

LICENSING SUB-COMMITTEE: 9 August 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 087312

Name of Premises: Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ

Ward: Cathays

1. Application

1.1 An application to vary a Premises Licence has been received from Prokopis Karydis and Sokol Merdhoqi in respect of Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ.

1.2 The applicant has applied for the following:

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

"We are a family restaurant that would like to stay open serving food and drinks until 2:30am. occasionally we also have live music as well which we would like to keep until 2:30am.

(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: 12:00 to 03:00 hours

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

Monday to Sunday: 12:00 to 03:00 hours

iii) The provision of regulated entertainment in the form of live music (indoors):

Friday and Saturday: 19:00 to 03:00 hours

iv) The provision of regulated entertainment in the form of recorded music (indoors):

Monday to Sunday: 12:00 to 03:00 hours

v) The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 03:00 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:

Monday to Sunday: 08:00 to 23:30 hours

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

Monday to Sunday: 12:00 to 23:00 hours

- (3) The provision of regulated entertainment in the form of recorded music (indoors):

Monday to Sunday: 23:00 to 23:30 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 South Wales Police. The applicant has agreed that the conditions proposed by South Wales Police 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**. As part of this agreement, the applicant has agreed to amend the hours as follows:

Opening hours:

Sunday to Wednesday: 12:00 to 23:30 hours

Thursday to Saturday: 12:00 to 03:00 hours

Sale of alcohol:

Sunday to Wednesday: 12:00 to 23:00 hours

Thursday to Saturday: 12:00 to 02:30 hours

4.2 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 D**. As part of this agreement, the applicant has agreed to amend the hours as follows:

Opening hours:

Monday to Sunday: 12:00 to 00:00 hours

Sale of alcohol:

Monday to Sunday: 12:00 to 23:30 hours

Recorded music:

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

Late night refreshment:
Monday to Sunday: 23:00 to 00:00 hours

- 4.3 A representation has been received from the Senior Licensing Enforcement Officer. A copy of this representation can be found attached as **Appendix E**.

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

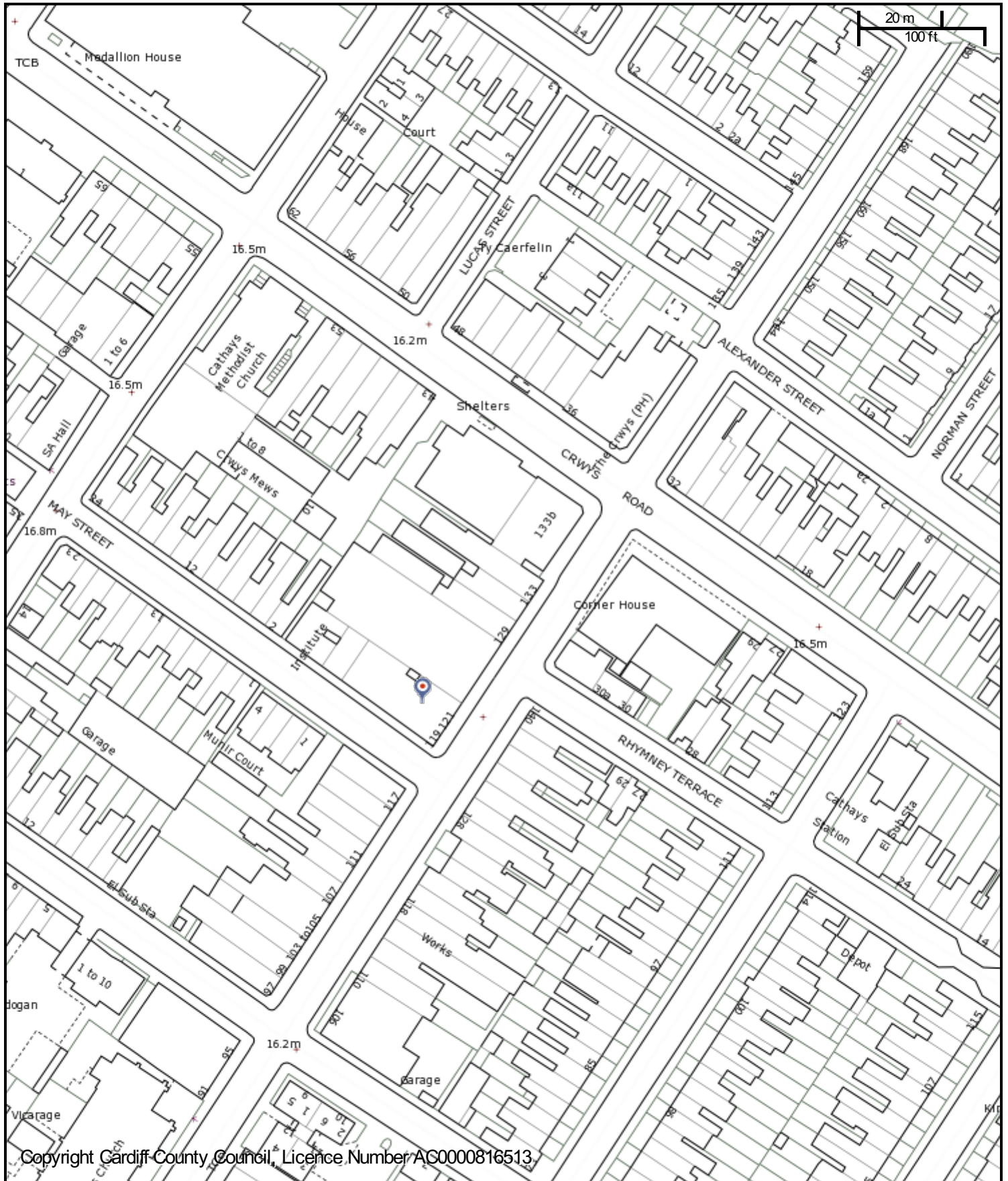
- 6.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Helen Picton
Regulatory Services

