

LICENSING SUB-COMMITTEE: 30 August 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 088244

Name of Premises: Wine Republic, 6C Heol y Deri, Rhiwbina, Cardiff, CF14 6HF

Ward: Rhiwbina

1. Application

1.1 An application for the Grant of a Premises Licence has been received from WinerepublicUK Ltd in respect of Wine Republic, 6C Heol y Deri, Rhiwbina, Cardiff, CF14 6HF.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

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

(2) Description of Premises (as stated by applicant):

"A proposed wine shop and café.

The premises will predominantly be laid out to shelving and an indication of the sort of look and feel of the store is enclosed within the brochure.

Some craft beers will be available, we anticipate that the range will be modest. "Obvious" brand names such as Fosters, John Smiths etc will not be part of the proposal, the beer available will be craft, priced accordingly and for the same demographic (a discerning customer) as you might expect from a shop of this sort".

(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: 12:00 to 22:30 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: 12:00 to 22:00 hours

1.2 A site map showing the premises and the plan of the premises submitted with the application 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. A copy of the representation can be found in **Appendix C**.
- 3.2 A representation has been received from a local resident. A copy of the representation can be found in **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.

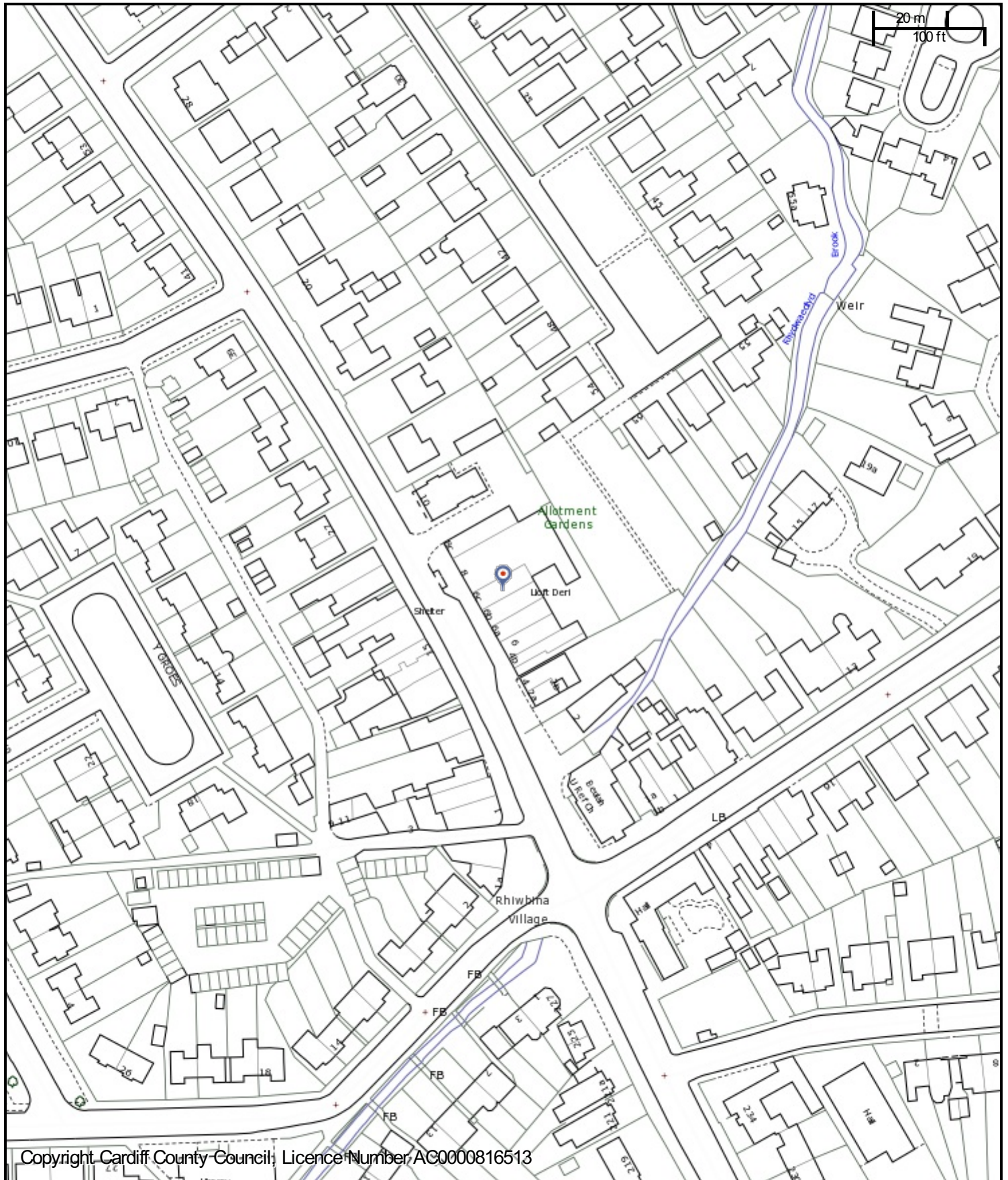
- 5.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (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 need 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: 16/8/2023 at 8:42 AM

