

LICENSING SUB-COMMITTEE: 27 March 2024

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 094798

Name of Premises: Parkers Bar & Kitchen, 177 Clare Road, Grangetown, Cardiff, CF11 6QS

Ward: Grangetown

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Parkers Bar & Kitchen Ltd in respect of Parkers Bar & Kitchen, 177 Clare Road, Grangetown, Cardiff, CF11 6QS.

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 off the premises.
- (ii) The provision of regulated entertainment in the form of films (indoors), live music (indoors), recorded music (indoors) and entertainment of a similar description (indoors).
- (iii) The provision of late night refreshment (indoors and outdoors).

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

"The venue consists of:

A ground floor premises and will be operated as a restaurant, with the intention of providing breakfasts and through the day dining, along with facilities for those wishing to have something to eat after having attended events, such as the theatre and concert functions, it will also provide a venue for those wishing to partake of a casual drink.

The entrance/exit is from Clare Road. The venue consists of:

It has an open plan room which consists of a bar with fixed and moveable seating, with the fixed seating on a raised area. There is a second room at the rear of the facilities which can be booked for private functions and will act as an overspill dining area, if and when required.

It has both male and female toilets and a semi covered smoking courtyard area"

(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:

Sunday to Thursday: 09:00 to 01:00 hours

Friday and Saturday: 09:00 to 02:00 hours

Maundy Thursday: 09:00 to 02:00 hours

Sundays preceding a Bank Holiday: 09:00 to 02:00 hours

Christmas Eve: an additional hour

New Years Eve: from 09:00 until start of permitted hours on New Years Day.

During the festival of Diwali the premises may open at 08:00 hours

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

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

Sunday to Thursday: 09:00 to 01:00 hours
Friday and Saturday: 09:00 to 02:00 hours
Maundy Thursday: 09:00 to 02:00 hours
Sunday preceding a Bank Holiday: 09:00 to 02:00 hours
Christmas Eve: an additional hour
New Years Eve: from 09:00 until start of permitted hours on New Years Day.
During the festival of Diwali the premises may open at 08:00 hours

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

Sunday to Thursday: 09:00 to 00:30 hours
Friday and Saturday: 09:00 to 01:30 hours
Maundy Thursday: 09:00 to 01:30 hours
Sunday preceding a Bank Holiday: 09:00 to 01:30 hours
Christmas Eve: an additional hour
New Years Eve: from 09:00 until start of permitted hours on New Years Day.
During the festival of Diwali, from 08:00 hours

(iii) The provision of regulated entertainment in the form of live music (indoors), recorded music (indoors) and entertainment of a similar description (indoors):

Sunday to Thursday: 23:00 to 00:30 hours
Friday and Saturday: 23:00 to 01:30 hours
Maundy Thursday: 23:00 to 01:30 hours
Sunday preceding a Bank Holiday: 23:00 to 01:30 hours
Christmas Eve: an additional hour
New Years Eve: from 23:00 until 08:00 hours on New Years Day.

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

Sunday to Thursday: 23:00 to 00:30 hours
Friday and Saturday: 23:00 to 01:30 hours
Maundy Thursday: 23:00 to 01:30 hours
Sunday preceding a Bank Holiday: 23:00 to 01:30 hours
Christmas Eve: an additional hour
New Years Eve: from 23:00 until 05:00 hours on New Years Day

1.3 A site map showing the premises and the 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. A copy of the representation can be found in **Appendix C**.

3.2 A representation has been received from Shared Regulatory Services, Pollution Control. A copy of the representation 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