20th July 2023

APPENDIX A

Site Map and Plan



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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

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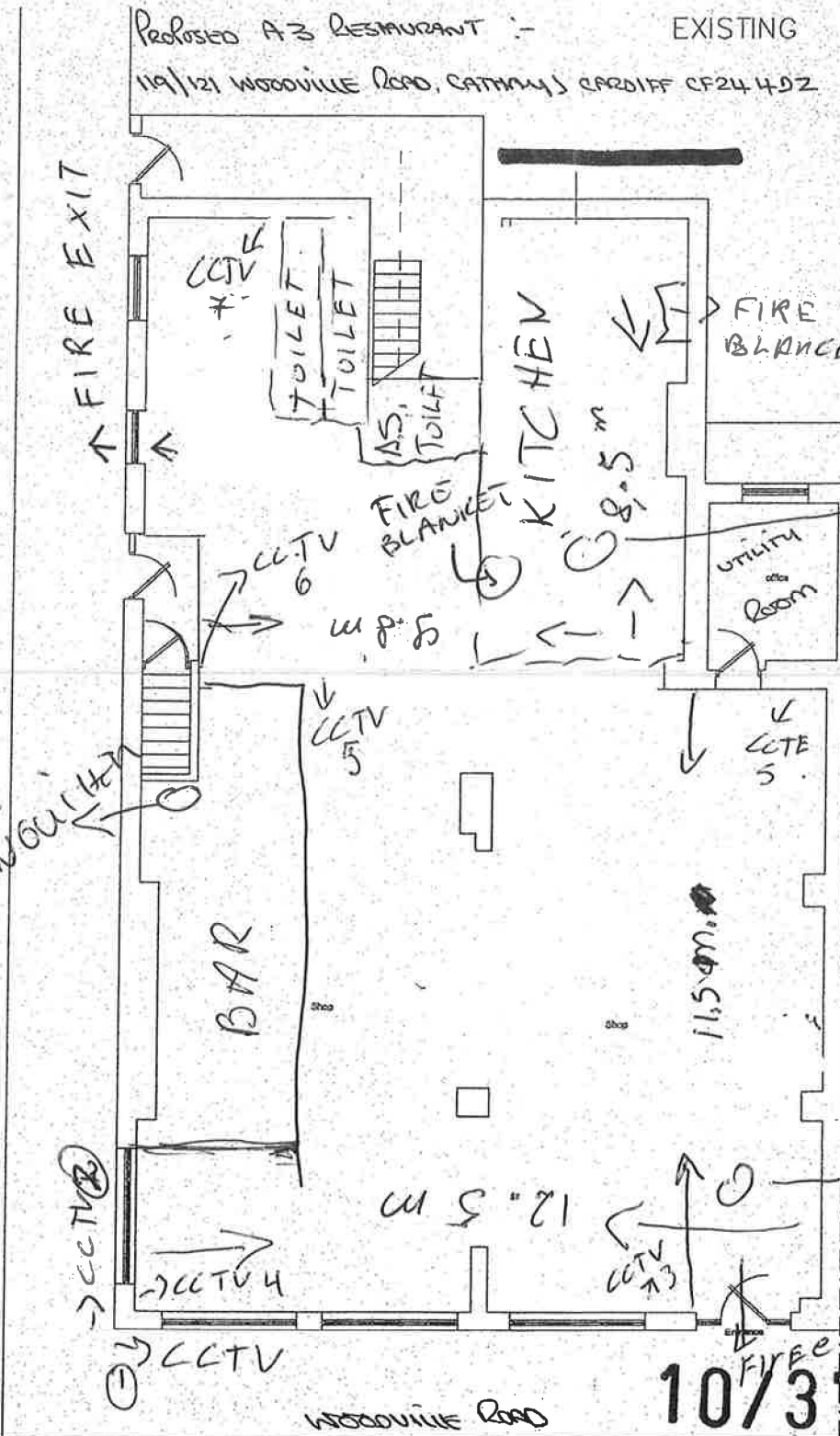
Proposed A3 RESTAURANT :-
119/121 WOODVILLE ROAD, CATHAYS, CARDIFF CF24 4DZ

