SIA - **Opening of 2 Main Doors with 2 SIA on each of the Front Doors and 3 SIA Monitoring indoors**

With regards to your Condition in Number 18:

NO Drinks to be taken into the external smoking area after 20.00 hours on Friday and Saturday...

Please Can the above time be extended to 21.00...??

(Just for your information I was at the Admiral Napier in Canton tonight Tuesday at 10pm and their Beer Garden was still open with an outside TV showing sport. The crowd noise was above normal considering the time and that the Beer garden is backing right onto a residential area of Flats and Houses...)

I am available anytime on Wednesday and Thursday, 27th and 28th Dec to discuss the above and if this doesn't work for you and if there is any other solution around this...?

I have Pc number but I do not have number.

Kind Regards,

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:

Sent:

28 December 2023 04:30

To:

Subject:

Re: NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 – THE WESTGATE,
49 COWBRIDGE ROAD EAST, CARDIFF, CF11 9AD

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

This is my FINAL email to you before the deadline of 28th December...

Below are your condition requests in section 10 and 11....

10. On Friday and Saturdays there shall be a minimum of 2x SIA registered door supervisors employed at the premises and then working at a ratio of 1:50 thereafter on duty from 20:00hrs until closure. i.e. 50 patrons - 3 SIA, 100 patrons - 4 SIA etc.

11. A minimum of 2 SIA registered door supervisors, with additional door supervisors at a ratio of 1:50 thereafter will be employed during the showing of any **live televised sporting events** taking place at the premise. The SIA staff will be on duty from 3 hrs before the start of the event until a minimum of 1 hour after the conclusion of the event or the closure of the premise whichever is earlier. i.e. 50 patrons - 3 SIA, 100 patrons - 4 SIA etc.

In section 10 and 11 above you are asking for **3 SIA Door Supervisors for 50 Patrons and 4 SIA for 100 Patrons...**

I have done some research and the ratio of SIA to Patrons is 1:17 and 1:25 as in the examples above which I believe is not even being implemented at a Live Concert at a large arena in Cardiff. My intentions have always been to run my bar on a low capacity basis in a much safer manner especially in the earlier months of trading and assess the risk situations on a daily basis rather than on full capacity which could lead to more problems. But these ratios above gives me no incentive to run a low capacity bar in a safe manner as the wages in paying SIA door supervisors defeats the object, In fact I would have no alternative but to try and do the opposite and attract more patrons into the bar to meet the wages demand of the SIA staff and obviously that has a knock on effect with employing more bar staff as well.

With regards to the above and having run a similar Pub with similar numbers I feel it still very safe to allocate the following to sections 10 and 11...

50 Patrons - 1 SIA - Opening of 1 Main Door with 1 SIA on Front Door

100 Patrons - 2 SIA - Opening of 1 Main Doors with 1 SIA on Front Door and 1 SIA Monitoring Indoors

150 Patrons - 3 SIA - Opening of 2 Main Doors with 1 SIA on each of the 2 Doors and 1 SIA Monitoring Indoors

I would be looking to **CAP** the number of Patrons to **150** in the first **6** months of opening and be assessing the situation on a weekly basis especially at the busier times of Fri-Sat 8pm-2am and on any major event days and televised sporting events

where the game is played in Cardiff...and decide at a later date if I need to increase the numbers to full capacity putting health and safety always first.

In Section 11 above you ask that SIA staff start at 3 hrs before the start of a live televised sporting event and until a minimum of 1 hour after the conclusion of the event or the closure of the premises.

With regards to the above rather than having to commit to times I would think it much better to Assess in advance the live televised event that is taking place on a game by game basis and assess what team is actually playing and whether the televised event is in Cardiff or an away game.

e.g a Live Televised Sporting Event at my Pub maybe Liverpool v Manchester United which may be taking place in Liverpool compared to the same match taking place in Cardiff Principality Stadium. I would assume there would be a lot more people in Cardiff if the game was in the Principality Stadium compared to Liverpool.

e.g another Live Televised Sporting Event maybe Wales Rugby v England at the Principality Stadium compared to an away game in London...? Each game would attract different amount of patrons wanting to get into my pub to watch the game...

e.g if Cardiff City Football are playing Swansea I would assess that risk to be higher than any other Cardiff City game and would therefore adjust the amount of SIA staff I use on that day.

