

LICENSING SUB-COMMITTEE: 27 July 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 074829

Name of Premises: The Birchgrove Inn, Caerphilly Road, Birchgrove, Cardiff, CF14 4AE.

Ward: Heath

1. Application

1.1 An application to vary a Premises Licence has been received from Marston's Plc in respect of The Birchgrove Inn, Caerphilly Road, Birchgrove, Cardiff, CF14 4AE.

1.2 The applicant has applied for the following:

(1) Description of the nature of the variation (as stated by applicant):

"Application is made to vary the Premises licence. The premises is to have the benefit of a substantial refurbishment which will cause work to be undertaken to both the interior and exterior of the premises. Application is made to amend the Premises Licence in respect of three elements as follows:

1. Application is made to vary the internal and external layout of the premises as per drawing 04.22/93114/401 as follows:

Internal

- To the left of the premises reduction in size of bar servery so as to create new wash up.*
- Back of house creation of new catering kitchen and removal of wash up facilities from existing catering kitchen.*
- To the right of the premises removal of fixed seating so as to create more open plan area to facilitate flexible dining.*
- Provision of new seating booths.*
- Removal of partition wall between the lounge areas.*
- Addition of partition between middle bar and lounge.*
- Appropriate redecoration and reupholstery throughout.*

External

- To the rear of the premises an external area is sought to be licensed forming the raised decking area which has historically been used along with new beer garden. The beer garden will be created out of the former staff car parking area with new dray access and bin store also being created.*
- To the front of the premises external seating area to become part of the licensed area so as to facilitate provision of waitress service and functionality of payment methods such as ApplePay.*

2. Conditions

A review of the conditions has been undertaken and it is noted that some conditions make reference to the former owner and operator of the premises and/or areas which no longer exist.

It is therefore proposed that the following conditions should be deleted:

"All staff to complete SA Brains Bronze Award Training covering Health & Safety Legislation and service within four weeks of commencing employment."

It is proposed that the following condition is covered by licensable activities and legal exemptions:

"Provision may be made for public entertainment in the premises by the reproduction of wireless (including television) broadcasts or programmes included in any programme service (within the meaning of the Broadcasting Act 1990) other than a sound or television broadcast service or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound."

The public bar area has become less distinct and it is therefore proposed that the children's condition should be amended to:

"No unaccompanied children shall be allowed on the premises."

3. Name

On reopening the premises will be known as the Birchgrove Inn. The Applicant seeks to amend the name as part of the application.

No changes are proposed with regard to the hours for licensable activities or opening. It is not envisaged that the proposed changes will adversely impact upon the four licensing objectives.

The front external area has been used extensively in the past without issues arising.

The new external area is encompassed by fencing therefore providing control and noise mitigation. As such the operating schedule save for the amendments set out above has not been amended".

- (3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non-standard timings:

Monday to Sunday: 10:00 to 00:00 hours

- (4) To provide licensable activities during the following hours:

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

Monday to Sunday: 10:00 to 23:30 hours

- (ii) The provision of regulated entertainment in the form of indoor sport, live music (indoors), recorded music (indoors):

Monday to Sunday: 10:00 to 23:30 hours

(iii) The provision of late night refreshment (indoors and outdoors):

Monday to Sunday: 23:00 to 23:30 hours

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

2. Promotion of Licensing Objectives

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B**.

3. Relevant Representations

3.1 A representation has been received from South Wales Police. The applicant has agreed to the conditions proposed by South Wales Police. A copy of the representation and the agreement can be found attached as **Appendix C**.

3.2 Representations have been received from other persons. Copies of the representations can be found attached as **Appendix D**.

