



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

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 14 MAY 2021, 10.00 AM
Venue	REMOTE MEETING VIA MS TEAMS
Membership	Councillor Mackie (Chair) Councillors Bowen-Thomson and Ford

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 Grant of a Premises Licence - Handcrafted Horsebox, Rowan Way, Lisvane** *(Pages 3 - 22)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Monday, 10 May 2021

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

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 14th May 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 060797

Name of Premises: Handcrafted Horsebox

Ward: Lisvane

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Jonathan Peter Murray in respect of Handcrafted Horsebox, 14 Rowan Way, Lisvane, Cardiff, CF14 0TB.

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.

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

"The premises is a secure storage unit (garage) situated at a residential address (as detailed in the attached plan) from which a mobile bar business operates. All sales of alcohol will be made on-line or via phone sales as part of garden party events packages and will all be orders for delivery only. Access to the storage facility is restricted to myself - the owner of the business and will only operate 10 - 7pm 7 days a week to minimize any nuisance to neighbours. All orders will be processed and age checks of purchaser will be check upon deliver operating a challenge 25 policy"

(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:

Not open to the public

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

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

Monday to Sunday: 10:00 to 19:00

1.3 A site map showing the premises and a plan of that premises 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 and a subsequent amendment to a proposed condition has been received. The applicant has agreed to the proposed conditions therefore the Police objection has been withdrawn. Copies are attached as **Appendix C**.
- 3.2 An objection has been received from Lisvane Community Council in respect of this application. A copy of this 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 needs to be discussed.

Dave Holland
Regulatory Services

22 April 2021

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

Date: 21/4/2021 at 11:17 AM

Coordinates:

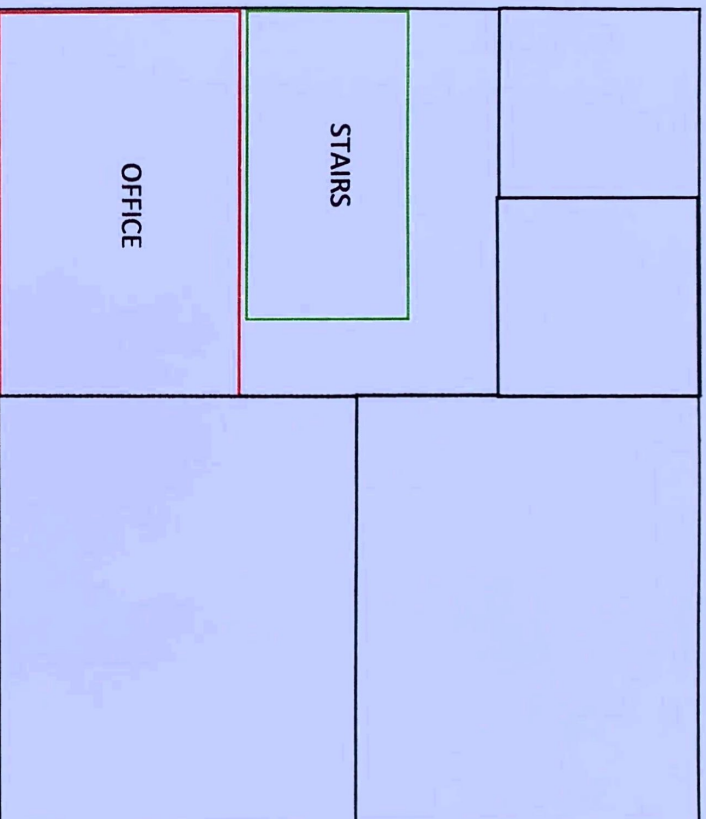
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Ordnance Survey 100023376 (2014).

