

**LICENSING SUB-COMMITTEE: 9 August 2023**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Variation**

**Application No: 087598**

**Name of Premises: Ground Bakery, 15 Pontcanna Street, Cardiff, CF11 9HQ**

**Ward: Riverside**

**1. Application**

1.1 An application to vary a Premises Licence has been received from TFSLET Limited in respect of Ground Bakery, 15 Pontcanna Street, Cardiff, CF11 9HQ.

1.2 The applicant has applied for the following:

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

*"We are primarily a day time coffee house. We occasionally have resident chefs do 3 months at the venue (currently Fri/Sat nights) and we would like to have the flexibility of offering this on other evenings as well".*

(2) The application requests the following:

i) 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: 08:00 to 22:00 hours

ii) The sale of alcohol for consumption on and off the premises:

Monday to Sunday: 08:00 to 21:30 hours

**2. Current Licence**

2.1 The current Premises Licence permits the following:

(1) 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: 08:00 to 17:00 hours

Friday and Saturday: 08:00 to 22:00 hours

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

Sunday to Thursday: 08:00 to 17:00 hours

Friday and Saturday: 08:00 to 21:30 hours

2.2 A site map showing the premises and a copy of the plan attached to the current Premises Licence can be found in **Appendix A**.

### **3. Promotion of Licensing Objectives**

3.1 The conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B** along with a copy of the current licence conditions.

### **4. Relevant Representations**

4.1 A representation has been received from Pollution Control. The applicant has agreed that the conditions proposed by Pollution Control should be attached to the licence if granted and the representation has therefore been withdrawn. A copy of the representation, along with the subsequent agreement, can be found attached as **Appendix C**.

4.2 Representations have been received from local residents. Copies of the representations can be found attached as **Appendix D**.

### **5. Legal Considerations**

5.1 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

5.2 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.

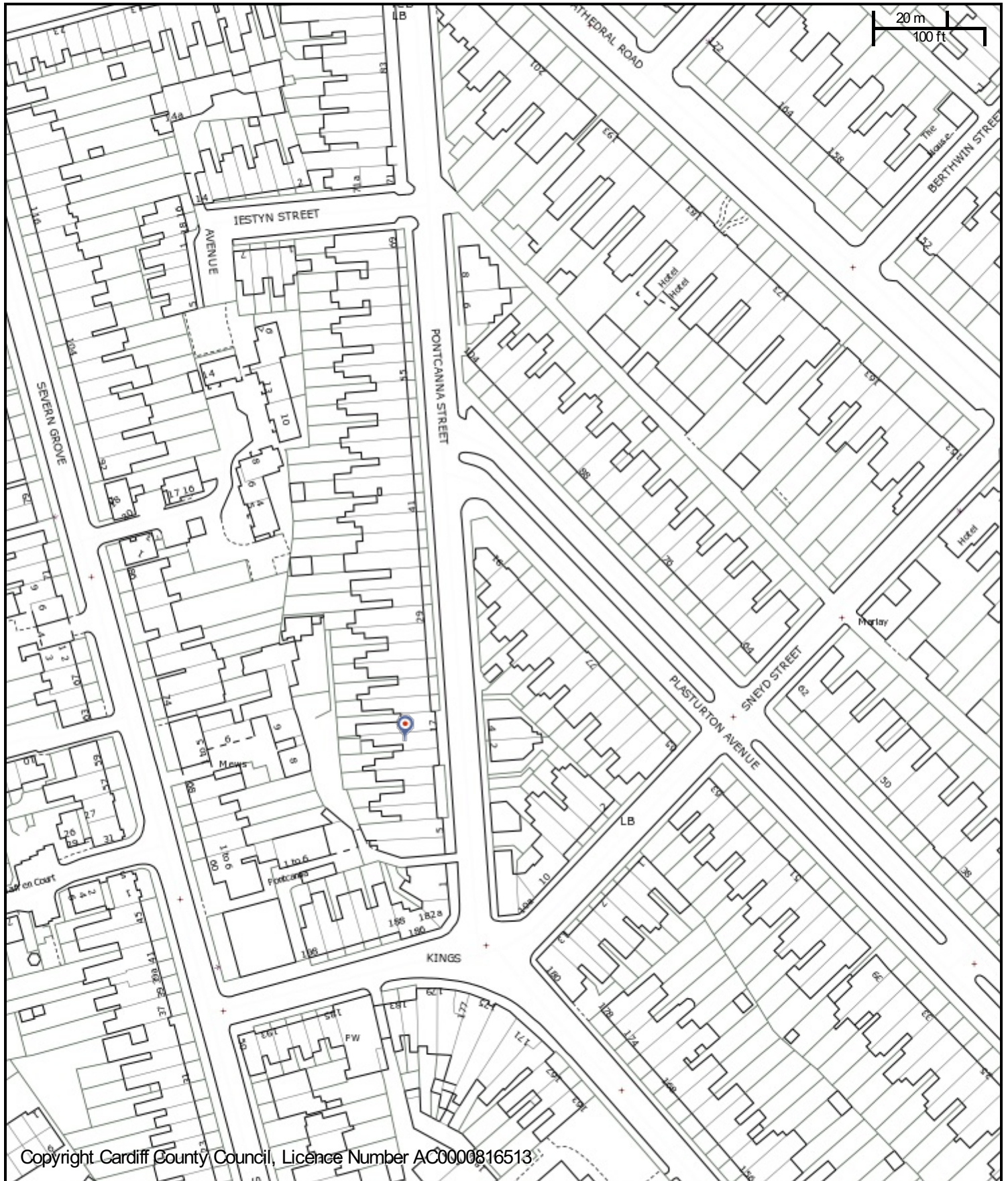
5.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (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.

