



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 18 OCTOBER 2019, 10.00 AM
Venue	ROOM I AND J, CITY HALL - CITY HALL
Membership	Councillor Mackie (Chair) Councillors Ford and Goddard

1 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 **Application for the Variation of a Premises Licence - CFEleven, Cathedral Road** *(Pages 3 - 30)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Monday, 14 October 2019

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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LICENSING SUB-COMMITTEE: 18 OCTOBER 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Licence No: CCCP01978

Name of Premises: CFEleven, 151 Cathedral Road, Cardiff, CF11 9PJ

Ward: Riverside

1. Application

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

1.2 The premises licence currently permits the following:

The sale by retail of alcohol for consumption on the premises:

Sunday to Wednesday: 10:00 to 23:00

Thursday to Saturday: 10:00 to 00:00

1.3 The applicant has applied to vary the licence as follows:

i) To approve changes to the layout plan to add a small room on the ground floor as part of the licensed premises which will be used as a breakfast room in the mornings and a seating area for the rest of the day.

ii) To amend condition 2 to allow the rear garden to be used until 22:00.

iii) Add conditions as follows:

1. On occasion(s) when licensable activities are to be held at the premises past midnight, a minimum of 2 Security Industries Agency (SIA) door supervisors will be employed at the premises from 2100 until close unless otherwise agreed with the Police Licensing Officer in writing.
2. Whenever a boxing match, rugby international, rugby world cup or rugby 6 nations game is held in the Cardiff stadia the Designated Premises Supervisor (DPS) will complete a written risk assessment which shows the rationale for the employment of SIA door supervisors or not.

1.4 A copy of the site plan is attached as *Appendix 1*.

1.5 A plan showing the location of the premises is attached as *Appendix 2*.

2. Promotion of Licensing Objectives.

- 2.1 A copy of the operating schedule submitted with the application is attached as *Appendix 3*.
- 2.2 A copy of the current licence and conditions is attached as *Appendix 4*.

3. Relevant Representations

- 3.1 A representation has been received from South Wales Police and a copy is attached as *Appendix 5*. The conditions suggested by the Police have been agreed to by the applicant and a copy of the agreement is attached as *Appendix 6*.
- 3.1 A number of objections have been received from residents. Copies of the objections are attached as *Appendix 7*.

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

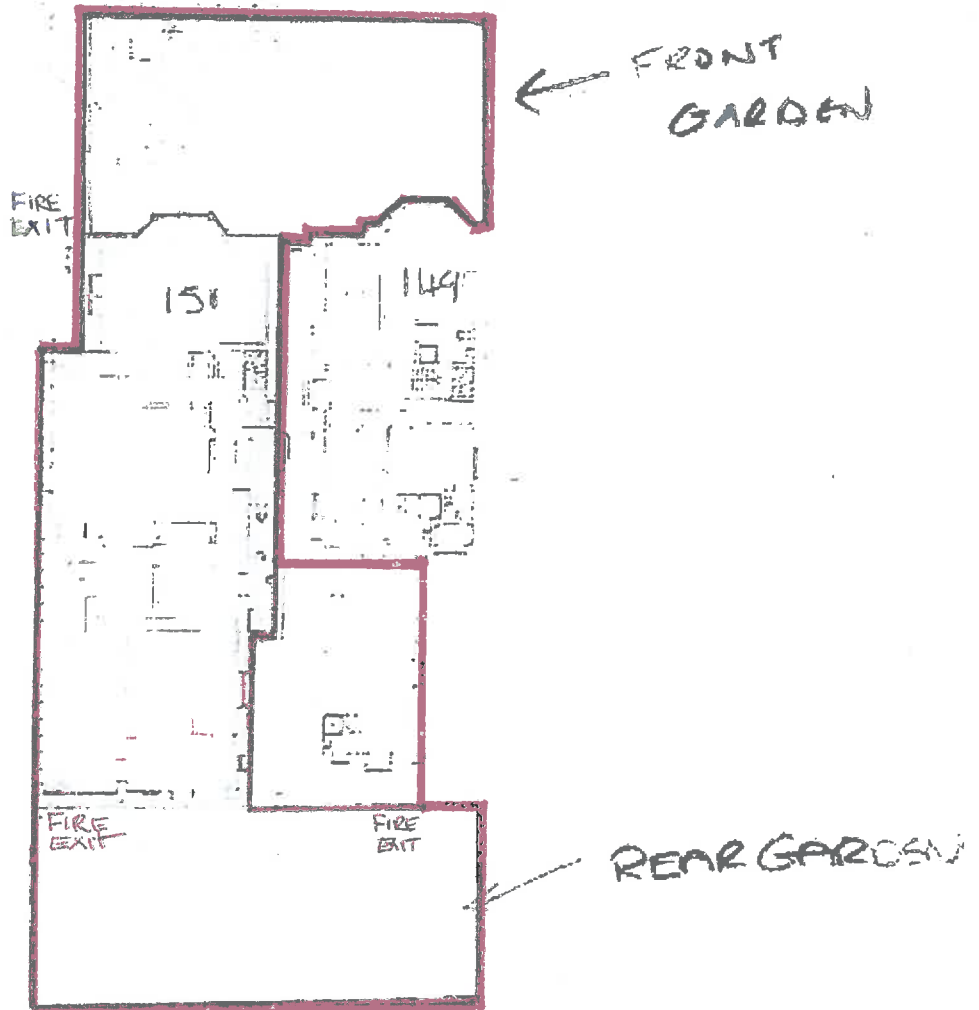
- 4.2 In each case the Sub-Committee may make the following determination
 - a) To grant the application.
 - b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
 - c) Reject the whole or part of the application.
- 4.3 All decisions taken by the Sub-Committee 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 eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion.