4. Legal Considerations

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives, which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

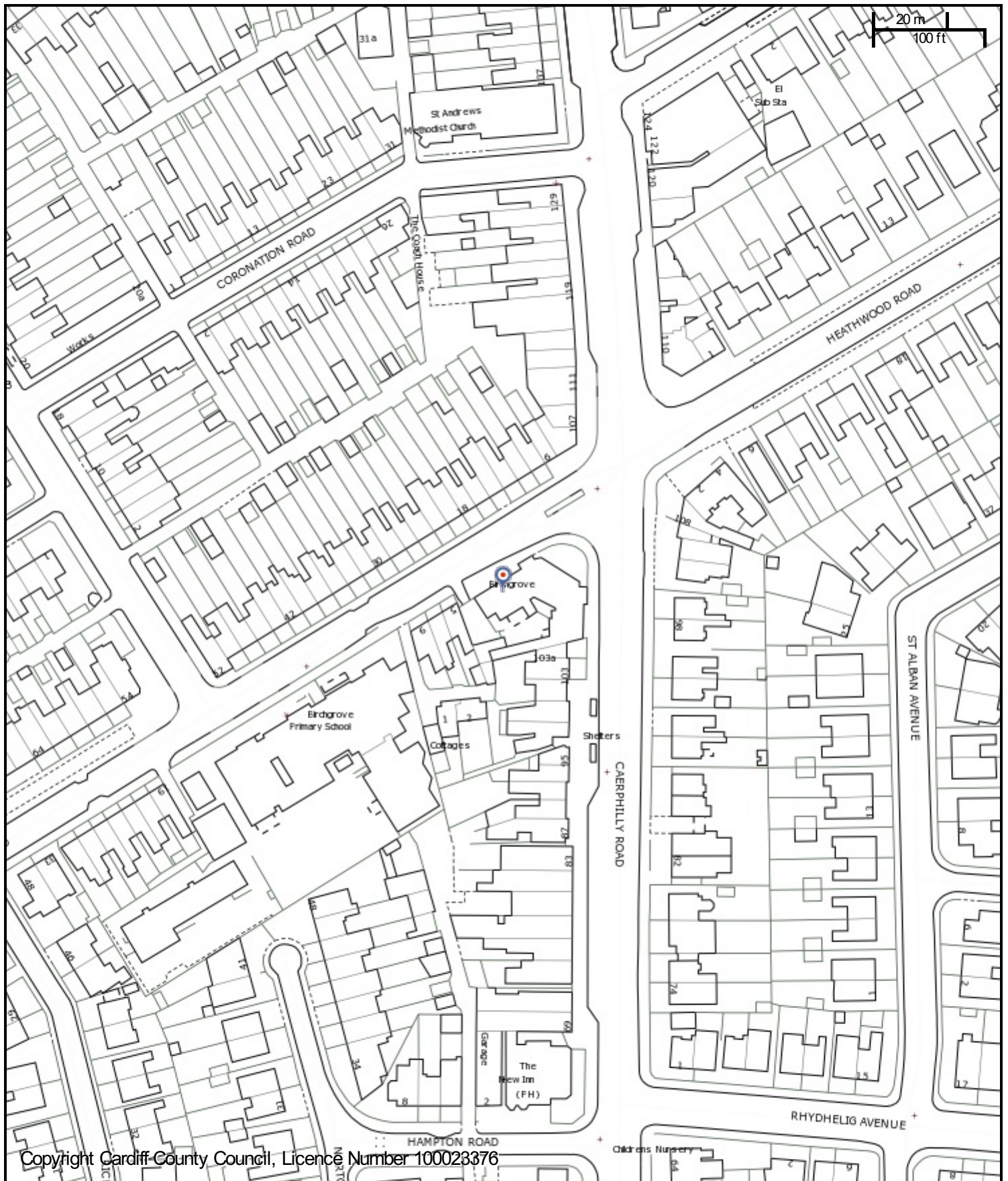
4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion

5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

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



Title

Scale: 1:1417

Date: 4/7/2022 at 15:55 PM

Coordinates:

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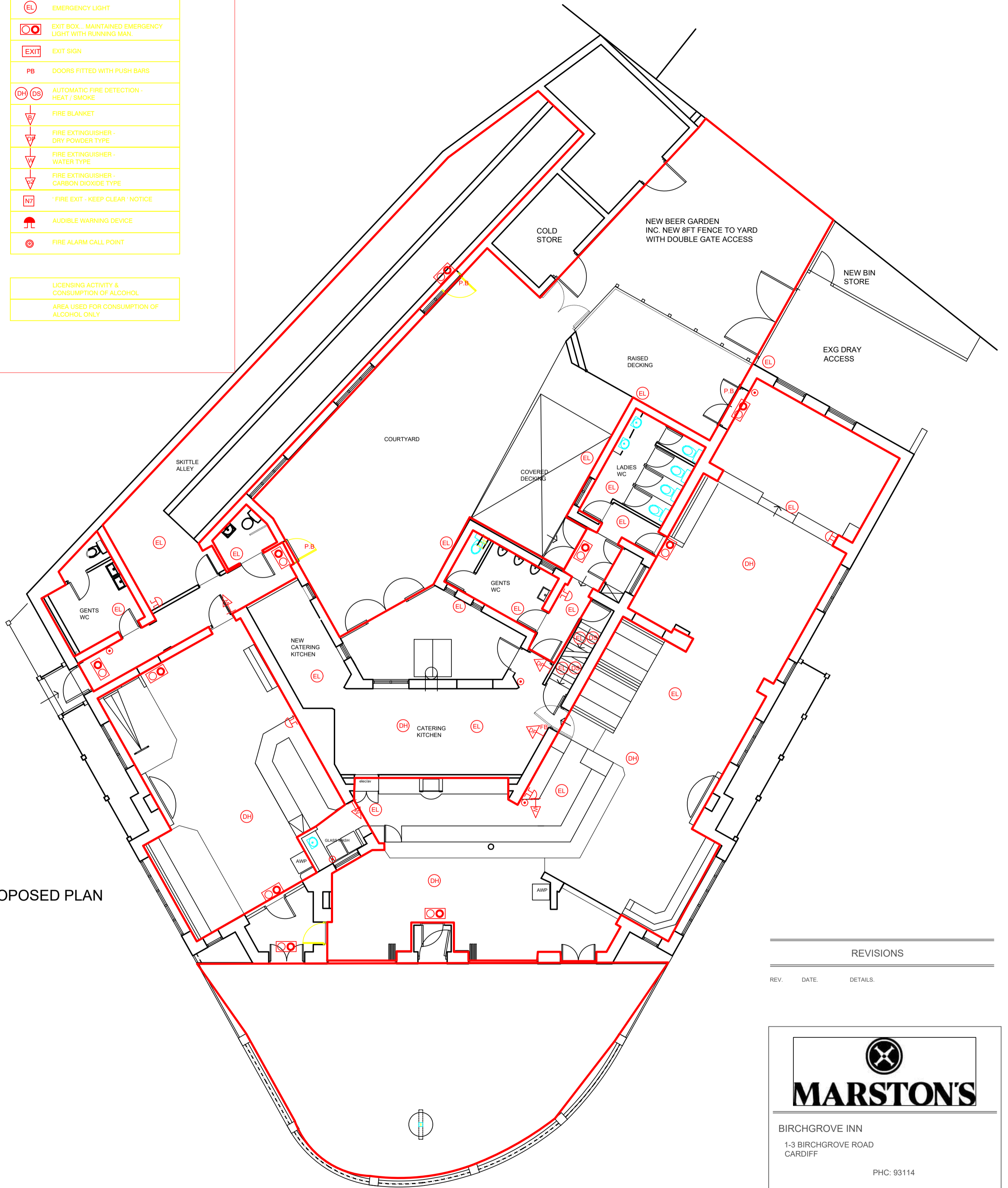
Ordnance Survey 100023376 (2014).