14 Rowan Way Floor Plan

First floor



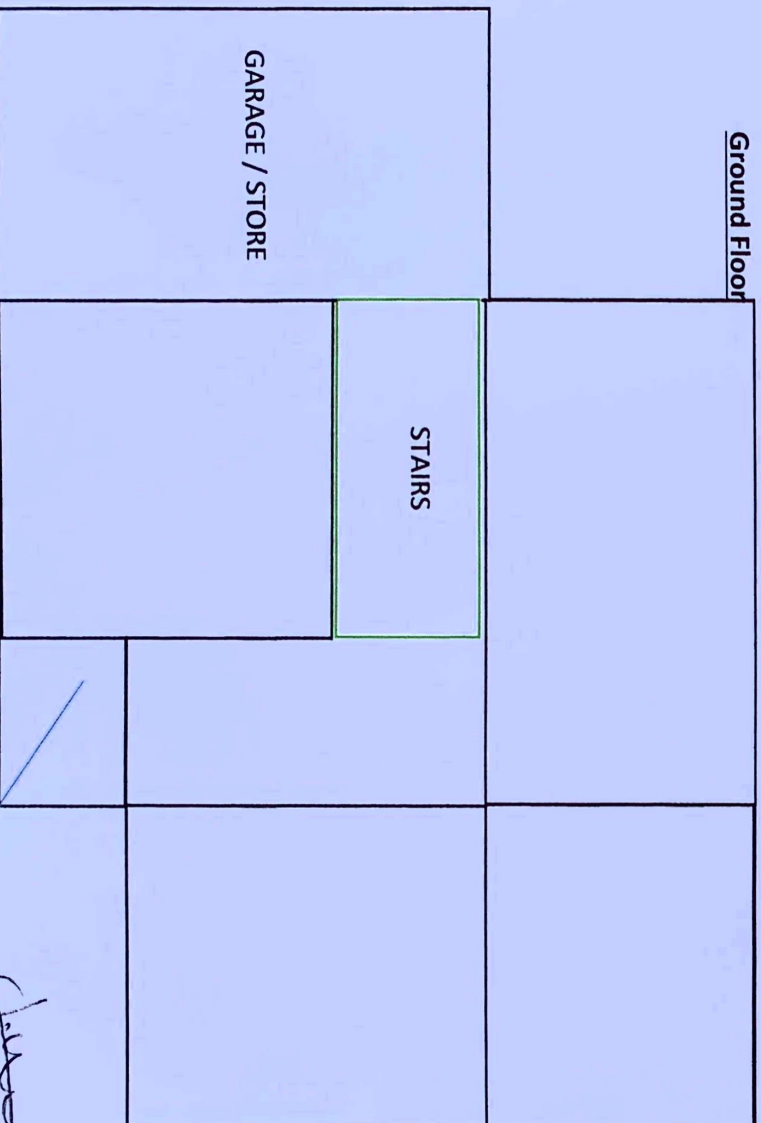
Areas with red border indicate areas of licensable activity.

Office - online sale and storage of alcohol

Locked garage - storage of alcohol

Blue line indicates entrance/exit points

Ground Floor



Front of building

A handwritten signature or scribble in blue ink, located at the bottom of the page.

APPENDIX B

Operating Schedule

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

As the business will be supplying alcohol to customers at their homes we will monitor orders and liaise with the customers influencing decisions on responsible consumption in the home. Limiting drinks ordered in relation to numbers of guests.

b) The prevention of crime and disorder

The storage facility will be secure at all times and with no access to it by the public. 30 day recorded CCTV will be installed at the premises

c) Public safety

No access to the premises will be granted to the public.

d) The prevention of public nuisance

Hours of service at the premises will be restricted to 10:00-19:00 daily to restrict noise disturbance to neighbours and the premises will not be accessed by the public. Deliveries to the premises will be restricted to 'normal' delivery timings

e) The protection of children from harm

No access to children will be granted to the premises. All sales of alcohol will be made to persons over the age of 18 with a challenge 25 policy in place. Age verification is enabled on the website for online orders and age checks will be carried out upon delivery via nominated courier DHL

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

South Wales Police Representation & Agreement

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 14 April 2021 13:04
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Handcrafted Horsebox...Application for the Grant of a Premises Licence
Attachments: Handcrafted Horsebox Plan.321 ROWAN WAY.pdf; Letter from CI dated 13 Apr 2021.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. ***

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 afternoon,

Please see the attached reps (in word format) regarding the above application.

Please note that SWP will automatically withdraw our request for a hearing should the applicant confirm agreement to those representations.

Please address any questions to PS Hardwick.

Many thanks

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



**Ymateb nad yw'n
Argyfwng\ Non-
Emergency Response**

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? 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.

SWYDDOGOL - OFFICIAL

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

13 April 2021

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
HANDCRAFTED HORSEBOX, 14 ROWAN WAY, LISVANE, CARDIFF CF14 0TB

Dear Mr Murray,

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

We therefore ask that the Licensing Committee hear the representation made by South Wales Police (SWP) when determining the grant of this application.

Currently, SWP object to the grant of this application for a Premises Licence under the following Licesning Objectives;

1. Prevention of Crime and Disorder
2. Prevention of Public Nuisance.

However, should you agree to comply with the representation, made to meet the Licensing Objectives, before a hearing is held then please accept that SWP will automatically withdraw their request for a hearing with the Licensing Committee.