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

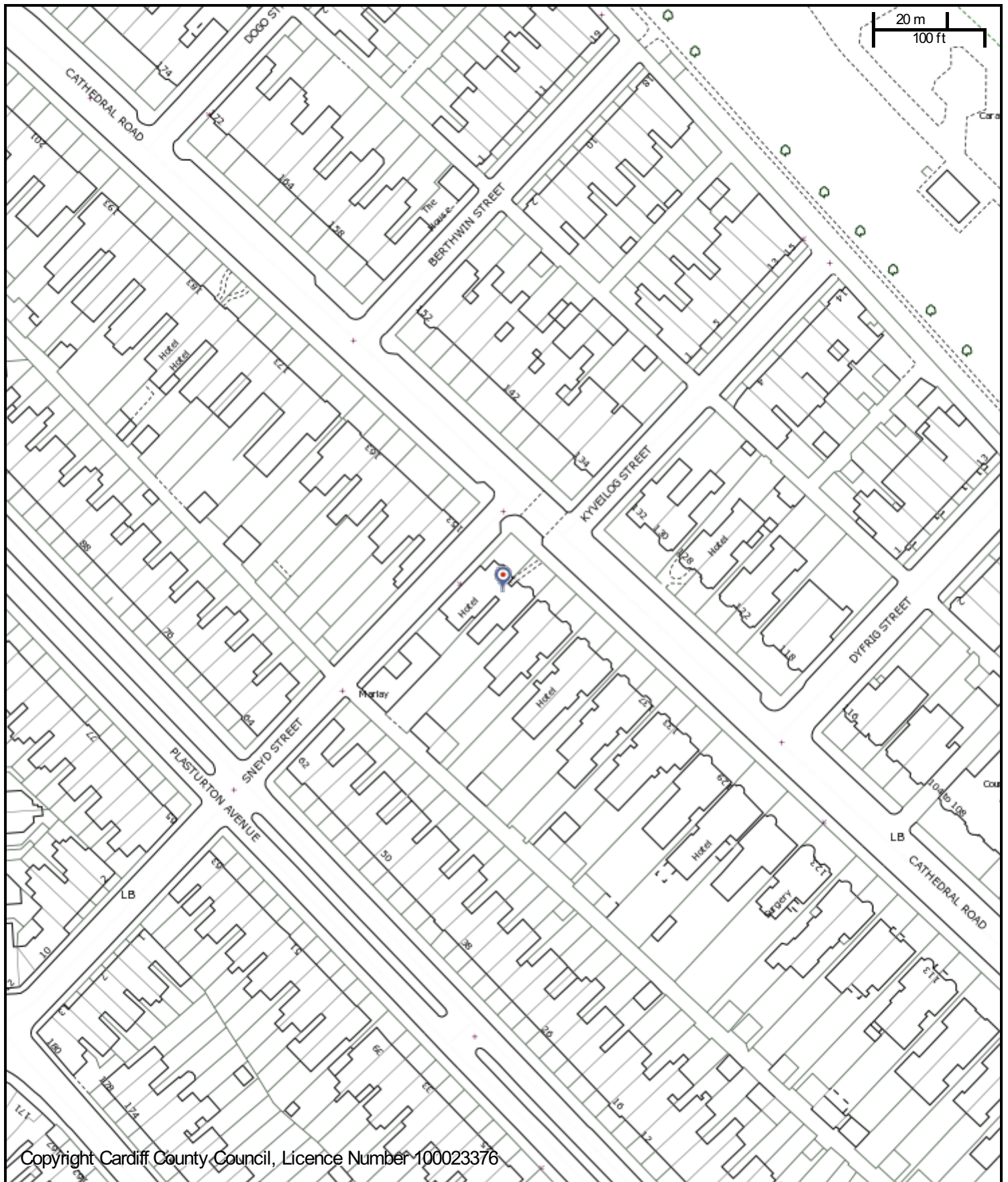
SITE PLAN at 1:200

CATHEDRAL ROAD



Handwritten notes in a box, including the date '20th Nov 2000' and some illegible text.

CFEleven
151 Cathedral Road
Cardiff
CF11 9PJ



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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

Date: 26/9/2019 at 13:51 PM

Coordinates:

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Ordnance Survey 100023376 (2014).

Continued from previous page...

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.

A minor variation of the licence to approve the new plan and add the conditions was rejected following representations from Local Residents. On submitting a major variation the applicant also seeks to revise condition 2 to permit customers to remain in the rear garden until 2200. Other than the additional conditions proposed in the description of this variation no additional steps have been identified as being required to promote the licensing objectives.

On 2 previous applications none of the responsible authorities have made representations against use of the rear garden to 2300 or recommended any other steps be taken to promote the licensing objectives.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

ANNEX 1 - MANDATORY CONDITIONS**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

ANNEXES: CONDITIONS continued ...

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

<http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001>
where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding accommodation and toilets) including all entrances and exits and outside areas used for consumption of alcoholic beverages. The images will be kept for a minimum period of 31 days. The images will be produced to a police employee, in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable (subject to data protection legislation). There will be sufficient trained staff to facility the above. Signs will be prominently displayed at the premises, advising patrons that CCTV is in operation.

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

3. A monitor screen will be positioned at the bar to enable bar staff to monitor the behaviour of patrons seated away from immediate supervision.

