

LICENSING SUB-COMMITTEE: 18 OCTOBER 2019

Report of the Head of Regulatory Services

Application for Variation of a Premises Licence

Application No: 042050

Name of Premises: The Pontcanna Inn, 36 Cathedral Road, Pontcanna, Cardiff
CF11 9LL

Ward: Riverside

1. Application

- 1.1 An application for a variation of a premises licence has been received from The City Pub Group PLC in respect of; The Pontcanna Inn, 36 Cathedral Road, Pontcanna, Cardiff CF11 9LL
- 1.2 A site plan of the premises can be found in *Appendix A*.
- 1.3 The premises licence currently permits the following:
 - (i) The sale by retail of alcohol for consumption on and off the premises:
Monday to Sunday: 10:00 to 00:00 hours
To residents of the hotel: 24 hours a day, 7 days a week
New Year's Eve: Until the start of permitted hours on 1 January
 - (ii) The provision of late night refreshment (indoors & outdoors):
Monday to Sunday: 23:00 to 00:30 hours
New Year's Eve: 23:00 to 05:00 hours
 - (iii) Recorded Music (indoors & outdoors):
Monday to Sunday: 10:00 to 23:00 hours
New Year's Eve: 10:00 to 02:00 hours
 - (iv) Live Music (indoors & outdoors):
Monday to Sunday: 10:00 to 23:00 hours
New Year's Eve: 10:00 to 02:00 hours
 - (v) Entertainment of a similar description (indoors & outdoors):
Monday to Sunday: 10:00 to 23:00 hours
New Year's Eve: 10:00 to 02:00 hours
 - (vi) Exhibition of films (indoors & outdoors):
Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours
New Year's Eve: 10:00 to 02:00 hours

- (vii) Indoor Sporting Event:
Monday to Saturday: 10:00 to 23:30 hours
Sunday: 10:00 to 23:00 hours
New Year's Eve: 10:00 to 02:00 hours

1.4 A copy of the Annex 2 conditions currently attached to the premises licence can be found in ***Appendix B***.

1.5 The applicant has applied to vary the premises licence as follows:

(i) To vary the layout of the premises to extend the area for licensable activities to include the car park

(ii) If granted, to add the following:

The area hatched green on the premises licence plan shall only be used for the consumption of alcohol and other licensable activities on days when major sporting events are taking place or for private functions. A copy of this plan can be found in ***Appendix C***.

2. Promotion of Licensing Objectives.

2.1 The applicant's proposed conditions for the promotion of the licensing objectives are set out in the operating schedule of the application, a copy of which can be found in ***Appendix D***.

3. Relevant Representations

3.1 A representation has been received from South Wales Police in respect of the applicant's proposals. A copy of this representation can be found in ***Appendix E***.

3.2 A representation has also been received from Cardiff Council's Neighbourhood Services team in respect of the applicant's proposals. A copy of this representation can be found in ***Appendix F***.

4. Legal Considerations.

4.1 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.