FIRE PREVENTION LEGEND

FD	1/2 HOUR FIRE RESISTING DOORS
EL	EMERGENCY LIGHT
	EXIT BOX... MAINTAINED EMERGENCY LIGHT WITH RUNNING MAN.
EXIT	EXIT SIGN
PB	DOORS FITTED WITH PUSH BARS
DH DS	AUTOMATIC FIRE DETECTION - HEAT / SMOKE
	FIRE BLANKET
	FIRE EXTINGUISHER - DRY POWDER TYPE
	FIRE EXTINGUISHER - WATER TYPE
	FIRE EXTINGUISHER - CARBON DIOXIDE TYPE
N7	'FIRE EXIT - KEEP CLEAR' NOTICE
	AUDIBLE WARNING DEVICE
	FIRE ALARM CALL POINT

LICENSING ACTIVITY & CONSUMPTION OF ALCOHOL
AREA USED FOR CONSUMPTION OF ALCOHOL ONLY

PROPOSED PLAN



REVISIONS

REV.	DATE.	DETAILS.



BIRCHGROVE INN
1-3 BIRCHGROVE ROAD
CARDIFF

PHC: 93114

Drawing No: 04.22/93114/401

PROPOSED LICENSING 2022

Scale: 1:100 @ A2 | Drawn By: LB

MARSTON'S PUBS AND BARS, SURVEYORS
DEPARTMENT, MARSTON'S HOUSE, BREWERY
ROAD, WOLVERHAMPTON, WV1 4JT
Tel: 01902 711811

- Contractors responsibility to check all site dimensions & levels prior to commencing works.
- Contractor to comply in all respects with current building regulations & guidelines whether specified on this drawing or not.
- The drawing must be read & checked against any other specialist drawings provided by the company or by consultants.
- This drawing and the works depicted are the copyright of the company & may not be replicated without written permission.

APPENDIX B

Operating Schedule

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, e) (please read guidance note 11)

The refurbishment will substantially improve the amenity of the premises and promote the four licensing objectives.

The above is provided by way of explanation and is not intended to be converted into conditions.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

No further risks have been identified which need to be addressed

e) The protection of children from harm

It is proposed that the current condition shall be amended to:

No unaccompanied children shall be allowed on the premises.

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date: 1/6/22

Capacity: Solicitor

APPENDIX C

South Wales Police representation and agreement

Barker, Kirstie

From:
Sent: 27 June 2022 11:04
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003: Application to vary a Premises Licence - The Birchgrove Inn, Caerphilly Road, Cardiff, CF14 4AE

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,

South Wales Police object to the grant/issue of the above variation **unless** the applicant confirms he will attach the following conditions to the existing premises licence conditions;

- 1/ A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises including the external bar. The images will be kept for a minimum of 31 days and shall be produced to a police employee in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
- 2/ The external drinking area should be closed from 23:00hrs to prevent unreasonable disturbance to the occupants of any properties within the vicinity.
- 3/ Other than for off sales in sealed containers no drinks are permitted to leave the licensed area.
- 4/ Under 18s will only be permitted on the premises until 22:00hrs when accompanied by a responsible adult.
- 5/ Signage will displayed requesting customers leave the premises quietly.
- 6/ The gates within the external rear drinking area will only be used for delivery access and in the event of an emergency.
- 7/ An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
- 8/ The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Should the applicant not agree to these conditions being attached to the current licence South Wales Police will be objecting to the variation under the licensing objective, Prevention of Crime and Disorder.

If the applicant agrees to the above, we will automatically withdraw our objection.

Kindest Regards



Jason Jones

Cwnstabl 6882 | Constable 6882

Licensing Officer
Cardiff Bay Police Station

☎: **101** | Mobile:



[/SWPolice](#)



[@SWPolice](#)



[@SWPolice](#)



[/SWPTV](#)

Ymateb nad yw'n Argyfwng\ Non-Emergency Response

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan <https://www.south-wales.police.uk>, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to the police but don't require an emergency response? You can make a report via our website <https://www.south-wales.police.uk>, send us a private message via an official South Wales Police Facebook or Twitter account, or call 101. 101 can be used to report a non-emergency to any force in Wales and England. In an emergency always dial 999.

