



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	WEDNESDAY, 1 MAY 2024, 10.00 AM
Venue	CR 4, COUNTY HALL - MULTI LOCATION MEETING
Membership	Councillor Ferguson-Thorne Councillors Driscoll and Gunter

### 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 Premises Licence - Rockin Chair, 62-64 Lower Cathedral Road (Pages 3 - 30)

### 3 Urgent Items (if any)

#### D Marles

#### Interim Monitoring Officer

Date: Thursday, 25 April 2024

Contact: Graham Porter,

02920 873401, [g.porter@cardiff.gov.uk](mailto:g.porter@cardiff.gov.uk)

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**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**Agenda Item CO.**

**LICENSING SUB-COMMITTEE: 1 May 2024**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Variation**

**Application No: 094855**

**Name of Premises: Rockin Chair, 62-64 Lower Cathedral Road, Riverside, Cardiff, CF11 6LT**

**Ward: Riverside**

**1. Application**

1.1 An application to vary a Premises Licence has been received from Delta Lounge Cardiff Limited in respect of Rockin Chair, 62-64 Lower Cathedral Road, Riverside, Cardiff, CF11 6LT.

1.2 The licence currently permits the following licensable activity:

i) The sale by retail for consumption on the premises:  
Sunday to Thursday: 11:00 to 23:30 hours  
Friday and Saturday: 11:00 to 00:30 hours

ii) The provision of regulated entertainment in the form of live music (indoors):  
Monday: 20:00 to 22:30 hours  
Thursday to Saturday: 20:00 to 22:30 hours

iii) The provision of regulated entertainment in the form of recorded music (indoors):  
Monday to Sunday: 11:00 to 23:00 hours

iv) The provision of late night refreshment (indoors):  
Sunday to Thursday: 23:00 to 23:30 hours  
Friday and Saturday: 23:00 to 00:30 hours

v) Opening hours:  
Sunday to Thursday: 09:00 to 00:00 hours  
Friday and Saturday: 09:00 to 01:00 hours

1.3 The applicant has applied for the following:

i) The sale of alcohol for consumption on and off the premises:  
Sunday to Thursday 09:00 to 04:00 hours  
Friday and Saturday: 09:00 to 06:00 hours  
New Years Eve: 09:00 hours until the start of permitted hours on New Years Day

ii) The provision of regulated entertainment in the form of films:  
Sunday to Thursday 09:00 to 04:00 hours  
Friday and Saturday: 09:00 to 06:00 hours  
New Years Eve: 09:00 hours until the start of permitted hours on New Years Day

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

Sunday to Thursday 09:00 to 04:00 hours

Friday and Saturday: 09:00 to 06:00 hours

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

iv) The provision of late night refreshment:

Sunday to Thursday 23:00 to 04:00 hours

Friday and Saturday: 23:00 to 06:00 hours

New Years Eve: 23:00 to 05:00 hours

v) Opening hours:

Sunday to Thursday: 09:00 to 04:30 hours

Friday and Saturday: 09:00 to 06:30

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

1.3 To amend/remove the licence conditions as follows:

Condition 1 - The Premises licence shall only remain in force as long as the primary use of the premises is that of a restaurant/ diner.

To be replaced with: The Premises licence shall only remain in force as long as the primary use of the premises is that of a restaurant and bar.

Condition 2 – no change

Condition 3 - Children shall not be allowed into or remain on the premises after 23:00 hours unless accompanied by an adult.

To be replaced with: Children are only permitted in the venue if they are accompanied by an adult at all times.

Condition 4 - The supply of alcohol after 23:00 hours is permitted provided that such a supply is with food only.

To be removed.

Condition 5 – no change

Condition 6 - There shall be no off sales in relation to alcohol.

To be removed as off sales have been applied for (see above).

Condition 7 - Work relating to soundproofing the ceiling between the ground floor and the first floor flat shall be completed prior to the opening of the premises.

To be removed.

Condition 8 – no change

1.4 A site map showing the premises and the plan of the premises can be found in **Appendix A**.

## **Promotion of Licensing Objectives**

2.1 The conditions proposed by the applicant to meet the licensing objectives along with a copy of the current licence conditions 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 Neighbourhood Services (Pollution Control). A copy of the representation can be found attached as **Appendix D**.
- 3.3 A representation has been received from the Senior Licensing Enforcement Officer. A copy of the representation can be found attached as **Appendix E**.
- 3.4 A representation has been received from the Safeguarding – Cardiff Council. A copy of the representation can be found attached as **Appendix F**.
- 3.5 A representation has been received from local Ward Councillors along with representations from local residents (other persons). Copies of the representations can be found in **Appendix G**.