So with regards to the above I would to be able to assess in advance of when a SIA door supervisor would be starting his shift. e.g with the event taking place in Cardiff I would decide that its fair that the SIA door supervisor start 3 hours before a home game starts but on an away game I may decide the SIA door supervisor starts his shift 1 hour before the game...

With regards to your conditions in sections 17 and 22 I would put forward to you the same conditions I proposed above as in sections 10 and 11...see below...

50 Patrons - 1 SIA - Opening of 1 Main Door with 1 SIA on Front Door
100 Patrons - 2 SIA - Opening of 1 Main Doors with 1 SIA on Front Door and 1 SIA Monitoring Indoors
150 Patrons - 3 SIA - Opening of 2 Main Doors with 1 SIA on each of the 2 Doors and 1 SIA Monitoring Indoors

Again I would be looking to **CAP** the number of Patrons to **150** in the first **6** months of opening and be assessing the situation on a weekly basis especially at the busier times of Fri-Sat 8pm-2am and on any major event days and televised sporting events where the game is played in Cardiff...

18. No drinks are to be taken into the external smoking area after 20:00 hours on Friday and Saturday. This condition also applies on Sundays before a Bank Holiday, and during major events.

In my last email I requested the above time be changed from 20.00 to 21.00 on Friday and Saturday Only.

I agree to all other Conditions in the letter from PC Jones.

With regards to all the above I would like to add that I am teaming up with a local SIA Door Supervisor OWNER who has his own team of SIA supervisors to hand. This owner is fully aware of my situation being a new opening and will be able to send

more SIA staff immediately if the need be on a Major Event Day if I have assessed the need to do so and if I'm looking to take the Patron numbers to over 150.

Kind Regards,

APPENDIX D

**Pollution Control representation and applicant
response**

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 21 December 2023 09:50
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Westgate Hotel, 49, Cowbridge Road East, Riverside, Cardiff, CF11 9AD

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,

I have reviewed the application and the applicant's recent email to amend the current application dated Monday 18th December 2023.

I also note that the applicant does not have planning permission at this present time for A3 use at ground floor level, that I am aware of.

I have concerns regarding public nuisance, as the premises is surrounded by residential properties on Lower Cathedral Road and Green Street. The premises is also situated next to a place of worship (The City Church of Cardiff).

The application lacks detail on how the premises is going to be operated and the steps that the applicant intends to take to promote 'public nuisance'.

A site visit was undertaken with the applicant on Wednesday 13th December 2023 and I have concerns on how the applicant is going to adequately manage noise, as to not give rise to disturbance to local residents within the vicinity from their proposed activities.

The premises is located outside of the City Centre and in a built-up residential area. Generally, within this area ambient noise levels fall significantly after 23:00 hours. I am concerned regarding noise from patrons leaving the premises late at night, either on foot or by car, which may cause disturbance to residents, especially given that the public highway is narrow and contained on the corner of a busy main road near residential properties.

My other concerns are;

- Films indoors – Fri – Sat – 10:00 - 01:00
- Indoor sporting events – Fri – Sat – 10:00 – 01:30
- Live music indoors – Fri – Sat – 10:00 – 01:30
- Recorded music indoors and outdoors Fri – Sat 10:00 – 01:30
- Karaoke/Open Mic Indoors – Fri – Sat 10:00 – 01:30
- Late Night Refreshments -Fri-Sat - 11pm-1.30am
- Supply of alcohol on Friday and Saturday's until 02:00

From discussions with the applicant on the 13th December 2023, all three doors with need to be open to be able to achieve the capacity of 250 on the premise. I am concerned that noise from the above mentioned activities will cause disturbance on local residents especially late at night into the early hours of the morning with doors remaining

open and with people entering and leaving the premises. There is also no mention on how the applicant intends to deal with possible queues of people wanting to enter the premises, particularly on major event days.