Cymorth Iaith Gymraeg\Welsh Language Support

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.

Ymwadiad Heddlu De Cymru\South Wales Police Disclaimer

Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <https://www.south-wales.police.uk/cy-GB/heddluoedd/heddlu-de-cymru/ardaloedd/amdanom-ni/amdanom-ni/datganiad-cyfrinachedd-e-bost/>.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <https://www.south-wales.police.uk/police-forces/south-wales-police/areas/about-us/about-us/email-confidentiality-statement/>.

Barker, Kirstie

From: Michelle Hazlewood CBII
Sent: 28 June 2022 12:14
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: FW: Birchgrove

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.

Morning

FYI- see below, hopefully all now sorted.

Kind Regards

Michelle Hazlewood CBII
Partner



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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For more details on our services please click on the links above.

From:
Sent: 28 June 2022 11:54
To: Michelle Hazlewood CBII
Subject: RE: Birchgrove

Thank you Michelle for coming back to me, I'm glad that all conditions are agreed with and thank you for your help with this.

kindest Regards



Jason Jones

Cwnstabl 6882 | Constable 6882

Licensing Officer
Cardiff Bay Police Station

☎: 101 | Mobile:



/SWPolice



@SWPolice



@SWPolice



/SWPTV

From: Michelle Hazlewood CBII

Sent: 28 June 2022 11:39

To: Jones,Jason swp6882

Subject: RE: Birchgrove

Good morning, Jason

Sorry for leaving this so late in the consultation period as I have had to go back to clients and they in turn to ADT their CCTV provider.

They were concerned as to the level of coverage and so are requesting that ADT move camera 15 to the opposite corner on the raised patio so it will cover the new extended rear garden.

Once this work is undertaken, they believe that the condition will be complied with—I did not want to move them from a position of no condition to one so onerous they were immediately in breach especially when the site had no, as far as I was aware issues around CCTV.

On this basis I am pleased to confirm all the additional conditions are agreed to be added to the operating schedule. As set out below—and I have copied in the licensing team so they are aware.

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

2/ The external drinking area should be closed from 23:00hrs to prevent unreasonable disturbance to the occupants of any properties within the vicinity.

3/ Other than for off sales in sealed containers no drinks are permitted to leave the licensed area.

4/ Under 18s will only be permitted on the premises until 22:00hrs when accompanied by a responsible adult.

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6/ The gates within the external rear drinking area will only be used for delivery access and in the event of an emergency.

7/ An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol

8/The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Thank you.

Kind Regards

Michelle Hazlewood CBII
Partner



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For more details on our services please click on the links above.

From:
Sent: 27 June 2022 08:13
To: Michelle Hazlewood CBII
Subject: RE: Birchgrove

Good Morning Michelle,

Thank you for your email.

The condition is in general a condition that we insist on all licenses and one that we do not compromise on as the condition suggested below cannot be enforced as the below condition is objective. When I spoke with the DPS about CCTV I was advised that this would not be a problem, having previously worked at another pub in the Cardiff area as a DPS she stated that she knew that this would be a condition that we would ask for.

I hope you understand, and your client can agree to this – I obviously need to submit my representations by tomorrow at the latest so if you can let me know asap on your clients response it would be greatly appreciated.

Kindest Regards



Jason Jones
Cwnstabl 6882 | Constable 6882

Licensing Officer
Cardiff Bay Police Station

☎: 101 | Mobile:

/SWPolice @SWPolice @SWPolice /SWPTV

From: Michelle Hazlewood CBII <
Sent: 24 June 2022 16:46
To: Jones,Jason swp6882
Subject: RE: Birchgrove

Jason

I have taken instructions and the client is in principle happy with all the conditions. The only one where we wonder if some refinement may of benefit is in relation to the CCTV one.

This requires coverage of all areas and although the site has 14 or so cameras the entire licensed space is not covered ,we therefore wondered if you would accept the insertion of the word general-see highlight but keep it specific as to the key points of access etc.