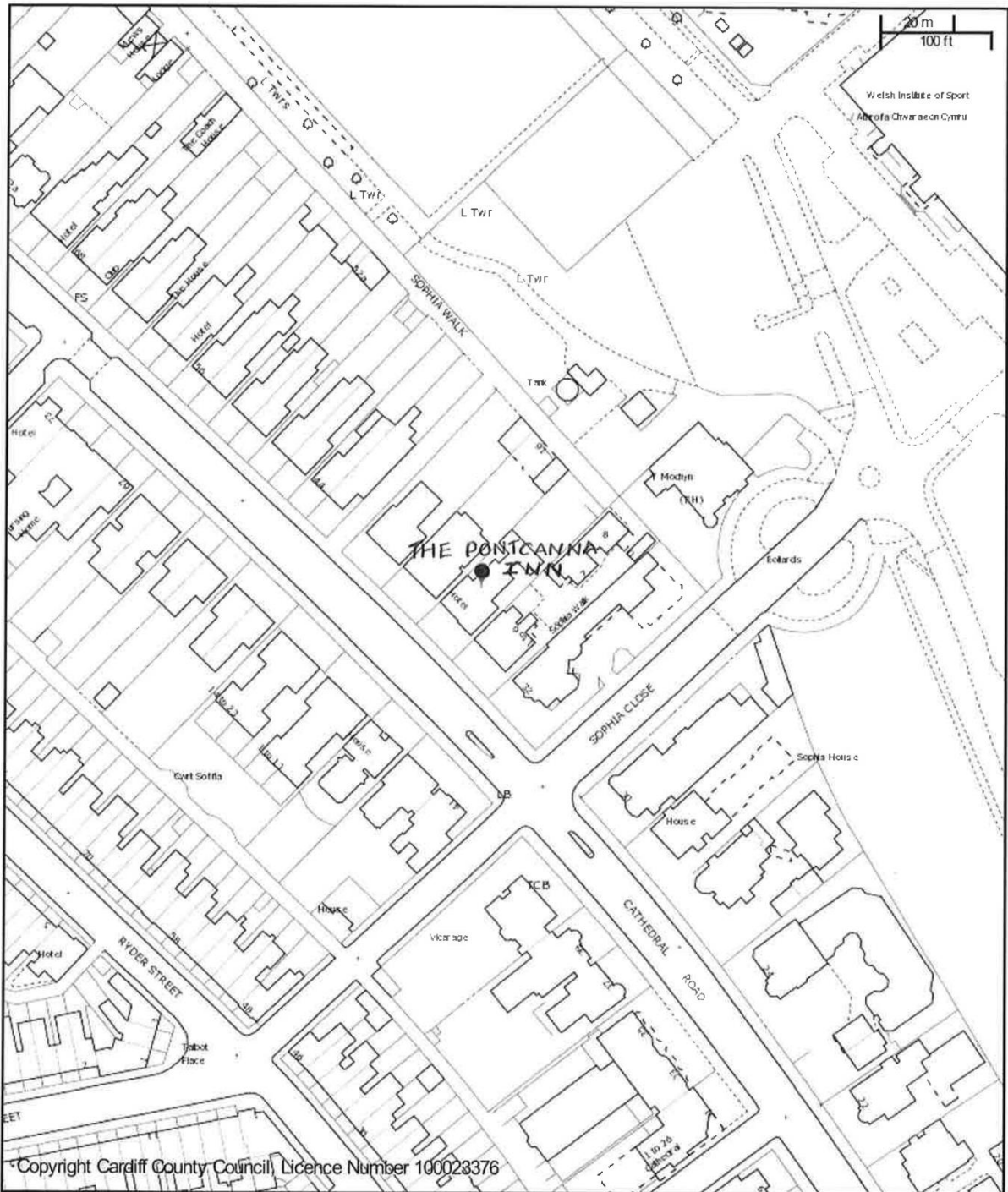
5. Issues for Discussion.


- 5.1 The application should be determined.

Dave Holland
Regulatory Services

2 October 2019

Site Plan of The Pontcanna Inn



<p>CHIEF EXECUTIVE</p> <p>Neuadd y Sir, Glanfar Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088</p> <p>County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087</p>	<p>Cyngor Caerdydd</p> <p>Cardiff Council</p> 	<p>The Pontcanna Inn, 36 Cathedral Road, Pontcanna, Cardiff CF11 9LL</p> <p>Scale: 1:1417 Date: 4/10/2019 at 11:26 AM Coordinates: © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made.</p>
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Conditions currently attached to Premises Licence

