

**LICENSING SUB-COMMITTEE: 5th October 2018
Report of the Head of Regulatory Services**

Application for Premises Licence - Variation

Licence No: CCCP01616

Name of Premises: Snails, 6/8 Beulah Road, Rhiwbina, Cardiff, CF14 6LX

Ward: Rhiwbina

1. Application

1.1 An application for variation of a Premises Licence has been received from Rupert Sykes in respect of Snails, 6/8 Beulah Road, Rhiwbina, Cardiff, CF14 6LX.

1.2 The applicant has applied to amend the licensable hours as follows:

- i) To extend opening hours to 23:30 hours Monday to Sunday.
- ii) To extend the hours permitted for the sale of alcohol and to allow off sales as follows:

Monday to Sunday: 08:00 to 23:00

New Years Eve: 08:00 until the start of permitted hours on 1st January

1.3 To remove regulated entertainment from the licence.

1.4 To amend condition (3) to allow use of the external area until 21:00 hours.

1.5 To remove condition (2) which restricts alcohol sales to persons taking table meals.

2. Promotion of Licensing Objectives.

2.1 A copy of the operating schedule submitted with the application is attached.

3. Relevant Representations

3.1 A representation has been received from South Wales Police, a copy of which is attached.

3.2 A representation has been received from the Noise Pollution team, a copy of which is attached. The conditions suggested by them have been agreed by the applicant and therefore the representation has been withdrawn.

3.3 A representation has been received from the local ward Councillors. A copy of the objections is attached.

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.

Dave Holland
Regulatory Services

20 September 2018

Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 2(2)

- I have enclosed the premises licence
 I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

1. No alcohol supplied to persons not seated. 2. Alcohol supplied by waiter/waitress service
3. Introduction of CCTV

b) The prevention of crime and disorder

Police advice will be sought regarding the installation and siting of CCTV.
Requirement of an incident book to record where any incidents of crime and disorder has occurred and any sales of alcohol have been refused.
Adequate staff training regarding the sale of alcohol.

c) Public safety

All Fire certificates to be kept up to date appliances regularly serviced.
There is a ramp at the premise which links the ground floor to an upper level area and the garden. No stairs.

d) The prevention of public nuisance

Disposal of waste is kept outside the premises.
Notices to be displayed reminding patrons to respect the needs of local residents by leaving the premises and surrounding area quietly.

e) The protection of children from harm

Barker, Kirstie

From: [REDACTED]
Sent: 05 September 2018 09:45
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Snails - 6-8 Beulah Rd, Rhiwbina
Attachments: Letter from CI Signed.pdf; Letter from CI.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 fgythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

Good morning.

Please see attached SWP reps for Snails variation application.
The conditions requested reflect those offered by the applicant in the application, as well as those agreed during consultation.
Word copy included for your convenience.

Kind regards

John



PC 946
John Crowther 
Swyddog Trwyddedu / Licensing officer.
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

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.

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.



Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW
05 September 2018

Rupert Sykes,
Snails,
6-8 Beulah Road,
Rhiwbina,
Cardiff,
CF14 6LS

APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003.
SNAILS, 6-8 BEULAH ROAD, RHIWBINA, CARDIFF, CF14 6LS

Dear Mr Sykes,

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 the police when determining the grant of this application.

Should the applicants 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.

POLICE REPRESENTATION

1. This premises licence shall remain in force only so long as the premise is operated by Rupert Sykes and/or Fran Sykes.

2. A CCTV system shall be installed to an agreed standard as approved by South Wales Police. It will 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 outside area used by patrons. The images will be stored for a minimum period of 31 days and will carry date and time markings.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

The images will be produced to a police employee in a readily playable format 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. Signs will alert patrons to the use of CCTV at the premises.

3. An incident book shall be kept at the premises. Any incident of crime or disorder witnessed by staff or any incident reported by customers is to be noted in the log. The following information shall be recorded in relation to each incident:
 - a. Date and time of the incident.
 - b. Name of person making the report.
 - c. Names of the parties involved (if known) or description of the parties (in as much detail as possible).
 - d. Nature of the incident.
 - e. Any action taken thereafter.
 - f. Visits from Emergency Service personnel.

The book shall have sequentially numbered pages. Staff shall be trained in relation to their responsibility to complete an incident report. Sight of incident reports will be made available to South Wales Police on request.

