

**LICENSING SUB-COMMITTEE: 22<sup>nd</sup> February 2019**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Variation**

**Licence No: CCCP00454**

**Name of Premises: Old Havana, 6 High Street, Cardiff, CF10 1AW**

**Ward: Cathays**

**1. Application**

1.1 An application for variation of a Premises Licence has been received from Old Havana (Cardiff) Ltd in respect of Old Havana, 6 High Street, Cardiff, CF10 1AW.

1.2 The premises licence currently permits the following:

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

Monday to Wednesday: 09:00 to 00:00

Thursday to Saturday: 09:00 to 00:30

Sunday: 09:00 to 23:30

Sunday preceding a Bank Holiday: 09:00 to 00:30

Good Friday: 09:00 to 23:30

Christmas Day: 09:00 to 23:30

New Years Eve: 09:00 to 02:00

The provision of late night refreshment (indoors):

Monday to Wednesday: 23:00 to 00:00

Thursday to Saturday: 23:00 to 00:30

Sunday: 23:00 to 23:30

Sunday preceding a Bank Holiday: 23:00 to 00:30

Good Friday: 23:00 to 23:30

Christmas Day: 23:00 to 23:30

New Years Eve: 23:00 to 02:00

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

- (i) To vary the layout of the premises in accordance with plans supplied by the applicant.

(ii) To add live music and recorded music as a licensable activity.

(iii) To extend the permitted hours as follows:

The sale by retail of alcohol for consumption on and off the premises:  
Monday to Sunday 09:00 to 01:30

The provision of regulated entertainment in the form of live and recorded music:  
Monday to Sunday 09:00 to 01:30

The provision of late night refreshment (indoors and outdoors):  
Monday to Sunday 23:00 to 01:30

**2. Promotion of Licensing Objectives.**

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

**3. Relevant Representations**

3.1 An objection has been received from South Wales Police. The objection has been submitted as the Cumulative Impact Policy applies in respect of the application. The Police have requested conditions are added to the licence should the Licensing Sub-Committee decide to grant the application. The conditions suggested have been agreed by the applicant. A copy of the objection is attached.

3.2 An objection has been received from a Licensing Enforcement Officer as the Cumulative Impact Policy applies in respect of the application. A copy of the objection is attached.

3.3 An objection has been received from the Noise Pollution team. A copy of the representation 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**

**01 February 2019**

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

- Door staff (SSA registered)
- Trained Bar staff in Alcohol awareness
- Nite net / Store net ~~and~~ radio scheme.
- Personal license holder on site at all times.

**b) The prevention of crime and disorder**

We will train all staff and door staff to use the nite net system or store net radio

**c) Public safety**

Anyone who is intoxicated will not be allowed in to the premises

**d) The prevention of public nuisance**

- Staff will be trained on alcohol awareness
- Signs to respect our neighbours will be displayed

**e) The protection of children from harm**

Challenge 25 scheme in place, full training for staff

## Barker, Kirstie

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**From:** [REDACTED]  
**Sent:** 24 January 2019 12:03  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);  
[REDACTED]  
**Subject:** Application to Vary a Premises Licence- Old Havana.  
**Attachments:** 20190124112024120.pdf; Jukes Headed Paper- Old Havana.doc

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To whom it may concern,

Please find attached Police representation made in respect of the above application to vary the existing premises licence. South Wales Police object to the granting of the variation as applied for on the basis that the application falls within the Cumulative Impact Policy.

However, should the committee be so minded to grant the application, then I attach representations made by South Wales Police in respect of suitable conditions to be attached to the premises licence.

Rob Gunstone  
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

•: 02920 634 159 | Ext: 34504 | Mobile: [REDACTED]

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.

Your views are important to us, please follow the link to complete a short survey to help us understand the communities of South Wales.



SWYDDOGOL – OFFICIAL

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

23rd January 2019

Old Havana  
6 High Street.  
Cardiff.  
CF10 3ND.

APPLICATION TO VARY A PREMISES LICENCE. LICENSING ACT 2003.  
OLD HAVANA, 6 HIGH STREET. CARDIFF CF10 3ND.

To whom it may concern,

I have caused enquiries to be made into this application. The premises is an existing business and is located at High Street in Cardiff. This is an area of the city centre which has, over the last eighteen months, seen a considerable growth in the number of licensed premises located within a short distance. The premises sits within the area as defined by Cardiff City Council as being that covered by their Cumulative Impact Policy. As such, South Wales Police object to the granting of the variation to the existing premises licence as applied for on the basis that the applicant must demonstrate to the Council Licensing Sub-committee that the applicant will put in place sufficient measures to ensure that there will be no additional impact made by the premises on the area.