EXISTING

OPENING
TIMES

FROM
9 AM TO 11.30 PM

CAPACITY
92 ppl.



Ground Floor Plan

10/378--C

APPENDIX B

Operating Schedule and Current Conditions

Continued from previous page...

b) The prevention of crime and disorder

We have CCTV inside and outside the premises. We also plan on having security if this application is accepted.

c) Public safety

CCTV and security. Keeping a reasonable limit on drinks served.

d) The prevention of public nuisance

keeping reasonable limit on drinks served. not playing music too loud. only allowing customers to drink inside the premises

e) The protection of children from harm

children will only be allowed in the premises until 22:30. After that any customers will have to be over 18 years old

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



Premises Licence

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

2. The premises will operate a Challenge 25 policy. This policy will be brought to the attention of customers by the use of appropriate signage. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.

3. Challenge 25 notices will be displayed in prominent positions in the premises.

4. All permanent staff will receive the appropriate Challenge 25 training, having completed a minimum of six continuous weeks of employment.

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

i) All crimes reported to the venue

ii) Any complaints received (of a Criminal or Licensing nature)

iii) Any incidents of disorder

iv) Any refusal of the sale of alcohol

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

vi) Any failures of the CCTV system.

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

7. A Personal Licence Holder will be present at the premises between 20:00 hours and 23:00 hours on Fridays and Saturdays.

8. The sale of alcohol will be ancillary to food.



APPENDIX C

South Wales Police Representation and Agreement

Barker, Kirstie

From:
Sent: 10 July 2023 11:41
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Variation to premise licence Corfu By Night
Attachments: Corfu by Night copy.docx

***** 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 fygythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

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

Good morning,

Please find attached the signed variation to premise licence for Corfu by Night. All timings and conditions attached have been discussed with the applicant who has agreed in full. If you require any further information please do not hesitate to contact me.

Kind regards



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.

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Teliffon: 01656 869211
Mewn argyfwng ffoniwch **999**
Fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Cardiff & Vale BCU
Cardiff Bay Police Station,
James Street, Cardiff Bay
CF10 5EW
Telephone: 01656 869211
In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

SWYDDOGOL - OFFICIAL

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

10th July 2023

**Corfu By Night,
119 – 121 Woodville Road,
Cathays,
Cardiff.
CF24 4DZ**

APPLICATION FOR VARIATION OF A PREMISES LICENCE UNDER THE
LICENSING ACT 2003.