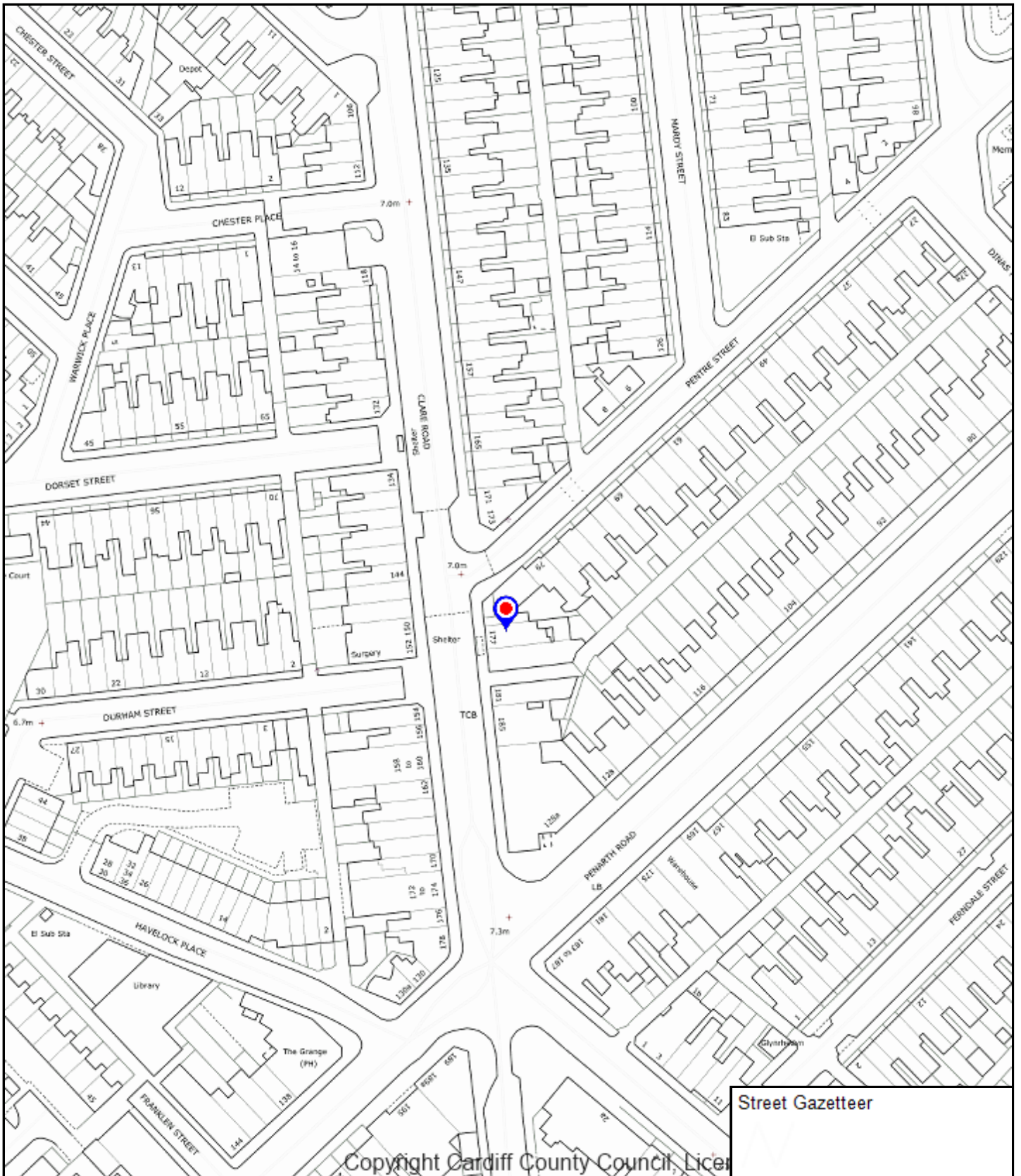
5.1 The application should be determined and the appropriateness of any conditions on the licence need to be discussed.

