



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, 23 JULY 2021, 10.00 AM |
| Venue | REMOTE MEETING VIA MS TEAMS |
| Membership | Councillor Mackie (Chair) Councillors Sattar 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 Grant of a Premises Licence - Ground Bakery, Pontcanna Street (*Pages 3 - 20*)

3 Urgent Items (if any)

Davina Fiore
Director Governance & Legal Services
Date: Monday, 19 July 2021
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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LICENSING SUB-COMMITTEE: 23 July 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 062466

Name of Premises: Ground Bakery, 15 Pontcanna Street, Cardiff, CF11 9HQ

Ward: Riverside

1. Application

1.1 An application for the Grant of a Premises Licence has been received from TFSLET Ltd in respect of Ground Bakery, 15 Pontcanna Street, Cardiff, CF11 9HQ.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

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

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

“The premise will be operating as a bakery/café. We will be offering breakfast, brunch and lunch to patrons & would like to offer a very small alcoholic beverage list to run alongside this”.

(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: 08:00 to 17:00

Friday and Saturday: 08:00 to 22:00

(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: 08:00 to 17:00

Friday and Saturday: 08:00 to 22:00

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. The representation has been withdrawn following agreement to a number of licence conditions. A copy of the representation along with a copy of the agreement is attached as **Appendix C**.
- 3.2 Representations have been received from other persons. Copies of the representations are attached as **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

1st July 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: 1:1000

Date: 1/7/2021 at 13:25 PM

Coordinates:

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Ordnance Survey 100023376 (2014).

APPENDIX B

Operating Schedule

| | | | |
|-----|-----|------|--|
| Sat | 8am | 10pm | |
| | | | |
| Sun | 8am | 5pm | |
| | | | |

M

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

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

To ensure there are clear guidelines in place for staff when it comes to offering alcohol to patrons. To have the confidence to ask for identification and to refuse service when needed. To have the necessary equipment to ensure alcohol measures are correct and consistent at all times.

b) The prevention of crime and disorder

To refuse service to those intoxicated or under the influence.

c) Public safety

To ensure the premises is not over crowded & the storage of alcohol is kept away from patrons.

d) The prevention of public nuisance

Ensure all patrons leave the premises in an orderly fashion and not intoxicated.

e) The protection of children from harm

To ensure all children are chaperoned by a parent/guardian. To ensure the premises is not over crowded. To ensure that hot items, glassware, alcohol is kept away from reach of children.

Unable to tick – but indicating agreement by writing this.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

APPENDIX C

South Wales Police Representation & Agreement to Licence Conditions

Barker, Kirstie

From:
Sent: 23 June 2021 08:59
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: Police Representations-Ground Bakery, 15 Pontcanna Street.
Attachments: Signed Ground Bakery.pdf; Headed Paper- Ground Bakery.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.

To whom it may concern,

Please find attached representations made by South Wales Police in respect of the application for a new premises licence at Ground Bakery, 15 Pontcanna Street. At this time, South Wales Police Object to the grant of the application under the following licensing objectives;

The Prevention of Crime and Disorder

The Prevention of Public Nuisance

The Protection of Children from Harm.

However, should the applicant confirm their agreement with the representations made, then South Wales Police will withdraw their objection.

Yours sincerely,

Rob Gunstone 

Cwnstabl yr Heddlu 3487 / Police Constable 3487.

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

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.

22nd June 2021

Ground Bakery.
15 Pontcanna Street.
Cardiff
CF11 9HQ

**APPLICATION FOR A PREMISES LICENCE. THE LICENSING ACT 2003
GROUND BAKERY. 15 PONTCANNA STREET. CARDIFF. CF11 9HQ**

To whom it may concern,

I have caused enquiries to be made into this application. The premises is located at 15 Pontcanna Street, Pontcanna, Cardiff. The premises is newly refurbished and sits within a mixed residential properties, retail premises and hospitality venues. The applicant currently operates a restaurant a short distance away from the premises which is subject to this application.

The applicant seeks a new premises licence in order to conduct the following licensable activity,

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

Sunday to Thursday: 08:00 to 17:00 hours.

Friday and Saturday: 08:00 to 22:00 hours

The application describes the premises and its proposed operation as follows;



“The premise will be operating as a bakery/café. We will be offering breakfast, brunch and lunch to patrons & would like to offer a very small alcoholic beverage list to run alongside this.”

The premises has been the subject of a site visit and consultation with the applicants. The attached plan is consistent with the current layout of the premises.

MEASURES OFFERED BY THE APPLICANT.

General.

To ensure there are clear guidelines in place for staff when it comes to offering alcohol to patrons. To have the confidence to ask for identification and to refuse service when needed. To have the necessary equipment to ensure alcohol measures are correct and consistent at all times.

The Prevention of Crime and Disorder.

To refuse service to those intoxicated or under the influence.

Public Safety.

To ensure the premises is not over crowded & the storage of alcohol is kept away from patrons.

The Prevention of Public Nuisance.

Ensure all patrons leave the premises in an orderly fashion and not intoxicated.

The Protection of Children from Harm.