4. There will be prominent, clear and legible notices at exit points requesting that patrons leave the premises in a quiet and orderly manner, so as to respect the rights of local residents.

5. Persons under the age of 18 will not be permitted in the licenced area unless accompanied by a responsible adult.

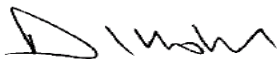
6. Staff will be trained in their responsibilities in selling alcohol and a record of that training kept.

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

ANNEX 3- CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEXES: CONDITIONS continued ...

1. Sale of alcoholic beverages will only be made to persons who remain at CFEven to consume them.
2. The outdoor areas at the front and rear to be included in the premises licence is not to be used by customers after 21:00hrs for the consumption of beverages.
3. There will be no use of external speakers at the front of the premises.
4. There will be no use of external speakers at the rear of the premises after 21:00hrs
5. The Designated Premises Supervisor shall ensure that outside tables are cleared of all bottles and glasses on a regular basis during trading hours, to avoid an accumulation of glassware.
6. When live music is provided (indoors only) the windows and doors will remain closed accept when patrons need to enter or exit the premise and outside area(s).
7. There shall be no outdoor bars positioned at the premise.
8. Security Industry Authority (SIA) Door Supervisors will be provided at times when the Designated Premises Supervisor (DPS) deems it necessary, having undertaken a written risk, assessment which shows the rationale for SIA being provided or not.
9. At times when SIA are on duty, they shall display their SIA badge(s) on armbands.
10. A register of door staff employed shall be maintained at the premises and shall include:
 - (i) The Security Industries Agency registration numbers of each door supervisor;
 - (ii) The full name of each member of door staff;
 - (iii) The times the door staff start and end duty.
 - (iv) The name of the company through which the Door Supervisors were employed.
11. The outdoor areas at the front and rear to be included in the premises licence not to be used by customers after 9 pm for the consumption of beverages.