Helen Picton
Regulatory Services

4th March 2024

APPENDIX A

Site Map & Plan



Street Gazetteer

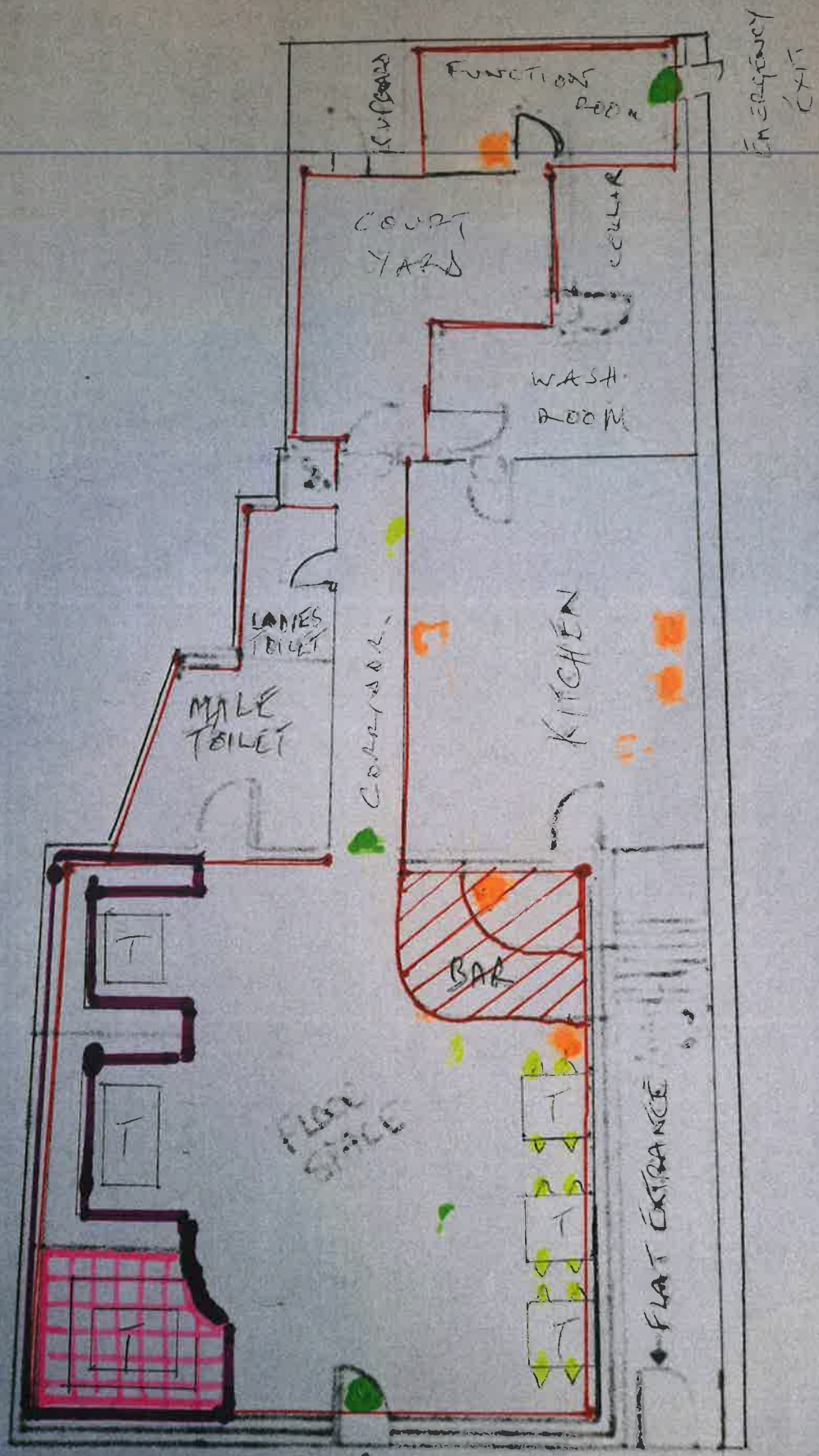
CHIEF EXECUTIVE
 Neuadd y Sir, Glanfa'r
 Iwerydd CAERDYDD CF10
 4UW
 Tel: 029 20872088
 County Hall, Atlantic
 Wharf CARDIFF CF10
 4UW
 Tel: 029 20872087

**Cyngor
 Caerdydd**
**Cardiff
 Council**



Enter map title

Scale: 1:1:1417
 Date: 2024-03-04 14:43:28
 Coordinates: 317706, 175336
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Ordnance Survey AC0000816513 (2023).



ENTRANCE
 177 CHANE ROAD. GRANGETON
 CF11 6QS.