### **4. Legal Considerations**

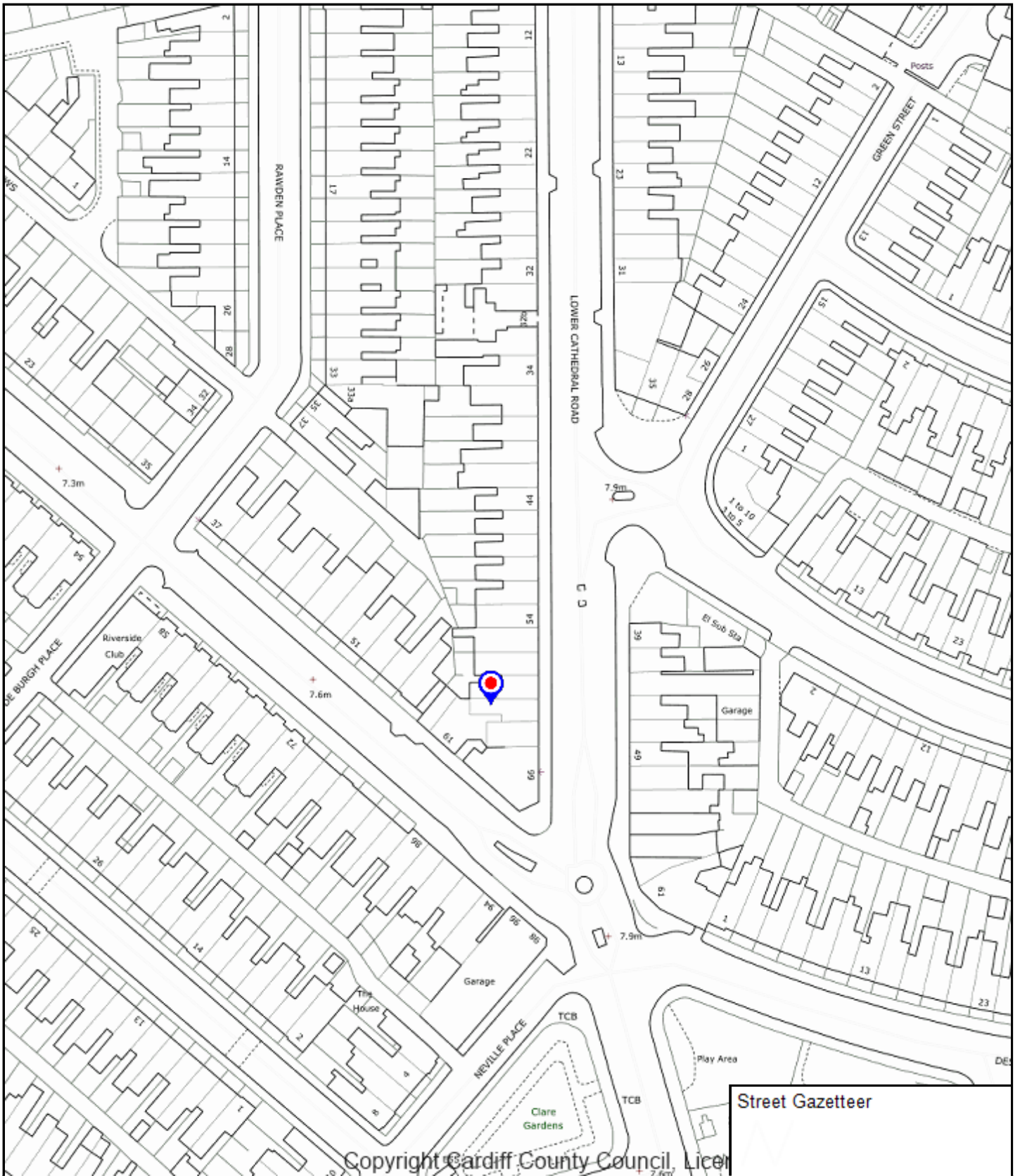
- 4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives, which are:
- Prevention of crime and disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm
- 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.

