

LICENSING SUB-COMMITTEE: 14 September 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 076431

Name of Premises: Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL

Ward: Riverside

1. Application

1.1 An application to vary a Premises Licence has been received from Valiant Pub Company Limited in respect of Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL.

1.2 The applicant has applied for the following:

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

"The proposed variation is to vary the start time for opening hours and licensable activities to 09.00 Monday to Sunday".

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

Sunday to Thursday: 10:00 to 00:00 hours

Friday and Saturday: 10:00 to 01:00 hours

From start of permitted hours on New Year's Eve until start of permitted hours on New Year's Day

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

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

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

Friday and Saturday: 10:00 to 00:30 hours

From start of permitted hours on New Year's Eve until start of permitted hours on New Year's Day

(ii) The provision of regulated entertainment in the form of indoor sport:

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

Friday and Saturday: 10:00 to 00:30 hours

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

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

Sunday: 10:00 to 23:00 hours

- (iv) The provision of late night refreshment (indoors):

Sunday to Thursday: 23:00 to 23:30 hours

Friday and Saturday: 23:00 to 00:30 hours

- 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 Representations have been received from local ward Councillors. Copies of the representations can be found attached as **Appendix C**.

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: 1:1250

Date: 25/8/2022 at 8:13 AM

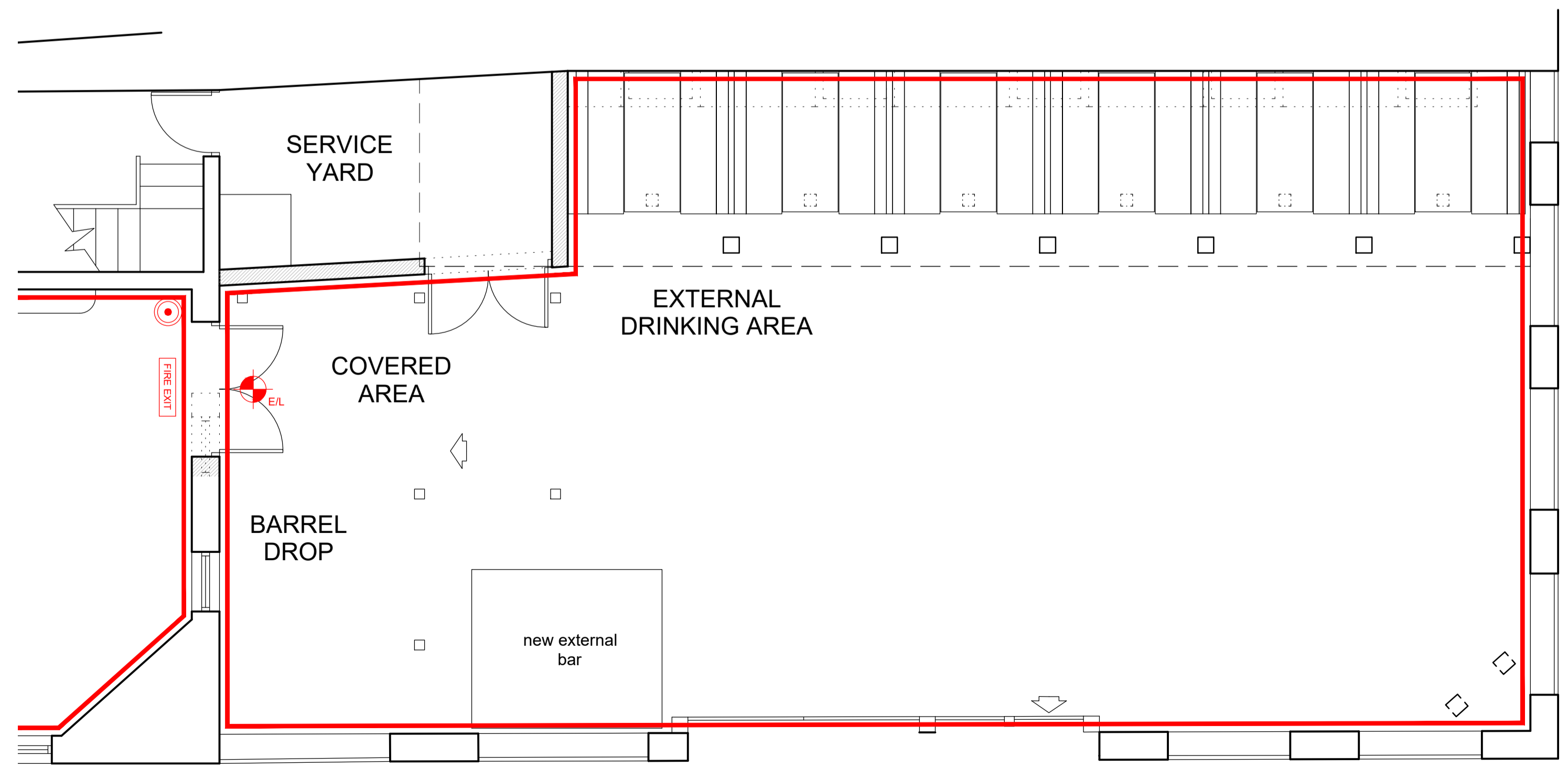
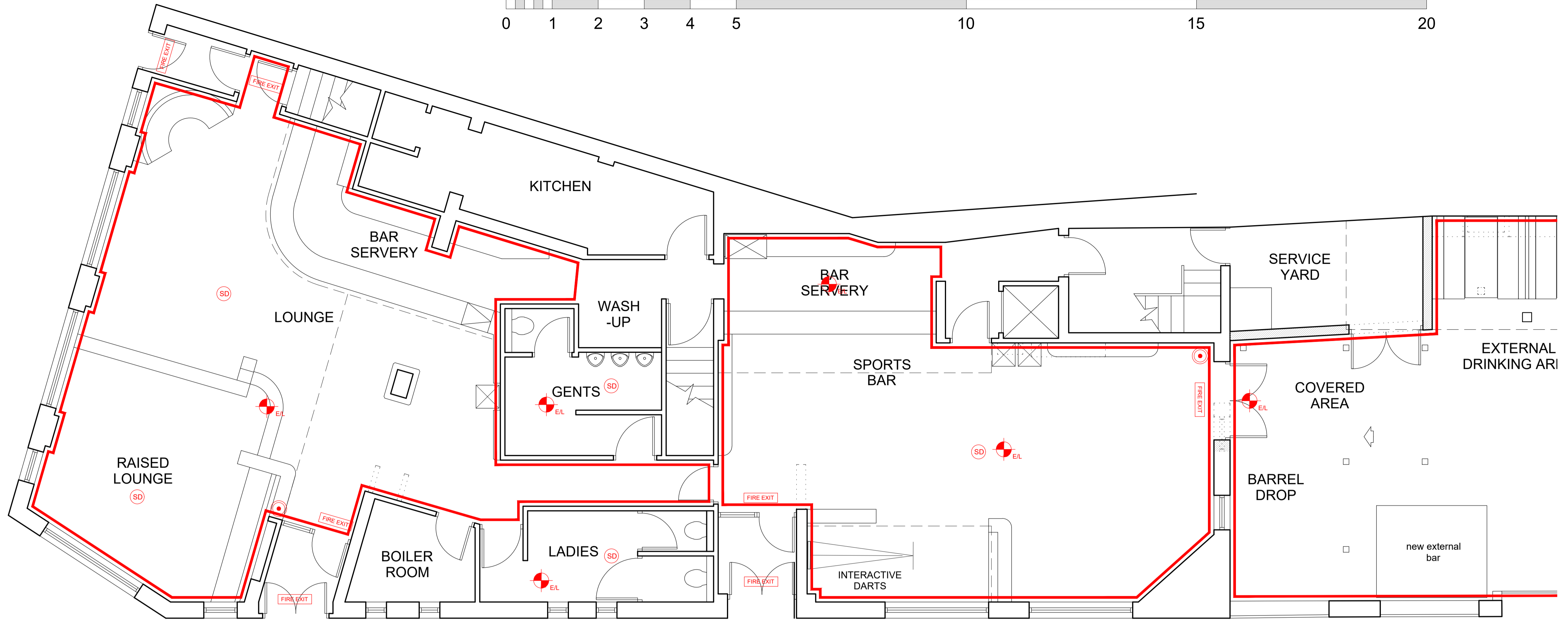
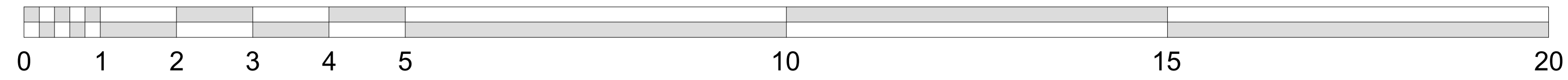
Coordinates:

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Ordnance Survey 100023376 (2014).

SCALE IN METERS 1:1



- Key:**
- Symbol denotes Emergency light
 - Symbol denotes heat detector
 - Symbol denotes smoke detector
 - Symbol denotes Emergency Exit light incl. appropriate logo
 - Symbol denotes break glass call point
 - Symbol denotes alarm sounder
 - Symbol denotes Water type fire extinguisher
 - Symbol denotes CO2 type fire extinguisher
 - Symbol denotes Dry powder type fire extinguisher
 - Symbol denotes Wet Chemical type fire extinguisher
 - Symbol denotes Fire blanket
 - Symbol denotes AFFF type fire extinguisher
 - Red Line: indicates area for sale of alcohol.
- Note: Licensable activities may take place in all public areas unless the premises license specifies otherwise.

NOTES
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 CDM 2015 Designers Risk Assessment.
 All works to be carried out under CDM regulations.
 Contractor to ensure all relevant codes of practice and regulations for the proposed works are adhered to. No residual risk within the attached design unless specifically stated with the attached schedule. Do not scale off this drawing.

REVISIONS
 DATE

Rev: ... 00.00.00

TITLE: Proposed Licensing Plan	
PROJECT: Admiral Napier, 239 Cowbridge Road, Cardiff, CF11 9AL	
CLIENT: Valiant Pub Company	
DRAWN BY:	SCALE: 1:50 @ A1 1:100 @ A3
DATE:	DWG NO: REV:
13.04.22	1447.11 -

imd
 AND ASSOCIATES LTD
 1 Sentinel Court, Wilkinson Way
 Blackburn, Lancashire BB1 2EH
 t: 01254 696989 e: info@imdandassociates.co.uk

APPENDIX B

Operating Schedule

Continued from previous page...

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.

Please see existing conditions.

b) The prevention of crime and disorder

Please see existing conditions.

c) Public safety

Please see existing conditions.

d) The prevention of public nuisance

Please see existing conditions.

e) The protection of children from harm

Please see existing conditions.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



ANNEXES: CONDITIONS continued ...

permitted price.

5. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

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

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

6. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the operating schedule

1. 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. 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. At all times of operation the outdoor drinking area shall have hourly checks completed and a record should be kept for a period of 12 months and made available at the request of South Wales Police.

3. When the outdoor bar is in operation the bar will be staffed at all times, and under no circumstances will be left unattended.

4. The hours that any external drinking area that is attached to the premises remains open and used for the consumption of alcohol & food by members of the public shall terminate at 23:30 hours each day.

5. The side gate of the external drinking area will be secured with a magnetic lock at all times except in the event of a fire alarm.

6. On a day where a designated and/or regulated football match is being played at Cardiff City Stadium, all beverages, alcoholic or otherwise, will be served in non-glass vessels for a period of four hours prior to the time of kick-off and for a period of two hours following the final whistle.

7. 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.

8. Doors and windows closed at 23:00 hours if live music is being performed.

9. Announcements and signs requesting a quiet departure will be provided.

10. Continual monitoring of all public areas will be undertaken during opening hours.

11. On days of football matches categorised by South Wales Police as high risk/red coded, no person under the age of 18 is permitted to enter the premises under any circumstances

12. Unaccompanied children are not allowed on the premises.



ANNEXES: CONDITIONS continued ...