Plan Details

Bar Area:



Inclusive Alcohol Area:



Raised Area:



Fixed Seating:



Moveable Seating:



Fire Extinguishers/Blanket:



Emergency Lighting:



CCTV Cameras: To be agreed with the police



Tables:



Chairs:



APPENDIX B

Operating Schedule

Continued from previous page...

1. On the days listed below an additional hour is to be permitted for licensable activity:
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
Monday, Tuesday, Christmas Eve and Sundays preceding Bank Holidays.

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

2. The premises to be licensed on New Year's Eve until start of permitted hours on the 1st January.

1. On the days listed below an additional hour is to be permitted for licensable activity:
3. During the festival occasion of Diwali, which occurs during the Hindu lunisolar month of Kartika, the supply of alcohol to commence at 08:00 and be permitted to continue until the standard times for the supply of alcohol, as contained in the premises licence
Monday, Tuesday, Christmas Eve and Sundays preceding Bank Holidays.

2. The premises to be licensed on New Year's Eve until start of permitted hours on the 1st January.

3. During the festival occasion of Diwali, which occurs during the Hindu lunisolar month of Kartika, the supply of alcohol to commence at 08:00 and be permitted to continue until the standard times for the supply of alcohol, as contained in the premises licence.

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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.

All staff and management at the premises, shall be fully conversant with the conditions contained within the Premises Licence

b) The prevention of crime and disorder

A CCTV system to be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times. The system will cover all internal areas of the premises where members and guests have access, including all entrances and exits excluding toilets. The images will be kept for a minimum period of 31 days. The images will be produced to South Wales Police or an Authorised Officer of the City of Cardiff Council 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.

An incident book shall be kept at the premises and maintained on site at all times. It shall be made available on request to an authorised officer of the local authority or member of police staff which record the following:

- i) All crimes reported to the venue
- ii) All ejections of patrons
- iii) Any complaints received (of a Criminal or Licensing nature)
- iv) Any incidents of disorder
- (v) Seizures of drugs or offensive weapons
- (vi) Any faults in the CCTV system

Signage will be displayed at the entrance and the toilets of the premises, advising of zero tolerance of drugs.

c) Public safety

Fire risk assessments will be conducted at the premises and fire fighting and fire safety equipment such as signage and

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emergency lighting shall be regularly maintained.

d) The prevention of public nuisance

Prominent clear and legible notices will be displayed at all exits requesting that patrons respect the needs of nearby residents and to leave the premises and area quietly.

All doors and windows to be kept closed from 22:00, when music is being played except for those doors which allow access/ egress to the premises.

No deliveries or collections relating to sale of alcohol at the premises will take place between the hours of 21:00 and 09:00.

The movement of bins and rubbish will not be undertaken between 21:00 and 09:00 hours in order to avoid potential disturbance.

e) The protection of children from harm

The premises will operate the 'Challenge 25 Policy.

This policy will be brought to customers' attention through point of sale material at the bar area, including the display of appropriate signage. The only forms of identification recognised are photographic identification, such as driving licence, passport, military identification or proof of age cards bearing the PASS hologram.

Children are only permitted in the venue if they are accompanied by an adult.

Children under the age of 12, shall not remain on the premises after 19:00 hours.

Young persons aged between 12 and 18 shall not remain on the premises after 21:00 daily, unless they are attending upon a function.

Those persons under 18 attending privately booked functions must be accompanied by an adult at all times and must vacate the premises no later than 24:00

Individuals aged 16 and over will be permitted to work on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

SWP Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: Tapper,William swp6414 <William.Tapper@south-wales.police.uk>
Sent: 23 February 2024 10:53
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: cameron paterson
Subject: Parkers Kitchen and Bar Application
Attachments: Parkers Bar & Kitchen .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, meddylwch 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 Morning,

Please see attached SWP representations. Currently, SWP object to this application under the Licensing Objectives of "Prevention of Public Nuisance" and "Prevention of Crime and Disorder". The premise is in a heavily populated residential area and the proposed provision of licensable activities after 23:00hrs and into the early hours of the morning is likely to create a disturbance to local residents with the current offered measures. It is the position of SWP that the measures offered in regard to mitigating noise pollution from the premise are not sufficient and there are concerns over the use of the smoking area due to its proximity to local residents in the flats above and the surrounding area; there have been previous noise complaints specifically relating to this area and the amount of noise, disturbance and nuisance generated by its late night use.