There is also a rear door which leads out onto the courtyard, which is to be used as a smoking area, this is proposed to be used until 02:30am on Friday and Saturdays with music being played through an external speaker until 22:00. The applicant is also requesting recorded music indoors and outdoors until 01:30 on both Friday and Saturday's, which is likely to cause disturbance to local residents to the rear of the courtyard from both people noise late at night until the early hours of the morning and from the use of recorded music via an external speaker 7 days a week from 10:00 – 22:00.

Pollution control seek to ensure the prevention of public nuisance and feel the current level of protection offered isn't sufficient and would seek to impose the following.

1. **Films Indoors Only** - Sun-Thurs – 10:00-23:00, Fri-Sat – 10:00 - 23:00
2. **Indoor Sporting Events** - Sun-Thurs – 10:00 – 23:00, Fri-Sat – 10:00 – 23:00
3. **Live Music Indoors Only** - Sun-Thurs – 10:00 – 23:00 Fri-Sat – 10:00-23:00
4. **Recorded Music Indoors and Outdoors** (Any recorded music to be played outdoors will cease at 21:00) - Sun-Thurs – 10:00 – 23:00, Fri-Sat – 10:00 – 23:00.
5. **Karaoke/Open Mic - Indoors Only** - Sun-Thurs – 10:00-23:00, Fri-Sat – 10:00- 23:00
6. **Late Night Refreshments** - Sun-Thurs – 23:00-00:00 – last orders at 23:30, Fri-Sat – 23:00 – 01:00 – with last orders at 00:30.
7. **Supply of Alcohol – indoors only** - Sun-Thurs – 10:00 – 00:00 – last orders at 23:30, Fri-Sat – 10:00 – 01:00 – last orders at 00:30.
8. **The courtyard** marked as 'outside space' will be a non-licensable area and shall be used as a smoking area only, with no seating or tables as the applicant has requested.

It is the authority's position that we are objecting to the above application on the grounds of prevention of public nuisance. However, this objection can be overturned should the applicant agree to the above.

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Consider the environment. Please don't print this e-mail unless you really need to.
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:

Sent: 27 December 2023 04:19

To:

Subject: Re: Westgate Hotel, 49, Cowbridge Road East, Riverside, Cardiff, CF11 9AD

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

Many Thanks for your email and you imposing the change of Times in your items numbered 1 to 8.

I have already agreed the following opening and closing times with PC Jones. I was hoping could do the same with you..?

Below are PC Jones's conditions and on opening and closing times.

I am fully in acceptance of the below times...if you could just clarify on the Late Night Refreshment for Sun-Thurs 23.00-23.00...? Does that mean that NO Late night food is allowed...?

Opening Hours:

Sun-Thurs 1000-0000

Fri-Sat 1000-0230

Films

Sun-Thurs 1000-2300

Fri-Sat 1000-0100

Indoor Sporting Events

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Live Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Recorded Music

Sun-Thurs 1000-2300

Fri-Sat 1000-0130

Late Night Refreshment

Sun-Thurs 2300-2300

Fri-Sat 2300-0130

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

Sun-Thurs 1000-2330

Fri-Sat 1000-0200

With regards to the 'OUTSIDE SPACE'(Beer Garden on plan) where smoking is allowed I would be looking to utilise this Space as I originally asked for as a **Licensable Area** for customers that would like to sit and drink between the times of **10.00am and 9pm only. After 9pm then only Smoking is allowed. Staff/DoorPerson will be monitoring the area as well as Cctv after 9pm..**

I will be making sure that all the below will be adhered to and that all Staff will be trained and updated on a regular basis...

1. Any noise levels will be managed outside the building by Door Supervisors before they become unacceptable to neighbours especially on Main Event days/nights

2. Put up signs on all Exit Doors to remind customers to leave quietly and respect the local neighbours.

Control access to the outdoor smoking area particularly at night and educate customers to keep noise to a minimum.

NO recorded music will be played in the outdoor space/smoking area after 9pm..

Any Live Music, Karaoke, Open Mic will be INDOORS ONLY and facing the commercial side of the street overlooking Sophia Gardens so I'm pretty confident that any live music will not be heard in the Lower Cathedral Road residential area.

I will make sure that myself and all my staff are trained to Control customers' behaviour inside the building so that they do not make too much noise.