### **6. Issues for Discussion**

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

# **APPENDIX A**

## **Site Map and 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: 20/7/2023 at 9:33 AM

Coordinates:

© Crown copyright and database rights (2014).

This copy is produced specifically to supply County Council information NO further copies may be made.

**Ordnance Survey AC0000816513 (2023).**



# **APPENDIX B**

## **Operating Schedule and Current 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 10)

TO DATE, WE HAVE HAD NO ISSUES WITH ANY OF THE BELOW OBJECTIVES - THIS IS FOR THE DAY TIME TRADING AS WELL AS THE FRI/SAT EVENING EVENTS. WE WILL CONTINUE TO DO WHAT WE ARE DOING.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm



## 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-

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

<[http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi\\_9780111109120\\_en\\_001](http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001)>  
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. An incident book shall be kept at the premises and maintained on site at all times. It shall be made available on request to a police employee, and will record the following;

- a) All crimes reported to the venue
- b) All ejections of patrons
- c) Any incidents of disorder
- d) Any refusal of the sale of alcohol.
- e) Any visit by a relevant authority or emergency service
- f) Any faults in the CCTV system

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

4. The premises will operate the 'Challenge 25' Policy. This policy will be brought to customers' attention through point of sale material at the checkout wherever alcohol is displayed for sale, including the display of appropriate signage. The only forms of identification recognised are photographic identification cards, such as driving licence or passport, PASS card or military identification card.

5. At least 70% of the public space within the licensable area of the premises will be occupied by tables and chairs.

6. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby premises. The designated premises supervisor or a suitable staff member will monitor patrons leaving at the closing time.

7. Use of any delineated external area will cease at 21:00hrs daily.



ANNEXES: CONDITIONS continued ...

- 8. Alcohol to be stored away from patrons.
- 9. All children to be chaperoned by a parent/guardian.

*Helen Picton*

**Helen Picton**  
**Shared Regulatory Services**

23 July, 2021



# **APPENDIX C**

## **Pollution Control Representation and Agreement**

---

**From:**  
**Sent:** 13 July 2023 11:13  
**To:**  
**Cc:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Ground Bakery Licence Variation

**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 Morning ,

I have reviewed the application, and I have concerns in regard to public nuisance as there are residential properties surrounding the premises.

On the grounds of prevention of public nuisance, we request that the following conditions are added to the licence:

1. Windows and doors (except for access and egress) shall be shut after 21:00 hours during licensable activity.
2. The movement of bins, glass bottles and rubbish will not be undertaken between 21:00 hours and 09:00 hours, in order to avoid potential disturbance.
4. Outdoor seating will not be used after 21:00 Sunday to Thursday.

It is the authorities position that we are objecting to the above application on the grounds of prevention of public nuisance however this objection can be overturned should the applicant agree to the above conditions.

Please let me know if you would like to discuss these conditions further.

Best regards,

## Barker, Kirstie

---

**From:**  
**Sent:** 13 July 2023 11:25  
**To:**  
**Cc:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** RE: Ground Bakery Licence Variation

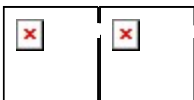
**EXTERNAL:** This email originated from outside Cardiff Council, take care when clicking links.

**ALLANOL:** Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Thanks for your email.  
We would be happy to agree to those conditions.

It is in everyone's interested, ours included that any public nuisances are avoided at all costs as we've managed to build up good relationships with local residents to date.