# **APPENDIX A**

## **Site Map & Plan**



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: 1:1:1250  
 Date: 2024-03-19 08:03:43  
 Coordinates: 317518, 176315  
 © Crown copyright and database rights (2014).  
 This copy is produced specifically to supply  
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**Ordnance Survey AC0000816513 (2023).**





# **APPENDIX B**

## **Operating Schedule and Current Conditions**

*Continued from previous page...*

*Continued from previous page...*

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

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

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 at all times

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

# Premises Licence

## 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.
- (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.

#### **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. 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."
4. 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

## ANNEXES: CONDITIONS continued ...

permitted price.

5. 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-

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

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

6. 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.

7. (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) The Premises Licence shall only remain in force as long as the primary use of the premises is that of a restaurant / diner.
- (2) A CCTV system shall be installed to an agreed standard at the premises and shall cover all areas to which the public have access, including all entrances and exits but excluding toilet facility areas. Images shall be produced as soon as practicable upon the request of the South Wales Police. There shall be a storage facility for images to be kept for at least 31 days. A South Wales Police Architectural Liaison Officer shall approve the system.
- (3) Children shall not be allowed into or remain on the premises after 23:00 hours unless accompanied by an adult.
- (4) The supply of alcohol after 23:00 hours is permitted provided that such a supply is with food only.
- (5) The service of substantial table meals shall be by means of waiter or waitress service only.
- (6) There shall be no off sales in relation to alcohol.
- (7) Work relating to soundproofing the ceiling between the ground floor and the first floor flat shall be completed prior to the opening of the premises.
- (8) Signs to be provided requesting the public to leave quietly at all times

# **APPENDIX C**

**SWP representation**

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**From:**

**Sent:** Friday, February 23, 2024 1:03 PM

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

**Cc:**

**Subject:** Licensing Act 2003: Application to vary a Premises Licence - Rockin Chair, 62-64 Lower Cathedral Road, Cardiff, CF11 6LT

**\*\*\* 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 fgythiadau, 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.

Good Afternoon,

Please find attached South Wales Police response to the above application.

Kind Regards



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Ymateb nad yw'n Argyfwng \ Non-Emergency Response

**URhS Caerdydd a'r Fro**  
Gorsaf Heddlu Bae Caerdydd,  
Stryd James, Bae,  
Caerdydd CF10 5EW  
Teliffon: 01656 869211  
Mewn argyfwng ffoniwch **999**  
Fel arall, ffoniwch **101**  
Gwefan: [www.heddlu-de-cymru.police.uk](http://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](http://www.south-wales.police.uk)

SWYDDOGOL - OFFICIAL

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

23<sup>rd</sup> February 2024

Rockin Chair,  
62-64 Lower Cathedral Road,  
Cardiff,  
CF11 6LT

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT  
2003 – ROCKIN CHAIR, 62-64 LOWER CATHEDRAL ROAD, CARDIFF, CF11 6LT

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within 62-64 Lower Cathedral Road, Cardiff, CF11 6LT will be a late night restaurant facility offering Nigerian food options, live regulated entertainment, the provision of alcohol (both on and off sales). The opening hours proposed as follows:

Sun - Thurs 0900-0430  
Fri- Sat 0900-0630

The application seeks the following licensable activity;

**Late Night Refreshment**

Sun - Thurs 2300-0400  
Fri- Sat 2300-0600

**Provision of Live Music**

Sun - Thurs 2300-0400  
Fri- Sat 2300-0600

**Provision of Recorded Music**

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.



Sun - Thurs 2300-0400  
Fri- Sat 2300-0600

**Provision of Anything of a Similar Description to Live Music, Recorded Music of Performances of Dance**

Sun - Thurs 2300-0400  
Fri- Sat 2300-0600

**Supply of Films**

Sun - Thurs 0900-0400  
Fri- Sat 0900-0600

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

Sun - Thurs 0900-0400  
Fri- Sat 0900-0600

The applicant has been spoken to on 20/02/2024, and the variation 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 variation of the current premises licence for the following reasons. Firstly as per the Cardiff Council's Statement of Licensing Policy. The policy states that applications for late night bars, would not usually be accommodated in residential areas due to the likelihood of disturbance.