However, should the Licensing sub-committee be so disposed to grant the application as requested, then the Police make the following representations which are deemed to be appropriate and proportionate to promoting and upholding the licensing objectives, namely;

The Prevention of Crime and Disorder.

Public Safety.

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.

**NOT PROTECTIVELY MARKED**

CONDITIONS OFFERED BY THE APPLICANT.

General.

Door staff- { SIA Registered}- Formalised in Police representations below, Conditions 1-5 inclusive.

Trained bar staff in Alcohol Awareness  
Prevention of Crime and Disorder.

We will train all staff and doorstaff to use the the nite net system and store net radio.-

Public Safety.

Anyone who is intoxicated will not be allowed into the premises.

Prevention of Public Nuisance.

Staff will be trained on alcohol awareness.

Signs to respect our neighbours will be displayed.

The Protection of Children from Harm

Challenge 25 scheme in place, full training for staff.

POLICE REPRESENTATIONS.

In addition to the above conditions offered by the applicant, the Police make the following representations, made to support the following licensing objectives;

Prevention of Crime and Disorder;

- 1.SIA registered door supervisors will be employed at the premises on Fridays, Saturdays and those Sundays immediately prior to Bank Holidays, from 21:00hrs until the premises closes. They will be a minimum of two door supervisors at the premises at any one time on these days.
- 2.On those days designated by South Wales Police as major event days in the City Centre and Bay areas of Cardiff, SIA registered door supervisors will be employed {with a minimum of two door supervisors at any one time} at the premises from either 4pm that day or no less than two hours before the commencement of the event, whichever is earlier, until closure of the premises.
3. When SIA registered door supervisors are employed at the premises they will utilise at least one 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.

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

4. A register of door supervisors shall be kept at the premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee or representative of a Responsible Authority on request;

The premises is situated on High Street occupying the ground floor of a premises situated at No. 11 High Street. Without accredited doorstaff, reliance is placed upon Bar staff and management to interact with persons and require them to leave if necessary. The Police submit that suitably accredited personnel should be employed on those days of the week when this is most likely to be required and on those days when the area is at its busiest. In addition the Police request that these door staff are suitably equipped with Body Worn Video devices to allow best evidence to be captured should such incidents arise.

5. When door supervisors are employed at the premises, the premises will utilise an electronic counting device (or provide two clicker-type counting machines) for monitoring the number of patrons entering and leaving the premises.

The use of such devices promotes public safety and contributes towards the prevention of crime and disorder in ensuring patrons have room to move freely around the venue without customers colliding with each other.

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

Ensures that the premises maintains control of alcohol sold by them.

7. The premises will operate a South Wales Police approved radio system.

This condition is to ensure the timely sharing and receipt of information pertinent to upholding the Licensing objectives, principally the Prevention of Crime and Disorder. .

8. The Operator will be an active member of the Cardiff Licencees Forum.

This condition promotes and upholds the Prevention of Crime and Disorder in that it ensures that the premises receives information pertinent to the managing of the premises in relation to Major Event days within Cardiff City Centre.

9. An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to an authorised officer of the local authority or a member of police staff, which will record the following:

All crimes reported to the venue

Any complaints received (of a Criminal or Licensing nature)

Any incidents of disorder

Any refusal of the sale of alcohol

Any visit by a representative of a relevant authority or a member of the emergency services.

Any failures of the CCTV system.

**NOT PROTECTIVELY MARKED**



**NOT PROTECTIVELY MARKED**

10.. 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 where the public have access {excluding toilets} 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.

The proposed condition sets out exactly what is required of such a condition to the avoidance of doubt and as such is deemed more appropriate to the upholding of the Prevention of Crime and Disorder.

11. The DPS or a personal licence holder will be on the premises at all times licensable activities are taking place.

This condition is requested to ensure the premises are run responsibly and that the licensing objectives are upheld and maintained at the premises.

12. There will be no mobile alcohol sales persons of any sort

This condition seeks to support the licensing objective of public safety to ensure that persons consuming alcohol are making regular visits to the bar within the premises and that their intoxication levels are monitored by staff who may refuse service of alcohol to drunks.

13. On days declared as major event days by South Wales Police, non-glass vessels shall be used from opening until close. No alcohol shall be supplied in glass on such days.

14. There shall be no consumption of food or drink in the external seating area after 23:00 hours daily.

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

16. No sales of alcohol for the external area will be conducted from either a bar located within this external area or from mobile sales persons of any sort, such as 'shot sellers'

Yours faithfully,

R Miles.

A/ Chief Inspector.