Dave Holland
Shared Regulatory Services

24 August, 2018

LOCAL AUTHORITY

**Cardiff Council**

City Hall
Cathays Park
Cardiff
CF10 3ND

tel: 029 20871651

web: www.cardiff.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

CFEleven

151 Cathedral Road, CARDIFF, CF11 9PJ.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption ON the premises only	Sunday to Wednesday	10:00am	11:00pm
	Thursday to Saturday	10:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	Midnight	Midnight

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Jason Arthur Hamer

149-151 Cathedral Road, CARDIFF, CF11 9PJ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Jason Arthur HAMER



Licensing Act 2003

Premises Licence Summary

CCCP01978

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Persons under the age of 18 will not be permitted in the licenced area unless accompanied by a responsible adult.



Dave Holland
Shared Regulatory Services

Issued: 24 August, 2018



From:

Subject: CF Eleven application to Vary a premises Licence

Date: 18 September 2019 12:00:24

Attachments: [image002.png](#)
[Letter from CI_Sep_2019_signed.pdf](#)
[letter from CI_Sep_2019.doc](#)

***** 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. ***

Good morning,

Please see the attached reps from SWP regarding the application to vary the premises licence.

Word copy also attached for your assistance.

Original copy in post.

Kind regards

John



John Crowther

Cwnstabl 946 / Police Constable 946

Adran Drwyddedu / Licensing Department

Heddlu De Cymru / South Wales Police

URS y Dwyrain / Eastern BCU

Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station

Stryd James / James Street

Bae Caerdydd / Cardiff Bay

CF10 5EW

/SWPolice

Ydych chi
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**Ffoniwch 101 Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr.
Mewn argyfwng, ffoniwch 999 bob amser.**

Do you need to speak to police but don't require an emergency response? Call 101 The number can be used to report a non-emergency to any force in Wales and England.

In an emergency, always dial 999.

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.



Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW
17 September 2019

APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.
CF ELEVEN, 151 CATHEDRAL ROAD, CARDIFF, CF11 9PG

I have caused enquiries to be made into this application and make the following representation;

South Wales Police wish to object to the grant of this application under the Licensing Objectives;
Prevention of Crime and Disorder and Prevention of Public Nuisance.

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

We ask, therefore, that amendments are made to the conditions offered by the applicant for premises licence CCCP01978 as listed below;

POLICE REPRESENTATION:

The wording offered;

Whenever a boxing match, rugby international, rugby world cup or rugby 6 nations game is held in the Cardiff stadium the Premises Licence Holder or DPS will complete a written risk assessment which shows the rationale for the employment of SIA door supervisors or not.

Should be changed to;

- **Whenever a boxing match, rugby international, rugby world cup or rugby 6 nations game is held in the Principality Stadium, the Premises Licence Holder or DPS will complete a written risk assessment which shows the rationale for the employment of SIA door supervisors or not.**

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.

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

The prevention of crime and disorder

The prevention of public nuisance

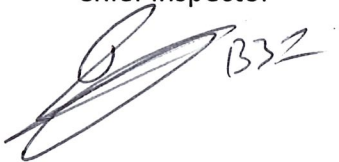
Additional evidence to support the notice of objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you require any further information please contact PC946 John Crowther at Cardiff Bay police station, Licensing Department on 101(South Wales) ext. 34-950.

Yours sincerely,

R Miles

Chief Inspector

A handwritten signature in black ink, appearing to be 'R Miles', with the number '332' written to its right.

From:

Subject: RE: CF Eleven application to Vary a premises Licence
Date: 23 September 2019 14:02:01
Attachments: [image002.png](#)

Dear Kirsty

You were asking my colleague about the wording of the condition in the operating schedule. I can confirm my clients agreement to the revised wording set out in the letter from the police dated the 17th September, attached to this email.

I look forward to receiving copies of the objections from residents and also the notice of hearing.

Kind Regards

Jon

Jon Wallsgrove
Partner



From:
Sent: 18 September 2019 12:00
To: licensing@cardiff.gov.uk
Cc:
Subject: CF Eleven application to Vary a premises Licence

Good morning,

Please see the attached reps from SWP regarding the application to vary the premises licence.
Word copy also attached for your assistance.
Original copy in post.