South Wales Police wish to further object based on the following licensing objectives, namely those of;

The Prevention of Crime and Disorder,  
Public Nuisance,  
Public Safety  
Protection of Children from Harm

After 2300hrs there is a disproportionate amount of crime, disorder and nuisance associated with alcohol within the city centre, and the surrounding areas, including that of local street drinkers.

South Wales Police feel that the hours requested should be pulled back to negate our concerns in relation to the statement of licensing policy to the following:

Sun - Thurs 0900-0000  
Fri- Sat 0900-0100

**Late Night Refreshment**

Sun - Thurs 2300-0000 (Last orders 2330)  
Fri- Sat 2300-0100 (Last orders 0030)

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.





### **Provision of Live Music**

Fri- Sat 2300-0000

### **Provision of Recorded Music**

Fri- Sat 2300-0100

### **Provision of Anything of a Similar Description to Live Music, Recorded Music of Performances of Dance**

Sun - Thurs 2300-0000

Fri- Sat 2300-0100

### **Supply of Films**

Sun - Thurs 0900-2300

Fri- Sat 0900-0100

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

Sun - Thurs 1000-2330

Fri- Sat 1000-0030

Should the applicant agree to the above timings, then the below representations which South Wales Police deem to be both appropriate and proportionate would be required to promote the above listed licensing objectives. Should the applicant agree to both the requested timings and the below conditions the Police will automatically withdraw their request for a hearing before the Licensing Committee.

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated, at all times the premises are open to the public. The system will cover all internal areas of the premises {Excluding toilets} where the public have access including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

2. Staff authorised to carry out Licensable Activity shall receive initial training in relation to age-related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. Refresher training shall be conducted every 6 months. The DPS shall keep records of such training for a period of at least 18 months.

3. No self-service of alcohol will be permitted at the premises.

4. Alcohol shall be stored and displayed in a secure area behind the service counter away from public access.

5. The premises shall operate a "Challenge 25 Policy" at all times.



6. The premises will adopt the drug safe scheme. A lockable drugs safe will be installed at the premises and accessible only to a police officer, or a member of police staff. Any drugs seized at the premises will be recorded in the premises incident book. This entry will record the date and time of seizure, the details of the person seizing the item, a description of the item and the circumstances of the seizure. Where it is suspected a person is supplying drugs then police will be contacted at the time.

7. An incident log will be maintained at the premises. Each entry shall carry the day, date, and time that each report was made. It will record the follow; The DPS shall use best endeavours to ensure that all incidents are logged on the day of the incident.

A – All crimes reported to the venue

B – All ejections of patrons, with details of the individual(s) if known.

C – All complaints received directly by the premise of a criminal or licensing nature

D – All incidents of disorder of which the premise are aware.

E – The seizure of drugs and offensive weapons.

F – All visits by a responsible authority, or emergency service.

The log shall be made available to the police or other responsible authorities on request. The log shall be retained for a minimum of 12 months.

8. Windows and Doors will be closed from 20:00hrs in order to minimise noise emanating to neighbouring properties. The only exemption to this is to allow the entrance and egress of patrons to and from the premise.

9. On days whereby the premise is open to the public beyond 00:00hrs there shall be a minimum of 4x SIA registered door supervisors employed at the premises and then working at a ratio of 1:100 thereafter on duty from 20:00hrs until closure.

10. There will be a designated smoking area which will be controlled by a SIA door supervisor at times whereby the premise operates past 00:00hrs and the smoking area is in use from 2000hrs.

11. When SIA registered door supervisors are employed on the premises, a minimum of 50% of door supervisors working will utilise a body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a police employee in a readily available format immediately upon request when the premises are open, and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

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



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

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

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

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

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

18. No person under 18 years of age shall be permitted to remain on the premises after 21:00hrs.

As stated by Justice Jay within the East Lindsey District Council V Abu Hanif appeal: “the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.” The Licensing Objectives are therefore prospective and preventative, and as such we submit that in order to ensure that the licensing objectives are upheld with specific regard to the prevention of crime and disorder that this application only be granted with the above conditions attached.