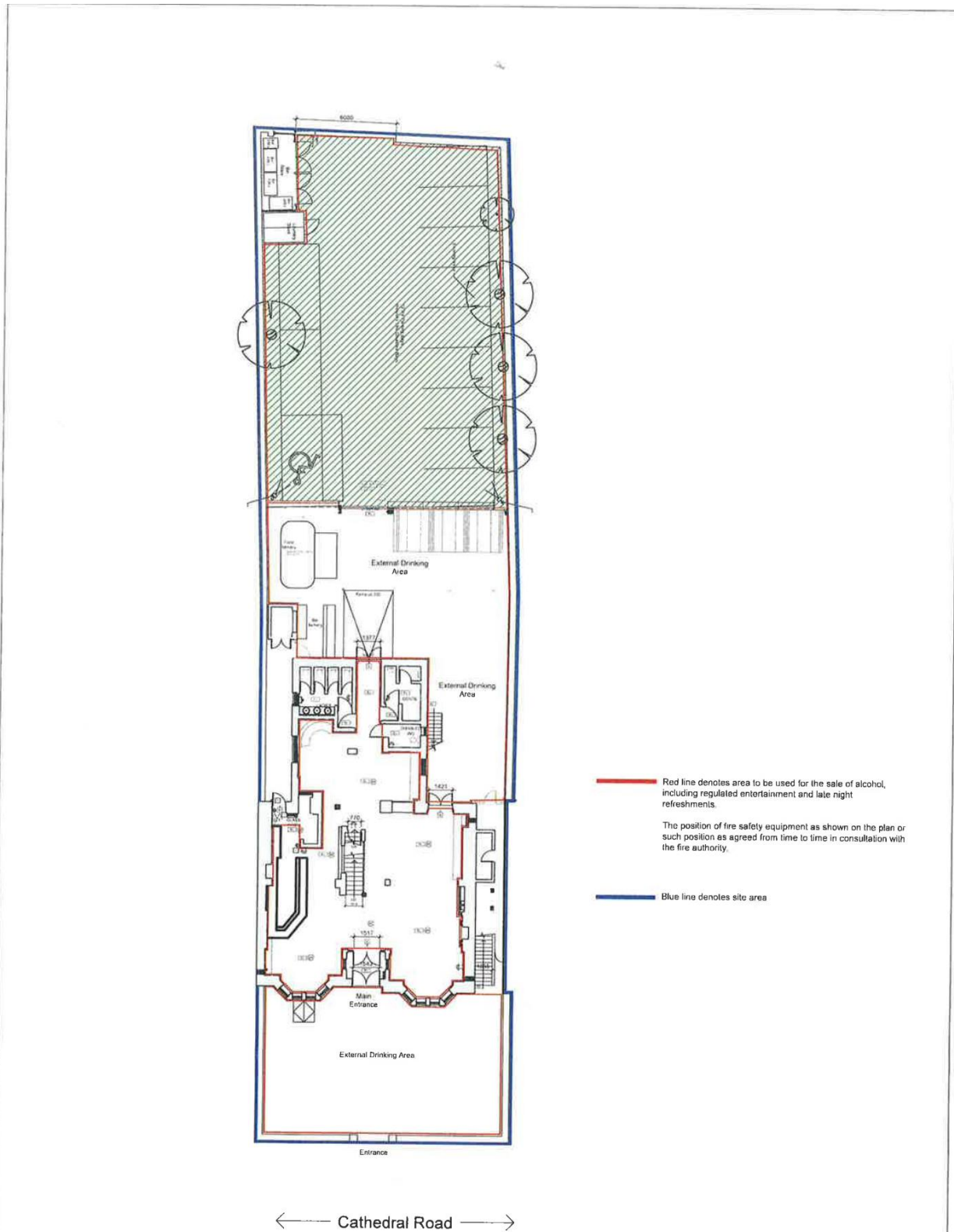
Annex 2 - Conditions consistent with the Operating Schedule