“CORFU BY NIGHT, 119-121 WOODVILLE ROAD, CATHAYS, CARDIFF. CF24
4DZ”

I have caused enquiries into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

You as the applicant have applied for a variation to an already in place premises licence in order to extend the hours for the following;

- 1) The provision of regulated entertainment in the form of live music (indoors): Friday and Saturday 19:00 to 03:00 hours.
- 2) The provision of regulated entertainment in the form of recorded music (indoors): Monday to Sunday 12:00 to 03:00 hours.
- 3) The provision of late night refreshment (indoors): Monday to Sunday 23:00 to 03:00 hours.

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.



4) The sale of alcohol for consumption on the premises: Monday to Sunday 12:00 to 03:00 hours.

The premises is described as a family restaurant that would like to stay open serving food and drinks until 02:30am, occasionally have live music as well which you would like to keep until 02:30 hours.

At present your timings for licensable activities are as follows;

Playing of recorded music Monday to Sunday 23:00 – 23:30 hours

Supply of alcohol for consumption (on premises) Monday to Sunday 12:00 – 23:00 hours

Requested Opening times of the premise:

Monday to Sunday 12:00 – 03:00 hours

Requested hours for the supply of alcohol on the premises only:

Monday to Sunday 12:00 – 03:00 hours

Measures offered by yourself as the applicant in support of the application:

General:

Nothing offered by applicant

Prevention of Crime and Disorder:

We have CCTV inside and outside the premises. We also plan on having security if this application is accepted.

Public Safety:

CCTV and security. Keeping a reasonable limit on drinks served.

Prevention of Public Nuisance:

Keeping reasonable limit on drinks served, not playing music too loud, only allowing customers to drink inside the premises.

Protection of children from harm:

Children will only be allowed in the premises until 22:30 hours. After that any customers will have to be over 18 years old.

CONCLUSION

The following conditions are already on your existing premise licence, however South Wales Police wish for the wording of these conditions to be changed;

Condition 2 to read:

Challenge 25 shall be in use at all times licensable activities are undertaken. Any person who appears to be under the specified age will be required to prove they are over 18. The only acceptable forms of identification in these circumstances are



photographic identification documents such as passport, PASS hologram or Driving Licence. Where a customer's age is in doubt and no identification is available, no sale of alcohol will be permitted. Signs to be displayed in prominent positions throughout the premises advising customers of this policy.

Condition 3 to be removed as it is combined within the new wording for condition 2: Challenge 25 notices will be displayed in prominent positions in the premises.

Condition 4 to read:

Staff authorised to carry out Licensable Activity shall receive initial training in relation to age related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. Refresher training shall be conducted every 12 months. The DPS shall keep records of such training for a period of at least 18 months.

Condition 5 to read:

An incident book shall be kept at the premises and maintained on site at all times. It shall be made available on request to an authorised officer of the local authority or member of police staff which record the following;

- i) All crimes reported to the venue
- ii) All ejections of patrons
- iii) Any complaints received (of a criminal or licensing nature)
- iv) Any incidents of disorder
- v) Any visit by representatives of a relevant authority or emergency service
- vi) Any faults in the CCTV system

Staff will be trained in relation to their responsibility to complete an incident report. Access to incident reports shall be made available to South Wales Police on request.

Condition 7 to read:

A personal Licence Holder will be present at the premises between 20:00 hours and 03:00 hours when premises trade until those hours.

South Wales Police wish to object to the grant of this application under the Licensing Objectives;

Prevention of Crime and Disorder

Prevention of public nuisance

Protection of children from harm

However, should you as the applicant be minded to agree to the below conditions, then South Wales Police will withdraw their objection.

South Wales Police request that the opening hours be altered to the following due to the premises being within a residential area:

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.

Sunday to Wednesday 12:00 – 23:30 hours

Thursday to Saturday 12:00 – 03:00 hours

With the supply of alcohol being:

Sunday to Wednesday 12:00 – 23:00 hours

Thursday to Saturday 12:00 – 02:30 hours

South Wales Police request that the following conditions are added to the premise licence:

1. The premises Licence shall only remain in force for as long as the daily use of the premises is that of a Restaurant.
2. There will be a minimum of two (2) SIA registered door supervisors employed at the premises from 21:00hrs until closure of the premises on days the premises trade after 23:30 hours
3. At all other times, SIA registered door supervisors will be employed at the premises in accordance with a written risk assessment carried out by the Premises. A copy of the risk assessment will be maintained for 12 months and be made available to the Police immediately upon request.
4. A register of door supervisors will be kept at the premises. The register shall contain the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The register will be kept for a minimum of 12 months and will be made available to a Police employee on request.
5. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
6. On those days when SIA registered door supervisors are employed at the premises, the manager of the premises will ensure that an adequate system for measuring the number of patrons in the premise is used such as clicker devices. Numbers of patrons on the premises will be recorded hourly in the door supervisor log book.
7. SIA Licensed door staff shall each carry an internal radio to allow communication between themselves and management.