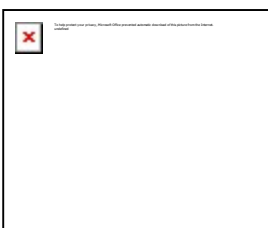
At present there is no external bar so no coverage required of it and should one be added the condition would cover that situation and provide you with the level of support in this area you are looking for.

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

Would this be acceptable to you?

Kind Regards

Michelle Hazlewood CBII
Partner



For more details on our services please click on the links above.

From:

Sent: 24 June 2022 13:54

To: Michelle Hazlewood CBII

Subject: Birchgrove

Good Afternoon Michelle,

I hope you are well, after my visit to The Birchgrove this morning I would like to put forward the following conditions in relation to the current variation, please can you advise if these conditions would be agreeable.

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

2/ The external drinking area should be closed from 23:00hrs to prevent unreasonable disturbance to the occupants of any properties within the vicinity.

3/ Other than for off sales in sealed containers no drinks are permitted to leave the licensed area.

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- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol

8/The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

I look forward to hearing from you soon,

Kind Regards

| **Jason Jones**

APPENDIX D

Other persons representations

Barker, Kirstie

From:
Sent: 29 June 2022 13:48
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Birchgrove Inn, Caerphilly Road

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 Sirs

I wish to object to the Licensing Application from Marstons PLC to vary the Premises Licence for The Birchgrove Inn, Caerphilly Road. My objections are being made under the Objective : The prevention of public nuisance.

1 It is noted that the Variation of License seeks to include the seating area to the front of the premises. This semi-circular area of land which is shown on the plan attached to the License Application was gifted to the people of Cardiff in 1923 by the then owners of the pub to enable any future highway widening improvements at this junction. (I am happy to provide copies of this correspondence). I also refer to Title Number WA244901, H M Land Registry. The ownership of this piece of land rests with Cardiff City & County Council & not with Marstons PLC (and previously Brains). I would wish to see this land returned to use by Cardiff Council to enable a widening of the pavement area in the particularly narrow point of Caerphilly Road & Birchgrove Road. Having been a Ward councillor in Heath & Birchgrove from 2008-2021, and as a Governor/Chair of Governors at the nearby Birchgrove School from 2009-2017 I have campaigned to have this area made safer for pedestrians. I had not been aware until recently that the Council actually owned part of the land now occupied by the Birchgrove Inn. Had it not been erroneously 'incorporated' within the curtilage of the Birchgrove Inn, this safety issue would have been easy to resolve for local pedestrians. I therefore believe that Cardiff Council has a duty to object to this Licensing application as Trustee of the land that was gifted to it. It should also be noted that access by the public across the frontage of the Birchgrove Inn has been discontinued & is now gated when the pub is closed. It is my understanding that this footpath is a Public Right of Way.

2 There has been no corresponding planning application made by Marstons PLC in relation to the extension & creation of a beer garden to the rear & side of the Birchgrove Inn. The proposed new beer garden extends to the side wall & boundary of 5 Birchgrove Road with whom there has been no formal discussion; nor indeed have other nearby residents of 7 & 9 Birchgrove Road, Birchgrove Cottages, and the flat owners above nearby premises in Caerphilly Road. All of these properties & the residents within them will be affected by this proposed new beer garden. I raise an objection in terms of noise, the excessive lighting that is being proposed & now installed, and the impact of smoke. These proposals infringe upon resident amenity. In addition, the previous owners of the Birchgrove Inn were not permitted to leave the rear doors open to the raised decking area in view of noise pollution from within the pub including TV & music. This has been a problem within the past, & one that I supported residents (in my former role as a councillor) in their complaints to Noise Pollution.