1. The external drinking areas will not be open to the public for the consumption of food and drink after 23:00 hours.
2. All reasonable steps will be taken by staff to ensure that persons entering the premises are not carrying any illegal drugs. Regular searches by staff of all areas of the premises will be undertaken during the trading hours to ensure that drug use is not taking place on the premises. Any person found possession of illegal drugs will be asked to leave the premises immediately. A notice stating the drugs policy shall be displayed in the licensed area of the premises.
3. All-inclusive nights or other irresponsible drinks promotions will not be permitted.
4. The DPS and/or the premises licence holder will ensure that all staff will be given induction training which will include restricted sales to young persons, drug awareness and anti-social behaviour. Training records will be kept.
5. The DPS or premises licence holder shall ensure compliance with all fire prevention and other fire safety measures as required by the fire authority. Fire safety signs will be adequately illuminated. All electrical installations including wiring, fittings and appliances shall be maintained in a safe condition to the satisfaction of the Authority.
6. Health and safety risk assessments and fire risk assessments shall be considered on an annual basis and records kept on the premises. Fire risk assessments will be completed with a full record of compliance kept on the premises.
7. The DPS or Premises Licence holder shall display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
8. No customers will be permitted to take open or sealed containers of alcoholic drink from the premises. All alcoholic and soft drinks will be served in plastic or toughened glasses (outdoor events)
9. A proof of age policy will be enforced. Only photographic identification will be acceptable.
10. Any restrictions on the admission of children to the premises will be displayed outside the premises.
11. Children under the age of 18 must be accompanied by a responsible adult.
12. Children shall not be allowed in the public bar area.
13. No children will be allowed into the premises or remain on the premises after 22:00 hours, except if they are a resident at the premises.
14. Notices stating the policy on children shall be clearly displayed.
15. A CCTV system to a standard agreed, covering all areas to which the public have access, excluding toilets and to include all entrances, exits and beer gardens to the front and rear of the premises. Images shall be produced on the request of the Police as soon as practicable.

Additional Non-standard timings for the sale of alcohol:

For World cup sporting events i.e. Lions rugby, World cup rugby, football and cricket, to permit the sale of alcohol for 30 minutes before the commencement of the game until 30 minutes following the end of the game.

Proposed Plan



Date: 31/07/19

Applicant's operating schedule (newly proposed conditions)

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)

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

b) The prevention of crime and disorder

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

c) Public safety

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

d) The prevention of public nuisance

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

e) The protection of children from harm

All existing conditions and restrictions attached to the current Premises Licence in relation to the promotion of the licensing objectives will continue to be in effect and will apply to the provision of licensable activities as appropriate.

CADW DE CYMRU'N DDIOGEL • KEEPING SOUTH WALES SAFE



24 SEP 2019
LICENSING SECTION
CARDIFF CITY COUNCIL

Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff.
CF10 5EW
23 September 2019

Marilyn Gayle
Joelson JD LLP,
30, Portland Place,
London,
W1B 1LZ

APPLICATION FOR A VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.
THE PONTCANNA INN, CATHEDRAL ROAD, CARDIFF, CF11 9LL

I have caused enquiries to be made into this application and make the following representation;

South Wales Police wish to object to the grant of this application under the Licensing Objectives; Prevention of Crime and Disorder and Prevention of Public Nuisance.

Should the applicant 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.

We ask, therefore, that amendments are made to the conditions offered by the applicant for premises licence CCCP00335 as listed below;

POLICE REPRESENTATION:

CHANGE EXISTING CONDITION 2(2) TO READ;

2. Whenever Security Industries Agency (SIA) registered Door Supervisors are employed at the premises, random searches of patrons and public areas will be undertaken to avoid illicit drug use on the premises. Any person found possession of illegal drugs will be asked to leave the premises immediately and the drugs will be confiscated **if it is safe for security staff to do so**. Should a person be suspected of possession with intent to supply illegal drugs, they shall be detained and handed to police **if it is safe for security staff to do so**. A notice stating the drugs policy shall be displayed in the licensed area of the premises.

CONDITIONS CONSISTENT WITH THE INTENDED NEW USE OF THE PREMISES;

1. 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

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.

Prif Gwnstabl **Matt Jukes QPM, MA(Oxon)MSc.** Chief Constable

South Wales Police Representation – Continued

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. 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, subject to data protection legislation. There will be sufficient trained staff to facilitate the above. Signs will alert patrons to the use of CCTV at the premises.

2. An incident book (or electronic log) 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 book/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/log shall have sequentially numbered pages/date and time information. 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.