Kind regards

John

John Crowther 
Cwnstabl 946 / Police Constable 946
Adran Drwyddedu / Licensing Department
Heddlu De Cymru / South Wales Police
URS y Dwyrain / Eastern BCU
Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station
Stryd James / James Street

**Ydych chi
angen
siarad
gyda'r
heddlu**

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Cc: [Gordon, Iona \(Cllr\)](#)
Subject: RE: CFEleven, 151 Cathedral Road, Cardiff Application (another change) - My Objection to this application
Date: 18 September 2019 13:36:33
Attachments: [image001.png](#)

Thanks Claire :-

I would like to oppose the application for 151 Cathedral Road on the following grounds :-

Firstly, you may or may not be aware but Mr Hamer who owns / operates CFEleven Gin Bar is **already** using the front rooms of the property as an extended bar area. The same way he has retrospectively now applied for permission re the fake grass raised beer garden in the front garden.

My Objections to this proposal :-

Yet another increase in traffic and parking problems.

Mr Hamer has not given a provision for additional parking. For example The Beverley / The Pontcanna Inn / The Mochyn Du all provide parking.

There is already a traffic / parking issue in the area surrounding 151 Cathedral Road. There is not enough on street parking to cater for this increase in numbers.

Anti Social Behaviour :-

People leaving 151 Cathedral Road – do so in a loud drunken state. The venue is not a transient venue – people go there and stay for the night. They all leave the same time – this then causes issues with drunken customers trying to heckle down taxis whilst standing on the zebra crossing. There is also loud drunken shouting most Friday and Saturday nights.

Enough Venues already :-

Enough local Provision for alcoholic consumption is already in place on Cathedral Road. The Halfway, The Beverley, The Conway, The Cricketers, El Gano, The Pontcanna Inn and the Mochyn Du – all serve alcohol to later times on the weekends. I do not see the need to add to that already long list of venues.

People drinking alcohol outside to such late times (as proposed) will simply attract more noise / drunken behaviour issues.

Adding 'Security staff' – will give 151 Cathedral Road the appearance of an inner city night club pub. This venue is 'supposed' to be a B&B that initially applied for a hot food licence. Now 2 years later the owner has turned it into a public house. The aesthetic of the area will be ruined by such an establishment. The immediate local area is of residential properties NOT entertainment venues / office properties. This proposal is in the wrong area for what the owner is trying to make it into.

Front garden development

The owner continues to place an A board advertising sign a permanent fixture on the pavement – blocking the path for pedestrians and especially wheelchair users. The aesthetic of a plastic grass area that covers the whole front garden cannot be found anywhere else in the Conservation Area and should not be permitted at this venue. I have spoken to Cathedral Road Conservation ex committee members re this and local councillors and their feeling is similar – this sets a dangerous precedent for the area as a whole.

As stated the owner has designs to convert 151 Cathedral Road into a bar by stealth – and he is

succeeding by a succession of small planning change applications.

Kind regards

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Cc: [Gordon, Iona \(Cllr\)](#)
Subject: 151 Cathedral Road Application Objection
Date: 18 September 2019 14:15:39
Attachments: [image010.png](#)
[image003.png](#)
[image005.png](#)
[image009.png](#)

Hello Planning Committee / (Hello Iona) ,

Can I place my objection to the recent planning application by 151 Cathedral Road, re the front garden platform, the additional drinking area extension and the introduction of door security / bouncers.

Mr Hamer seems to be putting application after application the last couple of years...

My objections :-

1. An increase in customers – so yet more loud (often drunken) behaviour of patrons of the venue. This venue seems to attract taxis now after 11pm which adds to the traffic problems.
2. People shouting for taxis as they all leave roughly the same time when it closes.
3. Parking – there is none and no room for any additional parking onroad.
4. Door staff / bouncers – is this venue a B&B or a night club ?.
5. Bouncers in this area will give the look of a nightclub. If a venue needs bouncers it should be in the city centre not in a conservation residential area
6. The area is residential not commercial / entertainment – it needs to be kept residential.
7. Front garden ‘astro turf’ area. It is in a conservation area – there is NO other property in the area with astro turf in their front garden. It spoils the look and feel of a Victorian conservation area.
8. People drinking outside extended hours – I feel for the residents at the rear of 151 Cathedral road and the neighbours. The increase in noise after 9 is not needed. Just like Mr Hamer’s indoor music licence that he applied for – and then held the music outside on Sunday afternoons.

The images below were taken over the past 4 weeks - and will hopefully be taken into consideration by the committee

Front room use in CFEleven bar – complete with pub garden and astro turf not in keeping with a conservation area



Umbrellas up, beer garden , customers in new front bar area (no planning in place)



Below - taken at 12:15 AM 28th July (walking the dog) – customers leaving late, heckling taxis etc



Kind regards

– a Cathedral Road resident that walks up and down the lovely street 4 times a day and a local resident.