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.



8. When on employed, SIA registered door staff will ensure the dispersal of all patrons at the end of the trading day.
9. All staff involved in the sale of alcohol shall be trained to record refusals of sales of alcohol in a refusals log (whether written or electronic)
10. There will be no vertical drinking on the premises, all customers must be seated at tables.
11. Only background music to be played on the premises from 23:30 hours until close.
12. No amplified music to be played on external areas.
13. No customers shall be allowed to leave the premises while in possession of any open drinking vessel or open glass bottle, whether empty or containing any beverage.
14. Waiter / Waitress service is to be provided throughout the whole premises at all times that alcohol is sold or supplied.
15. On Thursday, Friday and Saturdays, last entry to the premises for customers will be 01:30 hours.
16. Persons under the age of 18 years of age will not be allowed to remain on the premises after 21:00 hours unless accompanied by an adult.
17. No performance of striptease, lap dancing, entertainment of a sexual nature or other similar entertainment will be permitted on the premises.

If you wish any further information then please contact Police Licensing Officer Michael Stone at the Cardiff Bay Police Station ☐ 02920 633421.

AGREED



Barker, Kirstie

From:
Sent: 11 July 2023 13:29
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: FW: Variation to premise licence Corfu By Night

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

Hi
Yes we do agree with there terms and conditions
Thank you

On Mon, 10 Jul 2023 at 12:55, Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk> wrote:

Please find attached Police representation, please can you can confirm if you are in agreement with the Police proposals.

Many thanks,



APPENDIX D

Neighbourhood Services (Pollution) Representation and Agreement

Barker, Kirstie

From:
Sent: 13 July 2023 14:26
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003: Application to vary a Premises Licence - Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ

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,

Pollution Control wish to object to the variation of the Premises licence under the Prevention of Public Nuisance Licensing Objective. There are concerns regarding the provisions of regulated entertainment in the form of live music and recorded music, the provision of late-night refreshments and the sale of alcohol for consumption on the premises.

There are concerns regarding the premises opening hours, the hours for the sale of alcohol for consumption on the premises, the provision of late-night refreshments and the provision of regulated entertainment in the form of live music and recorded music. The cumulative impact of these changes can increase the likelihood for noise nuisance from the premises, namely loud music and noise from patrons at the premises during the late evening hours or early morning hours.

The premises is located in close proximity to residential properties with residential properties located above, opposite and to the rear of the premises.

Shared Regulatory Services have received five complaints regarding noise from late night activities at this business:

On 16th May 2022, two complaints were received alleging loud music from the premises was playing beyond 0100hrs; the existing premises licence permits the premises to be open to the public until 23.30hrs.

On 26th November 2022, a complaint was received alleging loud music and karaoke. Officers working on the Night Time Noise service responded at 0140hrs. Attending Officers confirmed a statutory nuisance. The attending Officers spoke with staff at the premises on this occasion and warned them that the premises was breaching its current licence conditions and potential causing a statutory nuisance due to loud music.

On 11th February 2023, loud amplified music was reported at 0125hrs, which was past the licensing hours of 2300hrs.

On 30th April 2023, loud music was reported at premises past 0030hrs. Officers working on the Night Time Noise service attended the business at 0050hrs and witnessed loud amplified music with patrons singing and dancing within the premises. Officers discussed the complaint with employees at the business.

Following this, formal warning letters were sent to the business on 30th May 2022 advising them of the complaints received by Shared Regulatory Services and of what action the Local Authority could take if further complaints and/or a statutory nuisance from the business is witnessed.