3 Deliveries. In view of the newly laid artificial grass in the proposed beer garden, together with its tables, chairs & lighting, dray access for the Birchgrove Inn will now be severely compromised. Deliveries to the Birchgrove Inn are already problematic in terms of creating significant Highway congestion. The dray deliveries will now be unable to reverse fully into the side area of the pub & will therefore create more Highway congestion & will result in pedestrians having to walk into the road. I regard this as unacceptable in terms of public safety. As I have stated above, this area of pavement gets significant congestion at certain points in the day, especially at school start & end. In addition, and as a result of my work as a councillor, parking on the pavement alongside the Birchgrove Inn is prohibited. The use of the one unlockable bollard was for the use of the manager when the access to the rear of the property was not possible (such as when deliveries arrived). It was not the intention that this area be used on a permanent basis by staff or customers. I would like this to be reiterated to the new owners in view of recent breaches.

4 Light Pollution. The installation of a significant number of lights in both the front seating area, and the rear seating areas within the past few days, and which are not highlighted on the License application, are detrimental to the environment & to the amenity of neighbouring residents. I would have expected to see the lighting plan contained within the application & that Council officers had had an opportunity to study the impact on the local community.

To conclude, I object to the Application for Variation of a Premises Licence for the Birchgrove Inn. I also note the total disregard by Marstons PLC of the Licensing procedures in Cardiff Council given that the Brewery has pressed on with its changes at the Birchgrove Inn before any objections have been heard & the Licensing Committee had the opportunity to make its decision.

Yours faithfully

CARDIFF COUNCIL



Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	BIRCHGROVE HOTEL / PUB / INN (MADGOS PLC)
Address of premises:	1-3 BIRCHGROVE ROAD CARDIFF CF14 1RR THIS IS THE REAL ADDRESS TITLE NUMBER C44 787170 ADDRESS ON APPLICATION CAERHILLY ROAD BIRCHGROVE CF14 4AE
Application No. (if known)	VARIATION LETTER

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

Please summarise your concerns about this application:
CONSTRUCTION OF A BEER GARDEN RIGHT NEXT TO MY PROPERTY
THE REAR YARD WHICH IS IN CONSTRUCTION HAS BEEN REDUCED BY 50% ALLOWING FOR ONE CAR TO BE PARKED AND THE REST TO BE A BEER GARDEN RIGHT NEXT TO MY PROPERTY
S, BIRCHGROVE ROAD CF14 1RR
<u>PROBLEMS</u> LOUD MUSIC, CUSTOMERS SHOUTING, SMOKING, POLLUTION AND ANTI-SOCIAL BEHAVIOUR.

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

what I would like to know concerning deliveries, where do they park on an already highly congested Birchgrove road.

The pavement on Birchgrove rd next to the pub which is already being used as parking for visitors and staff and at any time 2/3 cars are parked reducing the pavement to a single track for school children, pedestrians, and people with disabilities. and you must remember this is a public pavement.

Recent incident

When the rear yard had its gates open a funeral party of about 15/20 people came onto the public pavement and started drinking, shouting and making a nuisance of themselves and when told to move they used insulting behaviour, such as, swearing, used the word of noise as a bar and said you should not live near a pub if you can't stand the noise.

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
Cardiff Council
Room 161
City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk



CITY OF CARDIFF COUNCIL

Representation Submission Form

24 JUL 2011

Licensing Act 2003 - Representation in LICENSING SECTION
respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	<
Your Address:	- - -
Phone No:	
Email:	NONE

Details of premises representation is about	
Name of Premises:	BIRCH GROVE INN PUB HOTEL
Address of premises:	1-3 BIRCH GROVE ROAD CILLIARR
	THIS IS THE ADDRESS IS IT'S REAL ONE SEE LAND REGISTRY CYM 787170
Application No. (if known)	IT'S SAYS VARIATION LETTER

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 checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input checked="" type="checkbox"/> yes

Please summarise your concerns about this application:
SMOKE INTO GARDEN. NOISE ARGUMENTS FIGHTS (FRIGHTENING) THE PROPOSED BEER GARDEN IS RIGHT UP TO OUR PROPERTY'S WALL (PINEBUD) ANTI-SOCIAL BEHAVIOUR GRAFFITI.