3. A minimum of six (6) Security Industries Agency (SIA) registered Door Supervisors will be employed at the premises whenever the rear car park area (denoted with green hatch markings on drawing 3171.80 B) is in use. They shall be deployed throughout the whole premises at the discretion of the Designated Premises Supervisor/Head doorman.

4. SIA registered Door Supervisors, employed whenever the rear car park area is in use, will each be in possession of a two-way radio which affords communication with each other as well as management.

5. SIA registered Door Supervisors, employed whenever the rear car park area is in use, will have access to a minimum of two Body Worn Video devices. The devices used shall be capable of recording video images and sound. Images from the body worn cameras shall be stored for a minimum of 31 days and shall be produced to a police employee, in a readily playable format, upon request when the premise is open to the public and at all other times as soon as reasonably practicable, subject to data protection legislation. There will be sufficient trained staff to facilitate the above.

6. SIA registered Door Supervisors, employed whenever the rear car park area is in use, will have access to a metal detecting wand or similar, to assist in the safe searching of patrons for metallic objects.

7. A register of Door Supervisors shall be kept at the premises. The register shall show the full name, address, company and SIA registration number of each Door Supervisor with signed acknowledgement of start and end duty times from each Door Supervisor. The register shall be kept by the DPS for a minimum of 18 months and will be made available to a police employee on request.

8. The rear car park area shall only be used on a Friday, Saturday or Sunday.

South Wales Police Representation – Continued

9. The use of the rear car park area will cease no later than 22:30hrs on any day.
10. The rear car park area shall not be used on more than 3 consecutive days.
11. Non-glass vessels and bottles will be in use throughout the premises whenever the rear car park area is in operation.
12. There shall be no sales of alcohol for consumption off premises whenever the rear car park area is in operation.

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 PC946 John Crowther at Cardiff Bay police station, Licensing Department on 101(South Wales) ext. 34-950.



Yours sincerely,
R Miles
Chief Inspector

Neighbourhood Services Team Representation

CITY OF CARDIFF COUNCIL	CARDIFF COUNTY COUNCIL 24 SEP 11 LICENSING SECTION	 CARDIFF CAERDYDD
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Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	Sophie Koprowski
Your Address:	City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND
Phone Number:	0300 123 6696
E-mail:	skoprowski@valeofglamorgan.gov.uk

Details of premises representation is about	
Name and Address of Premises:	36 Cathedral Road, Pontcanna, Cardiff, CF11 9LL
Application Number: <i>(if known)</i>	708649

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	
Public Safety	
Prevention of public nuisance	<input type="checkbox"/> Yes
Protection of children from harm	

Neighbourhood Services Team Representation**Please summarise your concerns about this application:**

I have emailed correspondence from Niall McCann of Joelson Law regarding this application; he confirmed that he has liaised with the applicant who plans to use the external area in question to sow sporting events on a screen with six speakers.

I have concerns in regards to the licensing objection of public nuisance from noise disturbance. This is because of the risk of significant noise being created by speakers and persons watching the sporting fixtures.

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

I have spoken with Police Licensing and with the applicant and understand that a number of conditions have been agreed in regards to the prohibition of glass drinking vessels when the courtyard is in use. This will have the benefit of limiting the potential for litter of broken glass on the surrounding residential streets.

However further to this I have concerns in regards to the licensing objection of public nuisance from noise disturbance. I therefore object to this variation.

I have concerns that the extension of the use of the outdoor space could be used for showing of sporting fixtures and that this will likely create a level of additional noise that will impact on the nearby residents. I also have concerns that, given the additional outdoor capacity the general noise from patrons will increase to a level that would cause a disturbance to local residents. Our service have received complainants regarding the noise from the premises in the past, therefore it is prudent to take steps to ensure that public nuisance is not caused by granting a variation.

On the basis of my above concerns if the applicant agrees to the following conditions I would withdraw my objection.

- A condition that prohibits the use of speakers in the outdoor area
- A condition that restricts the use of the outdoor area to between the opening of the premises to 2100hrs

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