Thanks



# **APPENDIX D**

## **Other Persons Representations**

## **Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

---

**From:**  
**Sent:** 18 July 2023 23:47  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:**  
**Subject:** Licensing application - Ground Bakery 15 Pontcanna Street  
**Attachments:** Representations to Ground Bakery 15 Pontcanna St Licensing Application - 18 July 2023.pdf

\*\*\* Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.

Rhybudd: Mae'r e-bost hwn yn cynnwys atodiad Microsoft Office (Word, Excel, PowerPoint) neu PDF Adobe. Er bod yr e-bost hwn wedi'i sganio ar gyfer unrhyw fgythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. \*\*\*

Dear Sir / Madam

Please see attached representations in relation to the above licensing application.

I would be grateful if you could acknowledge receipt and that the comments are given due consideration in the final decision.

Kind regards



# 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:	Ground Bakery
Address of premises:	15 Pontcanna Street, Cardiff
Application No. (if known)	

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

Please summarise your concerns about this application:
<p>We write in respect of the application by TFSLET to vary the license at 15 Pontcanna St, Cardiff and the notice displayed under the Licensing Act 2003 - Public Notice of Application.</p> <p>We raised initial concerns when the original license was applied to cover Sunday - Thursday 8:00 - 17:00 and Friday and Saturday 8:00 - 22:00 and these are documented in the notes attached to the licence documenting the hearing.</p> <p>Planning permission 21/02615/MNR states under condition 5 the unit will operate 8am-10pm Mon to Sat and 8am to 5pm Sunday in order to ensure the amenity of occupiers of other premises in the vicinity are protected. The licensing needs to adhere to these restrictions in order to safeguard amenity and prevent public nuisance.</p>

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

The regular pop-up event nights by Gorse have been cleared by 10pm and therefore in line with the above condition. There have been occasional events, most recently on a Thursday night that did not accord with these conditions. We spoke directly to the applicant about this the following day who agreed it was unacceptable and would contact the event organisers. We appreciate as a regular 'pop up' it must be difficult for the applicant to oversee someone else's event as they are not present, however the conditions are there to respect neighbouring properties, specifically last orders at 9.30pm and customers to have left by 10pm. Having young children and needing to get up early for work Monday to Friday we feel particularly strongly on this point.

It is suggested the outside pavement seating is subject to additional restrictions to be vacated and cleared by 9pm.

The recent struggles of the hospitality industry are well documented and we understand that the applicant wants to make best use of their premises week long yet this needs to be balanced with the needs of the neighbouring properties and their amenity. It is considered that the licensing on Sunday should remain to coincide with the condition 5 of the planning permission ensuring the premises will close at 5pm.

In summary we would propose the following times in order to respect the residential neighbouring properties

Monday - Thursday 8:00 - 20:00  
Saturday 8:00 - 21.30  
Sunday 8:00 - 17:00

We are happy to supply any further information as required.

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](mailto:licensing@cardiff.gov.uk)

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

---

**From:**  
**Sent:** 19 July 2023 14:05  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Ground Bakery 15 Pontcanna Street

Dear Sirs

Re variation 15 Pontcanna Street

I am an owner of the apartment at \_\_\_\_\_ and the shop

I would like to make the following points /objections in relation to the variation application.

1. As owner of the flat

I am concerned that drinking alcohol outside at the front , at number 15 until, potentially at least 10.30pm if a bottle of wine can be served at 9.30 pm, 7 days a week, will cause a noise nuisance to the occupiers of the flat at

I am of the view that

a) drinks should no drinking alcohol outside at the front , after 8.30pm

b) drinking at the front outside should be limited to 5 evenings per week to limit disturbance to residential occupants.

c)!Food and drink should only be served at the front of the property at seated tables within the boundary of the cafe and not on the pavement. The present situation is that Ground Bakery use the pavement as a coffee and food serving area, generally obstructing the pavement as the shop is too small to accommodate customers and the outside belonging to number 15 is taken up with tables. This causes some nuisance. If the same practice were adopted by Ground Bakery or the pop up restaurants that will be operating under the licence in relation to alcohol, I believe that there would be obstruction to the proper use of the pavement and a noise nuisance. I don't want my tenants to find groups of people drinking practically beneath their window.

Please can I also ask that smoking outside is not allowed. I don't want the frontage of my shop used as their smoking area or smoke wafting up through the windows at the front of the flat at \_\_\_\_\_.

2 As owner of

I would ask that Ground Bakery have CCTV on the front of the cafe. Our licence requires us to do so and we are frequently asked to produce the recording. We are semi retired and often away a few days a week and have been required by the police to look at our cctv even when abroad. Although we are keen to assist the police the burden should be shared by licence holders and not only on the owners of number \_\_\_\_\_.

As regards smoking , please see above.

Thank you