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APPENDIX B

Operating Schedule

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please see attached.

b) The prevention of crime and disorder

Please see attached.

c) Public safety

Please see attached.

d) The prevention of public nuisance

Please see attached.

e) The protection of children from harm

Please see attached.

Wine Republic
6C Heol Y Deri, Rhiwbina, Cardiff CF14 6HF

Hours

Sale of alcohol (on and off the premises) from 12:00 until 22:00 every day, with thirty minutes drinking up time following the last permitted sale of alcohol.

Proposed Licensing Conditions

General – all four licensing objectives

Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plans regulations is indicative only and subject to change at any time.

Prevention of crime and disorder

CCTV will cover the entry/exit point. The system will record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to GDPR) through the 31 day period following any incident. A member of staff with knowledge of the CCTV system will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised Officer requiring recent CCTV recordings with the minimum of delay when requested.

The Designated Premises Supervisor will be an active member of the Cardiff Licensees Forum.

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).

The log shall contain:

- (a) Details of the time and date the refusal was made
- (b) The identity of the staff member refusing the sale
- (c) Any detail or description of the person refused and the reason why

This book/register will be available for inspection by a Police Officer or authorised officer of Cardiff City Council upon request.

All members of staff shall receive training in relation to the sale of alcohol commensurate with their duties.

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

In relation to the use of alcohol dispensing machines such as an Enomatic machine:

- (a) All prepaid cards and tokens will only be sold to person aged 18 years or older.
- (b) A member of staff will be present at all times to supervise the use of such machines by customers.
- (c) Only customers over 18 years of age will be allowed to use such machines.
- (d) There will be a sign on or near the machine that states its use will only be allowed by persons aged 18 years or older.

When placing an order via the website, the customer will have to have an account opened and when ordering, once the alcohol beverage section/page is selected it will pop up a tick box "Are you 18yrs or older" once this box has been ticked it will allow them to put an alcoholic

beverage in their basket, when they try and check out that basket the tick box will have already triggered the selection to only allow them to checkout and pay if they have opened an account or as a guest. The account opening selection collects the following data:

- (a) Full name
- (b) Address
- (c) Telephone number
- (d) Date of Birth
- (e) The system will then ask the customer to create a password which protects the account.

Deliveries

Any delivery including alcohol is to be made only to a resident or business address and the customer to be clearly resident inside the building.

The delivery of alcohol will not be made or completed to a person in a public place (street corner, park, bus stop, etc)

Delivery will be made and received either in person or at a nominated collection point and will only be to an adult.