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Subject: Representation against CFELEVEN application
Date: 20 September 2019 18:13:56

Hello,

I am writing to you again to put forward my objections to the variation of the premises licence of CFEleven, [151 Cathedral Road, Pontcanna, CF11 9PJ](#).

I am objecting to the variation and request that you refuse it on the grounds that granting the variation will not promote the licensing objectives - particularly the prevention of public nuisance, public safety and the prevention of crime and disorder.

I live behind CFEleven - I have the right to peace and quiet from within my house. I do not have this now even with the current hours you saw fit to grant previously. My children can no longer sleep in the back bedroom and I am forced to listen to drunken patrons shouting and jeering until 9pm every night whilst in my garden. The variation in hours and increased size of the licensable area will make this even worse. CFEleven would become even more of a public nuisance.

Regards

Sent from my iPhone

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Subject: Objection to CFEleven application
Date: 20 September 2019 18:17:36

Hi - I live on Platurton Avenue, pontcanna CF11 9hh. I'd like to make a representation against CFEleven's application for a variation in premises licence on the grounds of prevention of public nuisance. The current hours are already too late for a residential area and granting any variation to this will make the situation even worse.

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\);](#)
[Iona \(Cllr\): iona.gordon@ntlworld.com; Wild, Caro \(Cllr\)](#)
Subject: Re: CFEleven objection
Date: 20 September 2019 20:14:53
Attachments: [CF_Eleven_Objection_final.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. ***

Dear Licensing Section officers,

Please find attached an objection from residents to the application from CF Eleven Gin bar (149-151 Cathedral Rd) for extended outside drinking hours and an expanded licensed area.

Should a hearing be deemed necessary representatives of those listed at the foot of our objection will attend. Please keep us informed of any arrangements.

I'd be grateful for your acknowledgement that you have received this email.

With best regards

Summarise concerns

We would like to object to the application to extend the licence of CFEleven, a gin and tapas bar at 151 Cathedral Road, so as to allow consumption of alcohol in the substantial outdoor terrace at the rear of the premises until 10pm. Our reasons for objection are similar to those we raised in February this year, when the terminal permitted time for outside drinking was confirmed at 9pm

Our grounds for objection are that the proposed extension would run contrary to the licensing objective set out in the Licensing Act 2003 of 'preventing public nuisance' in that it would generate new and unacceptable late-night noise nuisance in a predominantly Residential area. It would also contravene the Council's own published licensing policy prohibiting the serving of alcohol for consumption outdoors in Residential Areas after 9pm.

Reasons for concern and basis of objections.

We note that the latest Revised [April 2018] Government guidance to Local Authorities issued under s 182 Licensing Act 2003 make the following points.¹

Not only is prevention of public nuisance one of the four licensing objectives but Para. 1.5 of the Guidance specifically refers to further key aims and objectives. These are described as 'vitally important and as principal aims for everyone involved in licensing work'. These include protecting the public and local residents from noise nuisance'.

We note further that Cardiff Council has, as required by the Act, issued a published licensing policy. We note that the Guidance suggests that Local Authorities may only depart from such declared policy under certain circumstances. These are set out at Para 1.12 Revised Guidance 2018:

'A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives'

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf

This means that, in order to depart from declared policy, such a decision must promote one of the objectives: prevention of crime and disorder, public safety, prevention of public nuisance or protection of children from harm. It follows that it is not permissible under the Guidelines to deviate from policy simply on the grounds that it would promote economic activity (which is not a licensing objective under the statute).

We note below the significant parts of the City of Cardiff Council Statement of Licensing Policy 2016-2021.^{1 2}

First, under Section 7.3 (Licensing Hours), it states that ‘noise even from well behaved customers leaving licensed premises late at night, can disturb residents especially during the working week. As a consequence, what would be acceptable in the City Centre where there are fewer residents would not be acceptable in heavily populated residential areas’. Then under Section 7.4C (Prevention of Public Nuisance) the requirement is specifically set out to consider noise and nuisance including ‘patrons leaving the premises, either on foot or by car.’ In particular, specific reference is made to the need for operators to ‘take particular care to ensure that customers using **external drinking areas**, smoking areas or the pavement outside, do not cause unnecessary nuisance to local residents. It is suggested that the **terminal hour for external areas that are in close proximity to residential properties does not exceed 21:00hrs**’ [emphasis added]