I have contacted the applicant on 12 July 2023 to discuss the application and discuss a change in the proposed hours. It is my understanding the applicant had already reached an agreement with Police Licensing regarding the following amendments:

Opening Hours:

Sunday to Wednesday 1200hrs – 2330hrs

Thursday to Saturday 1200hrs – 0300hrs

Supply of alcohol

Sunday to Wednesday 1200hrs – 2300hrs

Thursday to Saturday 1200hrs – 0230hrs

Last entry to premises

Thursday to Saturday: 0130hrs

Only background music to be played on the premises from 2330hrs until close

Following a further discussion with the applicant, the additional points have been proposed:

Opening Hours:

Sunday to Thursday: 1200hrs – 2330hrs

Friday to Saturday 1200hrs – 0200hrs

Last entry to premises

Friday to Saturday: 0030hrs

However, due to the previous history of noise complaints against the premises, the close proximity to residential properties the proposals do not mitigate the concerns the Pollution Control department have in relation to the prevention of public nuisance.

Therefore Shared Regulatory Services object to the variation application. However, should the applicant agree to the following amendments and conditions, Shared Regulatory Services will withdraw its objection:

Opening Hours

Monday – Sunday: 1200hrs – 2400hrs

Supply of alcohol

Monday – Sunday: 1200hrs – 2330hrs

Provision of late-night refreshment

Monday – Sunday: 2300hrs – 2400hrs

Provision of regulated entertainment in the form of live music

Monday – Sunday: 1200hrs – 2300hrs

Provision of regulated entertainment in the form of recorded music

Monday – Sunday: 2300hrs – 2400hrs

Conditions:

No regulated entertainment in the form of live music and/or recorded music to be played in external areas of the premises.

I have contacted the applicant with the proposed amendments and conditions above.

Kind regards,

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 17 July 2023 14:57
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ

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.

Hi is Mr karidis from corfu by night I confirm that we have a agreement for the conditions and the times as are on our last email. Thanks very much.

Sent from my Galaxy

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 17 July 2023 15:15
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ

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,

Following the email below from Mr Karidis, the following hours and conditions have been agreed by Shared Regulatory Services.

Opening Hours

Monday – Sunday: 1200hrs-2400hrs

Supply of alcohol

Monday – Sunday: 1200hrs-2330hrs

Provisions of late-night refreshment

Monday – Sunday: 1200hrs-2400hrs

Provision of regulated entertainment in the form of live music

Monday – Sunday: 1200hrs-2300hrs

Provision of regulated entertainment in the form of recorded music

Monday – Sunday: 2300hrs-2400hrs

Conditions:

No regulated entertainment in the form of live music and/or recorded music to be played in external areas of the premises

As a result of this agreement, I am withdrawing the previous objection.

APPENDIX E

Licensing Enforcement Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 17 July 2023 15:02
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Corfu by Night, 119-121 Woodville Road, Cathays, Cardiff, CF24 4DZ

Good Afternoon,

I write further to the above application. The licensing authority wish to raise an objection to the application under the grounds of crime and disorder and the prevention of public nuisance.

It should be noted that the premises does not fall within the cumulative impact policy however the Licensing authority feel this application will have an adverse impact on the licensing objective and there is evidence of existing non compliance with their current premises licence.

Licensing enforcement officers have had cause to visit and discuss complaints of noise and disturbance from the premises with the designated premises supervisor from March 2023 onwards. During a discussion at these visits it was discovered there could have been potential breaches of their licence, advice was given regarding the best practice moving forward to avoid potential enforcement action. Further allegations we submitted from Noise pollution regarding complaints of trading past their permitted hours in May 2023. Subsequent visit with South Wales Police Licensing officers on 10 May 2023 resulted in the viewing of CCTV footage where images of customers being served alcohol and dancing past 01.00hrs could be evidenced. Further viewing of previous dates namely 15 April and 24 April 2023 also showed images of premises breaching licensing conditions. Screen shots of the CCTV footage will follow in a further email.

The applicant has repeatedly shown little regard to upholding the licensing objectives in relation to their current premises licence; serving alcohol past the permitted hours and causing such a disturbance on the premises where complaints have been received. Even after advice was given by Enforcement Officers in March 2023 the premises continued to operate in this way. The Licensing Authority believe that the granting of this variation application will further undermine the licensing objectives and therefore we object to the proposals.

Kind regards