**NOT PROTECTIVELY MARKED**

## **Barker, Kirstie**

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**From:** Morgan, Rhys  
**Sent:** 02 January 2019 10:57  
**To:** Barker, Kirstie  
**Subject:** RE: Licensing Act 2003: Application to vary a Premises Licence - Old Havana, 6 High Street, Cardiff, CF10 1AW

Hi Kirstie,

Please find the Licensing authorities objection in relation to the above application.

In regard to the above application to grant premises license, I wish to advise that the Licensing Authority of Cardiff Council will be objecting to the application.

A Cumulative impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance.

The policy creates a presumption that new applications for Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Zone and therefore an objection is submitted in respect to the following Licensing Objectives.

The prevention of crime and disorder.  
The prevention of public nuisance.

There has been insufficient detail in the application on how the promotion of the licensing objectives will be undertaken and little details within the operating schedule for how the cumulative impact will be mitigated along with the prevention of crime and disorder and Public Nuisance. Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Cumulative Impact Policy. The application falls within the Cumulative impact policy as the additional measures that can be adopted by the applicant have not been met and the alcohol sales fall outside of the core hours of 09.00 to 01.00.

You will need to demonstrate to the Licensing Sub-Committee that there will be no negative cumulative impact on one or more of the licensing objectives if the Premises Licence were to be granted.

Kind regards

**Rhys Morgan**

**Licensing Section / Adran Drwyddedu**

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir  
Bridgend, Cardiff and the Vale of Glamorgan  
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg



Shared Regulatory Services  
Gwasanaethau Rheoliadol a Rennir

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**Barker, Kirstie**

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**From:** Williams, Rebecca [REDACTED]  
**Sent:** 22 January 2019 18:18  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** CCCP/00454 objection  
**Attachments:** 658643\_\_SRSEP031-CardiffCouncilRepresentationFormWORD\_20190122174528.pdf

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Please find attached the representations from noise pollution.

Kind Regards,

Rebecca



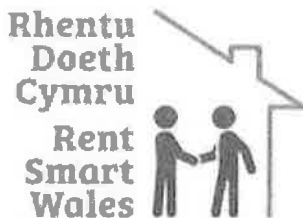
**Mrs Rebecca Williams |  
Environmental Health Officer | Swyddog Iechyd Yr Amgylchedd  
Neighbourhood Services**

Shared Regulatory Services | Gwasanaethau Rheoliadol a Rennir  
Bridgend, Cardiff and the Vale of Glamorgan  
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[REDACTED]  
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*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.*

*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.*



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**Representation Submission Form**

**Licensing Act 2003 - Representation in respect of Premises Licence Applications**

**Details of person or body making representation**

<b>Your Name:</b>	<b>Rebecca Williams</b>
<b>Your Address:</b>	<b>City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND</b>
<b>Phone Number:</b>	██████████
<b>E-mail:</b>	████████████████████

**Details of premises representation is about**

<b>Name and Address of Premises:</b>	<b>6 High Street, Cathays, Cardiff, CF10 1AW</b>
<b>Application Number: <i>(if known)</i></b>	<b>658643</b>

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

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

**Please summarise your concerns about this application:**

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

The proposal involves the

1. To vary the layout of the premises in accordance with plans supplied by the applicant.
2. To add live music and recorded music as a licensable activity
3. To extend the permitted hours as follows:
  - (i) The sale by retail of alcohol for consumption on and off the premises: Monday to Sunday 09:00 to 01:30
  - (ii) The provision of regulated entertainment in the form of live and recorded music: Monday to Sunday 09:00 to 01:30
  - (iii) The provision of late night refreshment (indoors and outdoors): Monday to Sunday 23:00 to 01:30

My main concerns with this premises is that there are residential units directly opposite, which will potentially be affected by the music from recorded and live entertainment.

**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 for the following reasons:

**Regulated Entertainment & Live music**

I am concerned that allowing the premises to provide live and recorded music until 01:30 would cause an unreasonable noise disturbance to local residences, which by my estimation numbers approximately 20 properties within a radius of 50m.

Research into the licensed premises demonstrates that other licensed premises surrounding this premises have had conditions imposed on their license to ensure they comply with the licensing objective.

Therefore I would agree to remove this objection if the following conditions were agreed and included on the premises license:

1. All windows and doors are closed when recorded and live music is played beyond 21:00.
2. A noise limiter is to be installed and connected to all sound equipment to ensure the noise from recorded and live music is played, which should be set by a qualified acoustic consultant and agreed by the Noise Pollution department.

**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.**

<b>Return your completed form to:</b>	
<b>By Post:</b>	<b>Licensing Section, City of Cardiff Council, Room 203 City Hall, Cardiff CF10 3ND</b>
<b>By E-mail:</b>	<b><a href="mailto:licensing@cardiff.gov.uk">licensing@cardiff.gov.uk</a></b>



CHIEF EXECUTIVE  
Paul Orders

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**




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