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

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

Yours Faithfully

PS 2027 Justin Hardwick  
Licensing Sergeant

A/Chief Inspector 2107 Jeff Lewis  
Community Safety Department



# **APPENDIX D**

## **Pollution Control representation**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 12 February 2024 16:45  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** FW: The Rocking Chair - 62-64 Lower Cathedral Road - Premises License Application

**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.

In reference to the above license application received on the 7<sup>th</sup> of February 2024, the pollution control department make the follow representation:

Pollution control has considered this application and paid particular attention to the licensing objective '*prevention of public nuisance*', Pollution Control has considered the nature and context of vicinity of the application premises and also considered the Local Authorities Statement of Licensing Policy.

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 currently a café/diner, by allowing the provision of regulated entertainment and live music into early hours raises significant concern to noise and nuisance. In particular where the premises is in close proximity to residential property.

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, and address the other 'key factors' contained in this policy. When applying for later licensing hours, applicants are recommended strongly to demonstrate how the licensing objectives (in particular the prevention of public nuisance) will be met within their Operating Schedule.

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.

It is therefore my position to advise you that under the licensing objective '*prevention of public nuisance*', the pollution control division of the authority will be objecting to the application. I feel the operating schedule does not suitably demonstrate measures that will overcome my concerns, and that variation for extension of hours to licensable activity will not have a negative impact on the licensing objective. The intensification of the licensable activity at a premises that is in close proximity to residential properties will likely cause disturbance especially in the early hours.

Many Thanks

# **APPENDIX E**

## **Licensing Enforcement representation**

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**From:**

**Sent:**

05 March 2024 13:48

**To:**

RE: Licensing Act 2003: Application to vary a Premises Licence - Rockin Chair, 62-64 Lower Cathedral Road, Cardiff, CF11 6LT

The Authority would wish to object to the application on the grounds of Prevention of Public Nuisance. The premises is situation in an area that is outside of the city centre with significant residential surrounding the premises, flats are located directly above and to each side and opposite the premises. The overarching Statement of licensing Policy makes reference to application that are outside of the city centre and therefore outside of the cumulative impact assessment.

In relation to this application the authority considered the operating schedule and the proposals they have put forward and if they are proportionate to mitigate the potential public nuisance from the hours requested. It was considered the proposals would not be suitably enforceable, measurable and therefore realistic in their aim, as such there would remain the risk of still undermining the licensing objective.

It could be considered that this application is looking to extend the diverse offering of entertainment and food which would be predominantly seated which the policy does seek to promote however the balance must be struck in terms of its offering and how that will impact the local residential surrounding.

Given the proposed licensable activity the Operating Schedules should be detailed enough to enable someone to assess whether the proposed steps are sufficient to ensure the licensing objectives are promoted. It is expected that all applicants identify within their Operating Schedules, clear, suitable measures to promote the licensing objectives taking into consideration the area in which the premises is situated. There will be a presumption that the licensing hours requested by an applicant will be granted unless there are relevant objections opposing those hours. Such cases will be determined on their individual merits ensuring any imposed restrictions are appropriate in relation to the licensing objectives. When applying for later licensing hours, applicants are recommended strongly to demonstrate how the licensing objectives (in particular the prevention of public nuisance) will be met within their Operating Schedule

Within Cardiff, there are very few solely commercial areas within Cardiff, with residential dwellings commonly located above and next to licensed premises situated outside the City Centre. Generally in most areas of Cardiff, ambient noise levels fall significantly after 23:00 hours but 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.

With an application of this nature the policy also states applicants need to pay close attention to Noise and nuisance arising not only the type of licensable activity taking place, for example, the playing of music, but also other wider issues that may cause disturbance such as patrons leaving the premises, either on foot or by car, or the disposal of refuse, using external drinking areas, smoking areas or the pavement outside. These should not cause unnecessary nuisance to local residents.

The licensing authority feel the operating schedule does not fully overcome the potential concern for public nuisance and as such would object to the application. It is the authorities view the committee should fully consider the proposal and the operating schedule prior to determining the application for variation.

Kind regards

# **APPENDIX F**

## **Safeguarding Representation**



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**From:**  
**Sent:** 09 February 2024 16:30  
**To:**  
**Subject:** RE: Licensing Act 2003: Application to vary a Premises Licence - Rockin Chair, 62-64 Lower Cathedral Road, Cardiff, CF11 6LT

In regards to this application I do have a couple of issues/concerns. The amendment extends the licencing hours until 4am on all days and 6am on a Saturday-Sunday. This is very late for a premises in a suburban area with residential homes nearby. The application doesn't consider this in any detail, or steps that could be taken to mitigate. The safeguarding concern would be the impact on other residents, people congregating outside whilst intoxicated, noise etc.