POLICE REPRESENTATION

The Premises Licence for 19 Solva Avenue, Llanishen, CF14 0TB is to be surrendered upon grant of this application.

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.



AMENDMENT

The site diagram supplied with the original application should be used instead of the one supplied on 24 Mar 2021.

CONDITIONS

1. A CCTV system, will be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times when the storage unit is used to store alcoholic beverage(s); it shall cover each entrance and exit to the storage unit. There shall be a storage facility for images which allows for 31 days of recordings to be held. Images shall be produced, in a readily playable format, to a representative of South Wales Police upon request when the premises is open for licensable activities and as soon as reasonably practicable at other times subject to General Data Protection Regulations. There shall be sufficient persons trained in the use of the CCTV system to facilitate production of images on any day.
2. Payment for orders will be made remotely, by phone or online, at the time of ordering. There will be no payment for alcohol at the point of delivery.
3. There will be no third party courier used to deliver orders taken by the premises.
4. Customers and members of public will not be permitted to attend and purchase alcoholic beverage(s) directly from the premises.
5. Home deliveries will not include the purchase, hire or loan of any type of portable bar.
6. Customers must be at least 18 years of age. If any customer appears to be 25 or younger appropriate photo identification will be required. Without such identification the delivery of alcohol will be refused. Terms and conditions will state that if the delivery person is unable to verify the age of the customer at the point of delivery, then the delivery will be refused.
7. An incident book will be kept which will record;
The name and address of the customer placing the order.
The quantity of alcohol purchased.
The description of alcohol purchased.
The price paid by the customer for alcohol purchased.
The address where the delivery is to be made if different to the customers address.
Details of photo identification provided upon delivery if a Challenge 25 proof of age is requested.

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.



All refusals of alcohol delivery. The record will show the time and date that the refusal was made, the address and the reason for the refusal.

8. Deliveries will only be made to verified residential addresses at which the customer is present.

9. Deliveries to the premises/loading up of orders for delivery will only take place between the hours of 10:00-17:00 daily.

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

The prevention of crime and disorder
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,

M Conquer
Chief Inspector



Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 19 April 2021 15:45
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: RE: Rowan Way HAND CRAFTED HORSE BOX

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 Mr. Murray,

Following our telephone conversation today, I can confirm that in relation to the letter of representation sent to you signed by Chief Inspector Conquer, the police are in agreement that condition number 3. that reads "3. There will be no third party courier used to deliver orders taken by the premises."

This condition can be removed and replaced by your offered condition that reads " 6. When alcohol is delivered by a third party carrier, the Licence holder will specify that all deliveries require an adult signature. The carrier will obtain the adult recipient's signature and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age."

All is now agreed between the police and your good self.

Regards
Tony Bowley

From:
Sent: 19 April 2021 15:33
To:
Subject: Rowan Way

Hi Tony

As discussed

6. When alcohol is delivered by a third party carrier, the Licence holder will specify that all deliveries require an adult signature. The carrier will obtain the adult recipient's signature and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age.

Jon Murray

Ymateb nad yw'n Argyfwng\ Non-Emergency Response

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 22 April 2021 10:25
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: RE: Rowan Way HAND CRAFTED HORSE BOX

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

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

Hi Kirstie,

The attached is only the premise plan.

I can confirm that I am happy with the amendment conditions detailed by Tony Bowley with the removal of point 3 and inclusion of point 6 as per his email dated 19/4/21

Regards

Jon Murray

From: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Sent: 20 April 2021 08:35
To:
Subject: RE: Rowan Way HAND CRAFTED HORSE BOX

Hello Mr Murray,

I would be grateful if you would confirm you are in agreement with all conditions proposed by the Police (attached), including the amended one detailed below.

I look forward to hearing from you.

Regards



Kirstie Barker | Senior Licensing Officer
Licensing Section (Cardiff) / Adran Drwyddedu (Caerdydd)
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Phone | Ffon: (029) 20871651
Email / Ebost: kibarker@cardiff.gov.uk

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact 029 20871651/ licensing@cardiff.gov.uk to register your language

From:

Sent: 19 April 2021 15:45

To:

Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>;

Subject: RE: Rowan Way HAND CRAFTED HORSE BOX

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 Mr. Murray,

Following our telephone conversation today, I can confirm that in relation to the letter of representation sent to you signed by Chief Inspector Conquer, the police are in agreement that condition number 3. that reads "3. There will be no third party courier used to deliver orders taken by the premises." This condition can be removed and replaced by your offered condition that reads " 6. When alcohol is delivered by a third party carrier, the Licence holder will specify that all deliveries require an adult signature. The carrier will obtain the adult recipient's signature and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age."