13. No children will be permitted on the premises after 22:00 hours.

14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Non-standard timings

On the days/dates listed below an additional one hour (these in addition to those listed above) are to be permitted for the licensable activity:

1st January, 1st March (St David's Day), 17th March (St Patrick's Day), Good Friday, Easter Saturday, Easter Monday, May Bank Holiday Friday, Saturday and Sunday prior, May bank Holiday Monday, May Bank Holiday (Whitsun) Friday, Saturday and Sunday prior, May Bank Holiday (Whitsun) Monday, August Bank Holiday Friday, Saturday and Sunday prior, August Bank Holiday Monday, Christmas Eve, Boxing Day and 27th December

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

For the sake of clarity the playing of pre-recorded music such as 'mood' music or 'general background' music, or the use of a juke box at a well controlled level within the premises is permitted at any time within the authorised opening hours.

In the event of the transmission of any recognised international event, which falls outside the permitted hours on the premises licence the sale of alcohol may commence 30 minutes before the event commences and will cease 30 minutes after it ceases unless it runs into permitted hours.

Details of the event are to be given to the police in writing 14 days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notice upon the designated premises supervisor.



Helen Picton
Shared Regulatory Services

6 June, 2022



APPENDIX C

Ward Councillor representations

Barker, Kirstie

From: Wild, Caro (Cllr)
Sent: 04 August 2022 11:57
To: Barker, Kirstie; Singh, Kanaya (Cllr); Thomson, Leonora (Cllr)
Cc: Griffiths, Paul (PPE); Cook, Daniel; Evans, Kirsty; Papadakis, Linda
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL

Many thanks

I wish to register an objection to this extension.

That location is currently suffering greatly from ongoing anti-social behaviour and public nuisance. This is distressing for people, especially older people, and children and parents who use the road to get to and from school.

I believe any extension of licensing hours will just exacerbate the problem, with drinking starting even earlier.

Many thanks

Caro

From: Barker, Kirstie
Sent: 25 July 2022 15:09
To: Singh, Kanaya (Cllr) Wild, Caro (Cllr) Thomson,
Leonora (Cllr)
Cc: Griffiths, Paul (PPE) >; Cook, Daniel >; Evans, Kirsty
>; Papadakis, Linda
Subject: Licensing Act 2003: Application to vary a Premises Licence - Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL

I am writing to advise you that an application for a Premises Licence under the Licensing Act 2003 was received by this office on 25th July 2022 in respect of the above premises.

Representations may be made in respect of this application by 22nd August 2022.

A copy of the public notice is attached.

I trust that this is of assistance. If you have any queries please do not hesitate to contact me.

Regards



Kirstie Barker | Senior Licensing Officer
Licensing Section (Cardiff) / Adran Drwyddedu (Caerdydd)
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg
Phone | Ffon: (

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwbyddol o'ch dewis. Cysylltwch â 029 20871651/ trwyddedu@caerdydd.gov.uk i nodi dewis iaith.

Barker, Kirstie

From: Thomson, Leonora (Cllr)
Sent: 08 August 2022 12:42
To: Wild, Caro (Cllr); Barker, Kirstie; Singh, Kanaya (Cllr)
Cc: Griffiths, Paul (PPE); Cook, Daniel; Evans, Kirsty; Papadakis, Linda
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL

And I would like to register my objection too, for the same reasons. The anti-social behaviour in the area is fuelled by alcohol, so any addition would be extremely unhelpful.

Many thanks

Leo

Y Cyng/Cllr Leonora Thomson

Cynghorydd Caerdydd i Glan yr Afon/Cardiff Councillor for Riverside

See my **Privacy Notice** with a link to a consent form [here](#)

From: Wild, Caro (Cllr)
Sent: 04 August 2022 11:57
To: Barker, Kirstie < > Singh, Kanaya (Cllr) Thomson,
Leonora (Cllr)
Cc: Griffiths, Paul (PPE) Cook, Daniel ; Evans, Kirsty
Papadakis, Linda
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Admiral Napier, 239 Cowbridge Road East, Canton, Cardiff, CF11 9AL

Many thanks

I wish to register an objection to this extension.

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Many thanks

Caro