Thus, Cardiff has adopted a policy of not allowing licensed premises to serve and consume alcohol using external drinking areas after 9pm in a Residential area. The Government guidance to local authorities suggests that such local policies should only be departed from in the interests of the licensing objectives: ie. to prevent crime or disorder, promote public safety, prevent public nuisance or protect children from harm. It is hard to see how extending outside drinking beyond 9pm is in the interests of any of these things. Indeed, given that the policy has been constructed because of concerns about noise nuisance in residential areas and that residents have already made objections on these grounds on the basis of their own experience of the outside terrace of CFEleven, there are very strong grounds for following established policy,

² <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Documents/Statement%20of%20Licensing%20Act%20Policy.pdf> [Last accessed 17th September 2019]

The context of this objection.

Residents are uneasy at the steady progression of the licensing approvals granted to these premises and the 'mission creep' of the business. . They note a series of undertakings made by, or on behalf of, the proprietors of 151 Cathedral Road which have since been overturned by activities on the premises. For example, on February 3rd 2017, when the first licence was granted, Jon Wallsgrove, the solicitor representing Mr Hamer, said in The Cardiffian publication:

'This is not a place where you would go and party. This is a place for people who are staying there. This is not about trying to make profit from the sale of alcohol. This is about offering that extra facility to guests.'

The implication was that the primary clientele would be staying guests. This is clearly not the case. And, indeed CF Eleven specifically does cater for parties, sometimes of a considerable scale.

By early 2018, the premises had been reconfigured as a gin bar, marketing its activities extensively. That Summer, tables were set out, canopies erected, alcohol served and live music performed in the rear outdoor area, exceeding the terms of the original licence. CF Eleven then retrospectively applied for an extension of the licence terms. Despite opposition from residents on grounds of nuisance, an extension was partially granted, subject to the conditions currently imposed. These included – in relation to the current application – that alcohol consumption in the outside areas must cease by 9pm. At that hearing, Mr Hamer and his solicitor indicated at the licensing hearing that they were happy with these conditions and would comply.

The October 2018 ruling increased the footprint of Mr Hamer's rear outdoor licensed area so that it covers the rear of both 149 and 151 Cathedral Road, doubling its impact. Potential nuisance from this large outdoor area affects residences in both Cathedral Road and Plasturton Avenue (whose bedrooms overlook the rear of 149 and 151). This is a major cause of concern for those lodging this objection.

In addition to the application to extend the licensed hours, CF Eleven is also seeking an expansion of the licensed area to include a new annexe. In relation to this, residents are concerned that:

- 1) There is no mention in the application of the precise size of the room, nor of the scale of the added capacity resulting from this addition. We note that the extension has wide bi-fold doors, making a continuous inside/outside space, with the potential for additional noise impact.
- 2) The additional conditions demanded by the police – especially the employment of late-night bouncers and mention of late-night sports events – suggest a worrying further upscaling of activities in a residential area.

The current application demonstrates a pattern of continued expansion which was not indicated at all when the original 2017 licensing committee first approved a new limited alcohol licence in a residential area; nor when the more generous conditions were applied in October 2018.

An application to extend the outside licensed hours was rejected in February 2019, and a further application to expand the licensed area was rejected in August 2019. Residents feel they are being subjected to unreasonable anxiety through these constant applications. They request that the licensing committee adhere to the council's stated policy and reject this application.

Individual comments:

As in our last objection, individuals report a range concerns resulting from their experience of the activities of CF Eleven and their concerns for the future. These comments include:

'Our children were regularly disturbed by the noise ... It is totally unacceptable for a residential area such as ours to be subject to such a nuisance and there is no justification for the proposed variation.'

'If they can, many people on the odd-numbers side of Cathedral Road sleep at the rear of their houses to avoid the noise from the road at the front. Now they are faced with the prospect of night-time noise at the rear as well. It is unfair and unacceptable.'

'Our bedroom overlooks the rear outside terrace. In good weather, on evenings when the terrace has been full, after a few hours steady drinking, the noise rises to the point whereby it would be impossible for us to sleep.'

Other comments included concerns about nuisance caused by broken glass and the disruption to bird-life down the “green corridor” between Cathedral Road and Plasturton Avenue (people are now also worried about the effect increased noise and later bright lights may have on the bat colony which uses the garden strip at night).

*Compiled by residents
below:*

on behalf of those named

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