4. Windows and doors shall be kept closed at all times after 21:00 hrs daily, except for entry and/or exit purposes.
5. There shall be no external audio speakers of any description used at the premises.
6. There shall be no music at the premises after 23:00 hrs daily.
7. Alcohol supplied for consumption on-premises shall only be supplied to persons who are seated; such service shall be made by waiter/waitress.
8. Alcoholic beverages shall not be removed from the premises unless in sealed containers.
9. There shall be no consumption of alcoholic beverage at the external front of the premises.
10. Alcohol sold or supplied between the hours of 08:00–11:00 hrs for consumption on premises shall only be made to persons partaking of a table meal.
11. All customer-focussed staff shall receive training in relation to age-related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. The DPS shall keep records of such training for a period of at least 12 months.

AND

To amend condition 2(5) to read "There will be clear and legible signage displayed which requests that patrons leave the premise and the area in a quiet and respectful manner, so as not to inconvenience or disturb residents or nearby businesses".

To amend condition 2(4) to read "...between 21:00 and 08:00 hrs"

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 PC 946, John Crowther, at Cardiff Bay police station, Licensing Department on 101(South Wales) ext. 34-950.

Yours sincerely,
J Jones
Chief Inspector

 A/CI 1232
PP
P/S 11625

Barker, Kirstie

From: Thayer, Simon J [REDACTED]
Sent: 10 September 2018 12:15
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc: [REDACTED]
Subject: FW: SR: 634769 - LICENCE VARIATION, SNAILS DELI LTD., 6-8, BEULAH ROAD, RHIWBINA, CARDIFF, CF14 6RQ

Comments back from the Licence applicant.

They have agreed to my conditions and have therefore overcome my objection.

With regards,.



Mr Simon Thayer
Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg
Phone | Ffôn: 03001236696
e-mail / e-bost: [REDACTED]

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.



From: [REDACTED]
Sent: 10 September 2018 11:29
To: Thayer, Simon J
Subject: Re: SR: 634769 - LICENCE VARIATION, SNAILS DELI LTD., 6-8, BEULAH ROAD, RHIWBINA, CARDIFF, CF14 6RQ

Dear Mr Thayer,

Both my husband I agree to your revised version, for our application.
We thank you again, for coming to visit us and listening.
Yours sincerely,

Mr & Mrs R. Sykes

On 10 Sep 2018, at 11:05, Thayer, Simon J <[REDACTED]> wrote:

Comments relating to the Licence variation.

With regards,

<image001.png> **Mr Simon Thayer**
Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg
Phone | Ffôn: 03001236696
e-mail / e-bost: [REDACTED]

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<634769__SRSEP031-CardiffCouncilRepresentationFormWORD_20180910100228.pdf>



Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation

Your Name:	Simon Thayer
Your Address:	City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND
Phone Number:	03001236696
E-mail:	[REDACTED]

Details of premises representation is about

Name and Address of Premises:	Snails Delicatessen, 6 - 8, Beulah Road, Rhiwbina, Cardiff, CF14 6LX
Application Number: (if known)	634769

Please tick one or more of the licensing objectives that your representation relates to:

Prevention of crime and disorder	<input type="checkbox"/>	Yes
Public Safety	<input type="checkbox"/>	Yes
Prevention of public nuisance	<input checked="" type="checkbox"/>	Yes
Protection of children from harm	<input type="checkbox"/>	Yes

Please summarise your concerns about this application:

I would wish to object to this application for a variation to a premises licence under the "Prevention of Public Nuisance" objective.

I have no issues with any of the proposed variations except for:

The limitation on the use of the external dining area to the rear of the premises be varied from 19:30 to 21:00.

My objection would be overcome should the applicant agree (and in conversations with Ms Fran Sykes it has been indicated they would) to the following conditions:

1. Hours for use of the external dining area to the rear of the premises be limited to:
Sunday to Thursday 08:00 to 19:30
Friday to Saturday 08:00 to 21:00
2. The door to the external dining area to the rear of the premises must be kept closed, when any entertainment in the form of live music is played indoors.
3. A notice will be displayed on the door to the rear external area stating that it must not be opened, other than in an emergency, between the hours:
Sunday to Thursday 19:30 to 08:00
Friday to Saturday 21:00 to 08:00

Please give further details of why you believe this application will have an adverse effect on the licensing objectives:

I believe there is the potential for the licensing objective "Prevention of Public Nuisance" not to be met.

The potential noise from the patrons utilising the external area until 21:00 seven days a week could impact upon the nearby residential accommodation.

This is an intensification of the existing use of the external area which is currently restricted to:

08:00 to 19:30 seven days a week.