Furthermore, the applicant has failed to demonstrate satisfactory measures within the application as to how crime and disorder will be prevented; although the applicant states that the premise will primarily be a restaurant, upon discussion it was established that the applicant plans to allow customers to partake in alcoholic beverages in a dedicated bar area and not necessarily ancillary to a substantial table meal. The operating schedule and conditions offered therefore do not reflect that of a 'restaurant', and SWP would expect proposals to encourage the licensing objectives of prevention of crime and disorder such as the employment of SIA registered door supervisors – as similar premises in the area that operate as a 'bar' currently have.

However, should the applicant agree to the proposed conditions (please see attachment) to be added to the premise license should it be granted, then SWP automatically withdraw this objection.

Kind regards,

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Telffon: 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

Police Licensing Department
Cardiff Bay Police station.
James Street,
Cardiff.
CF10 5EW.

23rd February 2024

Parkers Bar & Kitchen
177 Clare Road,
Grangetown,
Cardiff
CF11 6QS

**APPLICATION FOR A NEW PREMISES LICENCE. THE LICENSING ACT 2003.
PARKERS BAR & KITCHEN LIMITED, 177 CLARE ROAD, CARDIFF, CF11
6QS.**

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that this premise will be a restaurant offering breakfast, lunch and dinner to customers after having attended events such as theatre and concert functions. The food offering will be of a Caribbean theme. The applicant also aims to provide a venue for those withing to partake a casual alcoholic drink. The applicant will also be offering a private function room for booked functions and events.

The application seeks the following licensable activity;

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

Sunday to Thursday: 09:00 to 00:30

Friday, Saturday, Maundy Thursday and Sundays preceding Bank Holiday: 09:00 to 01:30

The provision of regulated entertainment in the form of live music, recorded music and anything of a similar description (indoors):

Sunday to Thursday: 23:00 to 00:30

Friday, Saturday, Maundy Thursday and Sundays preceding Bank Holiday: 23:00 to 01:30

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.



The provision of late night refreshment (indoor and outdoor):

Sunday to Thursday: 23:00 to 00:30

Friday, Saturday, Maundy Thursday and Sundays preceding Bank Holiday: 23:00 to 01:30

And additional one hour to all of the above on the following occasions:

Christmas Eve

New Years Eve until start of permitted hours New Years Day

The applicant has been spoken to and the application has been discussed. As a result of this consultation, 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.

The Prevention of Public Nuisance.

South Wales Police also object under the Cumulative Impact policy that this premise falls under the vicinity of, however if the subcommittee are minded to grant the premise licence, then South Wales Police request that the below conditions are attached to the premise licence:

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. The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage. Challenge 25 notices will be displayed in prominent positions in the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.



3. An incident book shall be kept at the premises and maintained on site, for a period of twelve months. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:

All crimes reported to the venue
Any complaints received (of a Criminal or Licensing nature)
Any incidents of disorder
Any refusal of the sale of alcohol
Any visit by a representative of a relevant authority or a member of the emergency services.
Any failures of the CCTV system.

4. A Personal Licence Holder or the Designated Premises Supervisor shall be present at all times that alcohol is offered for sale.

5. At least 70% of the public space within the licensable area of the premises shall be occupied by tables and chairs.

6. Customers consuming alcohol will be seated at tables. There will be no vertical drinking.

7. Alcoholic and other drinks may not be removed from the premises in open containers save for the consumption in any external area provided for that purpose.

8. All drinks will be provided by waiter/waitress service.

9. Alcohol sold for off-sales will be sold ancillary to a seated table meal.

10. Wine/Champagne/Prosecco supplied in 750ml bottles or above will only be sold for on-premises consumption when there are a minimum of two customers to share the bottle.

10. Children under the age of 18 are only permitted on the premises if they are accompanied by an adult.

11. Children under the age of 12 shall not remain on the premises after 20:00hrs, unless they are attending a privately booked function. Those persons under 18 attending privately booked functions must be accompanied by an adult at all times and must vacate the premises no later than 24:00.