Delivery staff will receive documented training in relation to the relevant sections of the Licensing Act 2003, and the 'Challenge 25' policy and the training shall be repeated every six months. Records of this training and the written policies relating to it will be kept and made available to Police or Council Officers on request.

The premises licence holder will have a return and refund policy for non-deliveries.

Public Safety

Appropriate fire safety measures will be installed and maintained as shown on the drawings accompanying this application.

Alcohol will not be stored in such a way as to block fire or other exits from the premises.

Staff will be trained in First Aid.

Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.

All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

Prevention of Public Nuisance

Noise from alcohol deliveries from the premises will not cause a public nuisance.

When events are held at the premises (wine tasting), there will be no more than fifty customers on the premises at any one time.

Any outside areas are to be monitored and supervised by management and staff, when occupied, during the hours that the premises are open

Protection of children from harm

All customer-focussed bar staff 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.

At all times that the premises is operating under this licence, the Premises Licence Holder shall ensure that its staff operate a Challenge 25 Policy (to minimise the risk of alcohol being sold to underage customers). This Policy shall provide that before any sale of alcohol any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport; driving licence, UK Military ID card; PASS (or similar) card to prove that he/she is over the age of 18

Posters advertising the Challenge 25 and proof of age policies shall be displayed in prominent places in the premises so that they can be seen internally and externally.

The Premises Licence holder shall display in a prominent position a copy of their policy on checking proof of age.

Prominent, clear notices shall be displayed at every public entrance stating any restrictions relating to the admission of children to the premises or other admission restrictions.

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 10 August 2023 14:45
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Wine Republic
Attachments: Wine Republic SWP Reps.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.

Afternoon,

Please see the attached SWP reps in relation to the above premise.

I have not heard back from Matthew to confirm the above conditions however I am out of office on a course tomorrow so am submitting today ahead of the deadline.

Many thanks,



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

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

07th August 2023

Wine Republic
6C Heol Y Deri
Rhiwbina
Cardiff
CF14 6HF

APPLICATION FOR A NEW PREMISES LICENCE. THE LICENSING ACT 2003 :

WINE REPUBLIC.

To whom it may concern,

I have caused enquiries to be made into this application. The applicant advises that this premise is primarily a small cafe/wine shop with limited seating to accommodate customers wishing to experience the enomatic wine machine in-store. The premises will predominantly be laid out to shelving offering high end wines and a selection of craft beers.

The application seeks the following licensable activity;

1. The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 12:00 to 22:00

The applicant has been spoken to and the application has been discussed. As a result of this consultation, I now make the following representations on behalf of South Wales Police.

At this time, South Wales Police object to the grant of a new premises licence as applied for under the following licensing objectives, namely those of;



The Prevention of Crime and Disorder.

The Prevention of Public Nuisance.

However, should the applicant agree to the below representations deemed to be appropriate and proportionate to support the licensing objectives, then the Police will automatically withdraw their request for a hearing before the Licensing Committee.

SOUTH WALES POLICE REPRESENTATIONS

PREFERRED WORDING OF POLICE CONDITIONS

1. A CCTV system shall be installed to a standard as approved by South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises. There shall be sufficient storage to allow a minimum of 31 days of footage. Images 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. Signage shall be prominently displayed, advising customers that CCTV is in operation at the premises.
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. Challenge 25 notices will be displayed in prominent positions throughout the premises. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.
3. All staff will receive training prior to being authorised to sell age-related goods (alcohol) as well as annual refresher training. This training shall include Age-Challenge procedures and refusal of sales (due to age/intoxication and/or proxy sales). A record of this training is to be kept on the premises for a minimum of 18 months and made available to a police employee immediately upon request.
4. 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 a police employee. The incident book will record the following:

All crimes reported to the venue
Any complaints received (of a Criminal or Licensing nature)
Any incidents of disorder
Any visit by a representative of a relevant authority or a member of the emergency services.
Any failures of the CCTV system.



5. 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).