The authority deals with all representations received in an open and transparent manner. By law the authority must provide the details of any representation to the applicant. The authority will also provide full details to the Licensing Committee to ensure that members have the full information when determining any application at a hearing. Details of any hearing must be made publically available and will be available on the Council website.

By submitting this form you are giving permission for the authority to make the information supplied publically available.

Return your completed form to:

By Post:

Licensing Section, City of Cardiff Council, Room 203 City Hall, Cardiff CF10 3ND

By E-mail:

licensing@cardiff.gov.uk

Barker, Kirstie

From: Robson, Adrian (Cllr)
Sent: 09 September 2018 19:36
To: Barker, Kirstie
Cc: Griffiths, Paul (PPE); Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Cowan, Jayne (Cllr); Owen, Oliver (Cllr)
Subject: Variation - Snails - 6-8 Beulah Road
Attachments: Snails Variation of Licence.docx

Hello Kirstie,

Please find attached submission from Jayne, Oliver and I regarding the Snails Licence variation.

With best wishes,

Adrian

Adrian Robson

**Councillor for Rhiwbina and Pantmawr
Cynghorydd dros Rhiwbeina a Pantmawr**

**Leader of the Opposition
Arweinydd yr Wrthblaid**

**Cardiff County Council
Cyngor Sir Caerdydd**

arobson@cardiff.gov.uk / arobson@caerdydd.gov.uk

Twitter: @adrian1robson

We would like to submit the following response in relation to Mr Rupert Sykes' application for a variation of a premises licence for Snails, 6-8 Beulah Road, Rhiwbina, Cardiff, CF14 6LX.

We are aware that neighbours who live in very close proximity to the business have ongoing concerns regarding variations 1,2,3 and 4 of the proposed variation to the existing licence, due to the likely increase in noise disturbance this would cause them and we would therefore urge the Council to disallow these variances to the current licence.

In terms of the four tests of licencing:

- 1) It is thought that the variation will make minimal difference to the level of **crime and disorder** in and adjacent to the premises.
- 2) There is a strong concern regarding the **prevention of public nuisance**. When the original licensing application was submitted, there were concerns about the application and how it would affect neighbours to the rear as well as the residential unit adjacent to Snails. The Annex 2 condition that "The external dining area to the rear of the premises shall not be open to the public from 1930 hrs to 0800hrs" was added by the licensing sub-committee following representations from neighbours. The position has not changed and neighbours are deeply concerned that the removal of this condition would increase public nuisance.

In addition, it should be noted that in relation the neighbouring unit to 4 Beulah Road, a planning inspector considered that an appeal for a change of use to an A3 wine tasting/wine shop should be dismissed.

In his report of 27th February 2015 (Appeal Ref: APP/Z6815/A/14/2229891), the inspector stated: *"6. The properties across the road from the appeal site are in close proximity to its entrance. There is accommodation above the appeal premises and there also appears to be residential accommodation above the next door property and commercial properties across the road. The living conditions of the residents of these properties are likely to be harmed by the additional noise and disturbance from the comings and goings and clients lingering outside the premises as a result of this proximity.*

7. There is already some development within this area that could contribute to noise during the evening and night time. However, any noise and disturbance from the appeal premises during the proposed hours would be over and above those existing and would be likely to cause additional harm. Moreover, it is likely that the appeal property would become a focal point for additional activity during the evening hours, thus prolonging any existing harm."

Whilst acknowledging that these comments relate to a planning appeal at a neighbouring property, we believe that they are salient to the public nuisance concerns this licence variation application generates.

We also note that the variation is for off-sale alcohol until 23:00. This would need the management to carefully police those wanting to purchase off-sale alcohol and the sub-committee needs to be certain appropriate procedures are in place.

- 3) In relation to **public safety** we would request the licencing sub-committee seek assurances that limits on the number of people can be maintained with this variation.
- 4) On the issue of the **protection of children from harm**, there is a risk that the extension of hours for the sale of alcohol to 23:00 may increase the exposure of children a different atmosphere from that which is generated by diners.

However, we would not object to point 5 of the proposed variation of the licence which would allow the business to serve alcohol as per the current unextended hours to those taking and not taking table meals. We would ask that the sub-committee seek assurance that this would not be detrimental to neighbouring properties as a public nuisance or increase any risk to children.

Cllr Jayne Cowan, Cllr Oliver Owen and Cllr Adrian Robson,
Rhiwbina and Pantmawr



CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



Title
 Scale: 1:1417
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