13. Prominent clear and legible notices will be displayed at all exits requesting that patrons respect the needs of nearby residents and to leave the premises and area quietly.

14. All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic)

15. All doors and windows to be kept closed from 22:00, when music is being played except for those doors which allow access/egress to the premises.



16. No deliveries or collections relating to sale of alcohol at the premises will take place between the hours of 21:00 and 09:00.

17. The movement of rubbish and bins will not be undertaken between 21:00 and 09:00 hours in order to avoid potential disturbance.

18. Signage will be displayed at the entrances and the toilets of the premises, advising of zero tolerance of drugs.

19. SIA registered door supervisors will be employed at a ratio of 1 to 100 customers after 21:00 hours at all prebooked functions that operate after 23:00 hours.

20. At all other times, SIA registered door supervisors will be employed at the premises in accordance with a written risk assessment carried out by the premises. A copy of the risk assessment will be maintained for 12 months and be made available to the Police immediately upon request.

21. A register of door supervisors will be kept at the premises. The register shall contain the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The register will be kept for a minimum of 12 months and will be made available to a Police employee on request.

22. When SIA registered door supervisors are employed at the premises they will utilise at least one 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 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.

23. On those days when SIA registered door supervisors are employed at the premises, the manager of the premises will ensure that an adequate system for measuring the number of patrons in the premise is used such as clicker devices. Numbers of patrons on the premises will be recorded hourly in the door supervisor log book.

24. No performance of striptease, lap dancing, entertainment of a sexual nature or similar entertainment will be permitted on the premises. All persons to be decently attired at all times.



Conditions Relating to Home Delivery

25. Orders for home delivery of alcohol as an ancillary to hot food will be paid for at the time of ordering. There will be no payment for alcohol at the point of delivery.

26. Delivery of alcohol as an ancillary to hot food will only be made to a verified residential or business address at which the customer is present to receive the order.

27. In connection with all deliveries of alcohol, the following information will be recorded:

- Refusals of alcohol deliveries;
- The quantity of alcohol delivered;
- The price of alcohol delivered;
- The name and address of the customer placing the order; and
- The address where the delivery is made, if different to the customer's address.

However, should the applicant agree to the above 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.

Yours faithfully,

Chief Inspector D Howe

COPY TO:

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

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.



APPENDIX D

Pollution Control Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: Barratt, Emma-Jayne <embarratt@valeofglamorgan.gov.uk>
Sent: 15 February 2024 12:25
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: william.tapper@south-wales.police.uk
Subject: Re: Premises License Application - Parkers Bar at 177, Clare Road, Grangetown, Cardiff.
Attachments: License application 177 Clare Road .docx

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

Hi Kirsty,

Please find attached Pollution Controls, representation regarding the above premises license application.

Many Thanks

Emma-Jayne



Emma-Jayne Barratt, BSC Hons, PgDip | 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

Phone / Ffôn: 0300 1236696

Email / Epost: embarratt@valeofglamorgan.gov.uk

Website / Gwefan: <http://www.srs.wales> | <http://www.grhr.cymru>

Premises License Application: Parkers Bar, Bar & Grill at 177 Clare Road, Grangetown, Cardiff, CF11 6QS

In reference to the above license application received on the 31st of January 2024, and officers visit to the premises on the 13th of February 2024, Neighbourhood Services has considered your application paying particular attention to the licensing objective '*prevention of public nuisance*', In determining our response Neighbourhood Services has considered the nature and context of vicinity of the application premises, the Local Authorities Statement of Licensing Policy and make the following representations:

The Statement of Licensing Policy considers that applications for late night bars, would not usually be accommodated in residential areas due to the likelihood of disturbance. Although in essence the nature of the premises is a restaurant, by allowing the provision of regulated entertainment and live music into early hours raises significant concern to noise and nuisance, where the premises is in close proximity too including adjoining residential property.

Whereby allowing licensable activity until (00.30 Mon-Thurs) (01.30 Fri-Sat) and (00.30 on Sundays) it can be presumed that noise from patrons entering and leaving the venue will impact the amenity of existing residents in the vicinity, where noise would be generated until early hours, over several days of the week.