In addition, the licencing includes that children and young people won't be permitted to work but does include that everyone would need to be over the age of 16. My recommendation would be to amend this to 18, particularly given the opening hours.

Any questions or comments, just let me know

Kind regards

# **APPENDIX G**

## **Other Persons Representations**

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**From:** )  
**Sent:** 05 March 2024 12:19  
**To:**  
**Subject:** RE: Licensing Act 2003: Application to vary a Premises Licence - Rockin Chair, 62-64 Lower Cathedral Road, Cardiff, CF11 6LT

### **Objection from Councillors Thomson, Singh and Wild**

We believe this application goes against our licensing objectives, the venue is right in the heart of a residential area (with residential properties directly adjoining the site) – and is the wrong place for a heavy drinking and party establishment.

We would ask that officials and committee members are made aware of the specifics of this venue. The venue is in the heart of a residential area and actually directly joined to residential properties. We also ask that you consider that this area has *the* highest levels of child poverty in Wales. We have to be mindful of this in making decisions that could make children's lives even worse (for example by children being awoken late into the night by rowdy drinkers metres away from their bedroom windows).

We believe allowing application would go against the licensing objecting of **Preventing of Crime and Disorder**. There have been violent crimes take place at the venue late at night when the venue holds events (we assume using a temporary license). The police have a record of this. We have spoken to the police who share our concern about this application. Allowing prolonged drinking very late into the early hours will not help this.

In particular the application goes against the following licensing objective: **Prevention of Public Nuisance**. Clearly allowing late night drinking, vertical drinking, music and events in a residential area does not comply. For the sake of clarity the following would cause a public nuisance:

- Large numbers of people coming and going late at night.
- The venue also uses the street front as a smoking area which brings noise
- People leaving the venue after drinking alcohol are invariably noisy and rowdy – this is likely to keep people awake and cause other knock-on anti-social behaviour, as well as keep children from sleeping.

We would like to clarify that despite these concerns over the license application, we are keen to be supportive of the venue as an important cultural venue, and a restaurant business that is popular and welcoming. Our issue is with the hours and lateness of this application.

We would also be happy to meet with the owners to support community cohesion.

Yours sincerely

Councillors Singh, Thomson and Wild

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## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 28 February 2024 17:07  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Objecting Licence Application for Name of Applicant: Delta Lounge Cardiff Ltd.  
Postal address of premises: 62-64 Lower Cathedral Road, Riverside, Cardiff. CF11 6LT

**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 Thanks for your public notification for the above address.

I object the application on the ground that the area is residential and increasing opening hours and serving alcohol at Delta Lounge until late hours would have adverse effect on kids, families and working resident.

Kind Regards

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 28 February 2024 18:02  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Delta lounge application

**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 sir/madam

Re: delta lounge application, 62-64 lower cathedral road, Cardiff

I wish to oppose strongly the above application on the grounds that there is a significant problem with alcohol in the area and alcoholics, you only have to visit the area and see mums, children, etc terrified of entering the local parks at certain times as drunks are either fighting there, lying there, urinating, general asbo behaviour, we as residents have put up with a lot with safe houses for alcoholics on the corner of Machen place/Gloucester street, Clare street and obviously dyfrig house, not to mention the overwhelming inroads project on neville street and we don't need this on our doorstep. The off licence on lower cathedral road, premier, attracts all the trouble in the world, when that was closed, for many years all was quiet.

Growing up opposite these premises when it was called rajahs, I remember when they would sell alcohol till late have live and recorded entertainment and it was a bundle of trouble for us and our neighbours constantly, we never for years had any peace no matter how much the owner Charlie promised it, never mind the ongoing fighting, loud music, drunks vomiting on the street but we had our windows smashed in from spillover from fighting, and then were the days when you would have a bobbie on the bear, with police cutbacks nowadays, the police would have their hands full...with riverside being one of the smallest areas in cardiff, it does not require this on its doorstep, it's a family oriented area, the punters for this venue will be from out of the area and not one of the owners will be able to promise that there will be any of the above that I have mentioned.

Kind regards

[Sent from Yahoo Mail on Android](#)

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