Any noise levels from live music will NOT **exceed 80 decibels.**

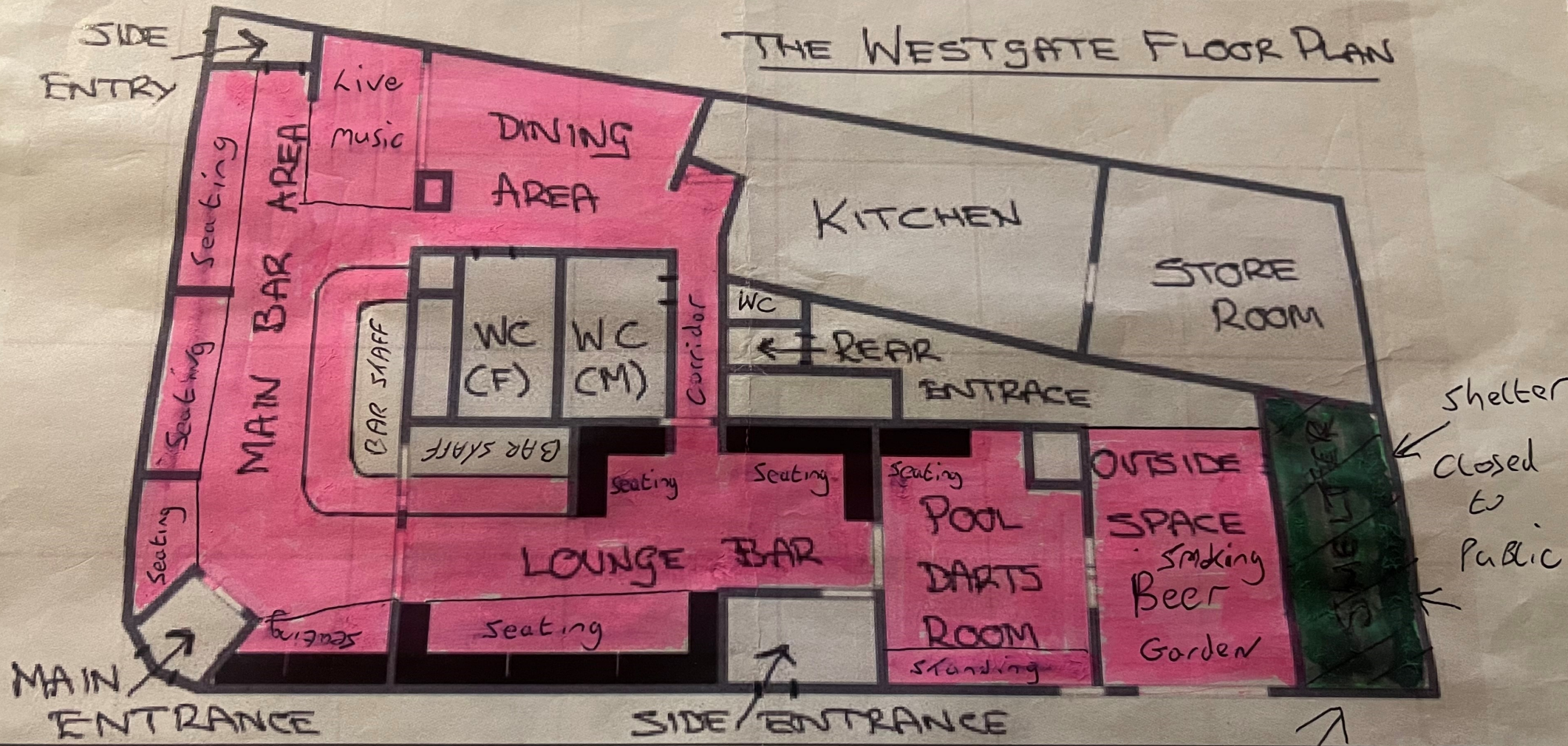
All staff will be trained to increase their awareness so they can assess potential risks and work towards minimising possible disturbances.

I hope all these amendments will make a difference.

Please also see attached updated licensable areas.

Kind Regards,

THE WESTGATE FLOOR PLAN



Shelter is
NON LICENSABLE
DOORS to be shut!