The Statement of Licensing policy further states the premises is expected within their Operating Schedules, to provide clear and suitable measures to promote the licensing objectives taking into consideration the area in which the premises is situated. Also, to address the other 'key factors' contained within this policy. When applying for later licensing hours, applicants are recommended to strongly demonstrate how the licensing objectives (*in particular the prevention of public nuisance*) will be met within their Operating Schedule.

Where in theory the application has agreed to apply the following conditions to the license in respect of public nuisance:

- ***Prominent clear and legible notices will be displayed at all exits, requesting that patrons respect the needs of nearby residents and to leave the premises and area quietly.***
- ***All doors and windows to be kept closed from 22:00 (hours) when music is being played. Except for those doors that allow access and egress to the premises.***

There are concerns that such conditions do not provide suitable measures, to prevent the occurrence of a potential noise nuisance.

Generally, in most residential areas of Cardiff, ambient noise levels fall significantly after 23.00 hours, where even noise from well behaved customers leaving licensed premises late at night, can disturb residents especially during the working week. In accordance with the Statement of Licensing Policy what would be acceptable in the City Centre where there are fewer residents, would not be acceptable in heavily populated residential areas.

From my conversation with both the Agent and DPS during the visit to the premises there is still some uncertainty over the general use of the external area, where in practice it has been suggested that this will be a smoking area.

You are advised under: ***The Public Health (Wales) Act, (2017) and the Smoke-free Premises and Vehicles (Wales) Regulations, (2020). Premises are considered to be 'substantially enclosed' if they have a roof / ceiling and less than 50% of the total surface area of the walls, including other structures which serve the purpose of walls, are not open to external ventilation. A 'roof' includes any fixed or moveable structure or device.***

It is recommended that further advice should be sought from our Health & Safety division regarding the use of this area for smoking purposes.

You are also notified that although this complaint related to the previous occupiers of the premises. Neighbourhood services have received previous complaints from local-residents regarding the use of the smoking area after 23.00 (hours), where it was alleged that patrons were regularly shouting and swearing in this area.

It is therefore my position to advise you that under the licensing objective '*prevention of public nuisance*', the Neighbourhood Services division of the authority will be objecting to the application. Where the operating schedule does not suitably demonstrate measures that will overcome my concerns. It is my opinion that by allowing the provision of licensable activity at a premises that is in close proximity to residential properties is likely to have a negative impact on the licensing objectives, by way of disturbance especially in the early hours.

However, where it can be accepted that there are concerns raised over the provision of regulated entertainment at the venue. I propose as part of any amended applications that a noise management plan is implemented at the premises, where in principle this would allow the structured monitoring of noise produced at the venue. I would expect such plan to be submitted to and agreed by the Local Authority prior to the determination, and acceptance of any amended/future applications. Following, any acceptance of this I would expect the management plan to be put in place, and agreed as a condition similar to the following:

Cnd: A noise management plan will be implemented at the premises; noise will be controlled in accordance with such plan at all times the premises is open.

It is noted that during our conversations with both the Agent and DPS at the premises, you were willing to negotiate operational timings. Therefore, it is proposed that where the applicant is willing to reduce the terminal hours, and hours for licensable activity at the premises to an agreed timing that is deemed suitable for such an area. In essence acceptance of agreed timings between yourself and both the Local Authority, and acceptance of my proposed condition would satisfy my objections to your application.

I would advise that you do not have to accept my recommendations for objection or conditions, and your application can progress to a committee hearing where committee members would hear any opposing comments you may have.

I would also like to take this opportunity to advise you that my concerns of public protection were also considered in accordance with previous planning applications sought for the premises, at 175a – 177 Clare Road as follows:

- ***Planning application (04/660/R) dated July 2004 prohibits the use of the premises, where its states "the premise shall not be open the public except between 08:00-20:00 (hours) Mon-Sat and 09:00 to 18.00 (hours) on Sundays".***
- ***Further applications to modify this condition by extension of opening hours were submitted on the 24th of May 2007 and 7th of October 2004, where both applications were refused.***