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

I AM CONCERNED AS JOINT OWNER OF
THAT THE PROPOSED NEW BEER GARDEN IS COMING RIGHT UP TO THE
WALL OF A HOUSE & GARDEN AS IT IS NOW THE SMOKE IS VERY
HEAVY IN THE GARDEN OF 1 IT EVEN WAFTS INTO THE LANE AS
WELL THE NOISE IS ALSO A BIG ISSUE & THE ARGUMENTS ARE
REALLY FRIGHTENING THEY WILL SOMETIMES TURN INTO FIGHTS AS
THE PEOPLE IN QUESTION ARE OBVIOUSLY DRUNK (~~DRUNK~~) OBVIOUSLY
THE LANDLORDS CAN'T BE EVERYWHERE AT ONCE I FEAR THINGS
WILL GET MUCH WORSE THAN THEY ARE NOW THE CUSTOMERS
VERY OFTEN END UP CONTINUING THEIR DISAGREEMENTS & FIGHTING
INTO THE MOUTH OF OUR LANE SOMETIMES WE'VE HAD PEOPLE
(MEN MAINLY) URINATING AGAINST OUR GATES (DRUNK) THIS BEER
GARDEN WILL ALSO TAKE AWAY VALUABLE CAR PARKING AS IT IS THEY ARE
PARKING ON THE PAVEMENT GIVING EVEN LESS SPACE TO THE CHILDREN
PEDESTRIANS, WHEEL CHAIR USERS, PUSHCHAIRS TO GET BY. THERE IS A
SCHOOL PRIMARY BIRCHDALE VERY CLOSE. ~~IT~~
THEY SHOULD BE USING THIS SPACE FOR THEIR BIN STORAGE
& PERSONAL CARS NOT TO CRAM EVEN MORE PEOPLE IN WHICH THEY CAN'T CONTROL
IF THIS IS GIVEN THE GO AHEAD IT WILL BE THE SUMMER
OF HELL & EVERY SUMMER AFTER. WHEN THE LAIVE MUSIC
STARTS THEY NEVER KEEP THE BACK DOORS CLOSED AS IS STIPULATED I BELIEVE
IN THEIR LICENCE. HERE COMES HELL HELL

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Return your completed form to:

By Post:

Licensing Section
City of Cardiff Council
Room 206, City Hall
Cardiff CF10 3ND

By Email:

licensing@cardiff.gov.uk

G. Henselwith



24 JUN 2011

LICENSING SECTION

CITY OF CARDIFF COUNCIL

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	Email:

Details of premises representation is about	
Name of Premises:	The BIRCHROVE PUB (MARSTONS PLC)
Address of premises:	1-3 BIRCHROVE ROAD, CARDIFF, CF14 1RR.
Application No. (if known)	CAN'T FIND ONE (VARIATION LETTER)

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" 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:
1 - My garden will be engulfed in smoke / General Air Pollution / chronic Asthma.
2 - Noise Pollution / sleep disruption.
3 - Anti Social Behaviour outside My House.

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

I live in!

+

I strongly object to the proposed extension of the Beer-Garden for several reasons. I suffer with chronic Asthma & the cigarette smoke from the pub already wafts into my garden as it is but allowing them to extend right up to my garden wall would make sitting outside unbearable & the air quality of the adjacent properties horrific. The noise from the Beer-garden is loud enough from it's current position & if allowed to extend right up to my garden wall would make the noise all the more terrible, would disrupt sleep at night and NO ONE should be expected to put up with it. My house is already a victim of anti-social behaviour spilling over from the Pub as some seem to treat it as an extension of the pub, leaving Beer Glasses/doing Drugs & Writing graffiti on my wall and being confrontational when being asked to move away. Allowing this Beer-garden Extension to go ahead would only enhance this attitude, increase this behaviour & reduce my Quality of Life.

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