To ensure all children are chaperoned by a parent/guardian. To ensure the premises is not over crowded. To ensure that hot items, glassware, alcohol is kept away from reach of children.

POLICE REPRESENTATIONS.

The above measures are noted but they offer little by way of support to the Licensing Objectives. Therefore, South Wales Police object to the grant of this variation as applied for under the following licensing objectives, namely;

The Prevention of Crime and Disorder.

The Prevention of Public Nuisance

The Protection of Children from Harm.

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.



However, should the applicant confirm their agreement with the below proposed conditions, deemed to be appropriate and proportionate in promoting and upholding the above licensing objectives, then please be advised that any such objection to the grant of the application will be withdrawn by South Wales Police.

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 toilets) including all entrances and exits and any external areas associated with the premises. The images will 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 to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

2.An incident book shall be kept at the premises and maintained on site at all times. It shall be made available on request to a police employee, and will record the following;

All crimes reported to the venue

All ejections of patrons

Any incidents of disorder

Any refusal of the sale of alcohol.

Any visit by a relevant authority or emergency service

Any faults in the CCTV system

3.Open containers of alcohol shall not be removed from the premises save for consumption in any delineated external area.

4.The premises will operate the 'Challenge 25' Policy. This policy will be brought to customers' attention through point of sale material at the checkout wherever alcohol is displayed for sale, including the display of appropriate signage. The only forms of identification recognised are photographic identification cards, such as driving licence or passport, PASS card or military identification card.

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

6.Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby premises. The designated premises supervisor or a suitable staff member will monitor patrons leaving at the closing time.

7.Use of any delineated external area will cease at 21:00hrs daily.

Yours faithfully,



M. Conquer

AOJ JEFF LEWIS

AI Chief Inspector.

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.



Barker, Kirstie

From:
Sent: 23 June 2021 10:51
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: RE: Police Representations-Ground Bakery, 15 Pontcanna Street.

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.

Many thanks for this.
We are happy to agree with the proposed conditions.

Many thanks,

Lois Thomas

www.groundbakery.co.uk



This is an email from Ground Bakery. Its contents and any files transmitted with it are strictly confidential addressed to the intended recipient. It is forbidden to share any part of this message with any third party, without a written consent from the sender. If you are not the intended recipient, be advised that you have received this email in error, please email a reply to the sender and delete it from your system.

From: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Sent: 23 June 2021 09:40
To:

Subject: FW: Police Representations-Ground Bakery, 15 Pontcanna Street.

Hello,

Please find attached Police representation in respect of your new premises licence application.

If you are in agreement with the proposed conditions please can you let us know.

Kind regards,

Licensing

APPENDIX D

Other persons representations

Barker, Kirstie

From:
Sent: 24 June 2021 15:03
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Ground at 15 Pontcanna Street

To whom it may concern,

I write to comment on the licensing application for the above property.

Historically, when the Cameo existed on Pontcanna Street, there were often disturbances which included people sitting on our front wall, arguing late at night and causing a nuisance. We regularly had glasses left behind and would find smashed glass both in our front garden and on the street putting ourselves, our children and our dog at risk.

Whilst the new owners (who also happen to be the same people applying for the above licence) appear to be managing the restaurant/bar better, we are very keen not to have the above issues arise again.

We are in close proximity to Ground (next door but one) and have concerns there there are no onsite amenities to allow people to smoke/wait for taxis. This could mean that people gather on our wall or at the front of our property, and cause a disturbance for us and our children.

Considering the location of the property and the surrounding residential properties (many occupied by young families) it would be appropriate for any licence to protect residents and require the finishing of drinks at 930, allowing those in attendance to be off the premises for 10pm.

Kind regards,

Sent from my iPhone

From:
Sent: 24 June 2021 11:51
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: 15 Pontcanna St - Ground Bakery

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.

I write with reference to the Premises licence application at Ground Bakery, 15 Pontcanna St, Cardiff.

We are really pleased to see the opening of the new Ground Bakery and what would appear to be a successful first week of trading for them with queues and tables both in and outside being popular.

We trust that Cardiff Council Licensing Department will only allow licensed particularly hours that would ensure adequate time for customers to finish their drinks prior to a reasonable closure of the premises and all public to have left. On this basis a licence to 9.30pm would seem appropriate considering residential properties directly above and opposite.

If the licence is granted we are seeking comfort that the premises would be strictly managed to ensure protection of the amenities of other neighbouring premises, including commercial properties and family houses with young children, by minimising disturbance, and preventing public nuisance - particularly at closing time with people waiting for taxis. To this end we would anticipate Ground has or will be installing CCTV. There is already a well managed licensed premises with CCTV at neighbouring 13 Pontcanna Street that is licensed to 8.30pm with close at 9pm and any outdoor tables taken in by this time. The applicants have a historic licence until 2am at Thomas 3-5 Pontcanna Street that also has CCTV, and have made the point themselves that they have no interest in opening 'Ground' as a late bar as they already have one a few doors away. The applicant has previously advised they are seeking the licence for themed evenings once a month at this premises which we are happy to support.

We wish them well in their new venture.

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