All is now agreed between the police and your good self.

Regards

Tony Bowley

From: jonathan murray

Sent: 19 April 2021 15:33

To: Bowley,Anthony swp54909 <Anthony.Bowley2@south-wales.police.uk>

Subject: Rowan Way

Hi Tony

As discussed

6. When alcohol is delivered by a third party carrier, the Licence holder will specify that all deliveries require an adult signature. The carrier will obtain the adult recipient's signature and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age.

Jon Murray

APPENDIX D

Objection

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: Haydn Davies
Sent: 26 March 2021 17:11
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: Walker, David (CIr); PC Tony Hughes
Subject: OBJECTION TO AN APPLICATION FOR A PREMISES LICENCE | 14 ROWAN WAY, LISVANE, CARDIFF, CF14 OTB
Attachments: Handcrafted Horsebox Objection.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. ***

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 Ms Barker

Please find attached a Letter of Objection from Lisvane Community Council relating to the application for a premises licence at 14 Rowan Way, Lisvane, Cardiff

regards

Haydn Davies
Clerk to Lisvane Community Council
Tel:

Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to Internet email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of Lisvane Community Council shall be understood as neither given nor endorsed by it. All e-mails sent to or from this address will be processed by LCC and may be subject to scrutiny by someone other than the addressee.

LISVANE COMMUNITY COUNCIL

*Clerk to the Council:
Haydn Davies*

Kirstie Barker
Senior Licensing Officer
Shared Regulatory Services
Bridgend, Cardiff and the Vale of Glamorgan
Cardiff County Council
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

26 March 2021

Dear Ms Barker

LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE (UNDER SECTION 17)
APPLICANT: JONATHAN MURRAY
HANDCRAFTED HORSEBOX
14 ROWAN WAY, LISVANE, CARDIFF, CF14 OTB

Lisvane Community Council (LCC) is aware that the above applicant has applied for a Premises Licence for the sale of alcohol from the above premises. We understand that consumption will be off premises and that the business will operate 7 days a week from 10am to 7pm.

LCC would like to record its **Objection to the application.**

1.0 LOCATION

14 Rowan Way is a corner house on the junction with Mill Place. The driveway to the property is fronted by zig zag lines leading to a zebra crossing and directly opposite to the property is Lisvane Primary School. The school currently has around 450 pupils from the ages of 3 to 11 years. There are fourteen single age classes and two nursery classes. The school operates different start and finish times for the nursery pupils and also different lunch times, so there are several arrival and departure times during the day.

2.0 REASON FOR OBJECTION

LCC believes that the application fails to meet 3 of the fundamental objectives under the Licensing Act 2003 namely:

2.1 THE PROTECTION OF CHILDREN FROM HARM

With 450 children arriving and departing at various times of the day the vicinity of the school can be very congested particularly as many parents arrive by car. LCC regularly receives reports of dangerous and inconsiderate parking and the school has imposed a voluntary one way system from Mill Place into Rowan Way. The Police are regularly in attendance.

The safe arrival and departure of children at the start and finish of the school day including lunch times is of paramount concern. LCC is of the opinion that an alcohol delivery service operating from this particular location would result in a significant and unwelcome increase in vehicular traffic throughout the day. This increases the danger to and potential harm of children by way of road traffic injury particularly given the proximity of the premises to the zebra crossing.

2.2 THE PREVENTION OF PUBLIC NUISANCE

Local residents are already inconvenienced daily by the volume of school related traffic which appears to be growing steadily worse. The frequent movements of commercial vans to and from the applicant's premises would simply create an additional nuisance to the local residents many of whom are elderly with limited mobility.

2.3 THE PREVENTION OF CRIME AND DISORDER

Crime in Lisvane is generally very low but virtually every month LCC is advised of burglary and theft from sheds and garages. LCC believes that the storage of high value stock in a residential garage would become an obvious target for thieves and would attract the attention of undesirable individuals to the area.

3.0 CONCLUSION

For the reasons given, LCC believes that this is probably the worst residential location in Lisvane for this kind of business. LCC is supportive of business start-ups but not at the expense of child safety or nuisance to neighbours. We would suggest that Mr Murray looks for and secures a suitable commercial unit many of which are available locally at modest cost.

I am copying this Objection to Cardiff County Councillor David Walker and also to our PCSO, Police Constable Anthony Hughes.

Yours sincerely



Haydn Davies
Clerk, Lisvane Community Council

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