The log shall contain:

- (a) Details of the time and date the refusal was made
- (b) The identity of the staff member refusing the sale
- (c) Any detail or description of the person refused and the reason why

This book /register will be available for inspection by a Police Officer or authorised officer of Cardiff City Council upon request.

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

7. Internal and external seating areas will be managed at all times the premise is open to the public and glass collection will be prompt.

8. In relation to the use of alcohol dispensing machines such as an Enomatic machine:

- (a) All prepaid cards and token will only be sold to person aged 18 years or older.
- (b) A member of staff will be present at all times to supervise the use of such machines by customers.
- (c) Only customers over 18 years of age will be allowed to use such machines.
- (d) There will be a sign on or near the machine that states its use will only be allowed by persons aged 18 years or older.

9. Wine/Champagne/Prosecco supplied in 750ml bottles or above will only be sold for on-premises consumption when there are a minimum of two customers to share the bottle.

10. When events are held at the premises (such as wine tasting), there will be no more than fifty customers on the premises at any one time.

11. Persons receiving the delivery of alcohol must be at least 18 years of age. If any person receiving appears to be 25 or younger, appropriate photo identification will be required. Without such identification the delivery of alcohol will be refused. The only form of identification recognised will be photographic identification cards such as driving licence, passport or proof of age scheme cards.

12. Orders for home delivery will be paid for at the time of ordering. There will be no payment for alcohol at the point of delivery.

13. Delivery will only be made to a verified residential or business postal address. There will be no delivery of alcohol to public spaces. Examples of such public spaces would be parks, beaches, street locations or open fields.



14. All refusals of alcohol delivery will include the time and date of delivery, reason for the refusal and address at which the refusal was made.

15. If delivery is not made for any reason the driver will return the order to the warehouse. The right to refuse the sale of alcohol must be in the terms and conditions.

16. In connection with all deliveries of alcohol, the following information will be recorded:

- Refusals of alcohol deliveries;
- The quantity of alcohol delivered;
- The price of alcohol delivered;
- The name and address of the customer placing the order; and
- The address where the delivery is made, if different to the customer's address.

If the applicant does not agree with the afore-mentioned representations, the police objections will be based on the following;

- The prevention of crime and disorder
- The prevention of public nuisance

Additional evidence to support the notice of objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on through verbal, written, statistical or CCTV evidence.

If you require any further information please contact Police Licensing Constable Will Tapper at Cardiff Bay police station, Licensing Department on 101 Ext 34950 or by email @ william.tapper@south-wales.police.uk.

Yours faithfully,

Chief Inspector.



APPENDIX D

Other Persons Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 11 August 2023 13:15
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003 - Representation in respect of Premises Licence Applications - Wine Republic: 6C Heol Y Deri, Rhiwbina, Cardiff, CF14 6HF

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

Good afternoon, please see below representation in respect of Premises Licence Applications - Wine Republic.

Thank you very much.

Details of premises representation is about:

Name of Premises: **Wine Republic**

Address of premises: **6C Heol Y Deri, Rhiwbina, Cardiff, CF14 6HF**

Dear Sir/Madam,

Please see below my objections to the proposal for a wine shop/bar in Rhiwbina village.

Licensing objectives relate to:

- Prevention of crime and disorder
- Public Safety
- Prevention of public nuisance
- Protection of Children from Harm

I respectfully but strongly object to the proposal of another establishment selling alcohol on premises in such a small street in a suburban village setting as it will adversely affect the life of the immediate residents of Rhiwbina Village, and the neighbourhood character of Rhiwbina village.

The applicant is disguising the application as a mere wine shop and tasting house, while the application is for the sale of alcohol for consumption on and off the premises, and the proposed opening hours: **every day** from 12.00 to 22.00 **with 30 minutes drinking up time**. A rather extended opening days and times for a mere wine shop. It's a bar, taking any dispersal times past 11.00 pm every day of the week, which is unreasonable for the residents of the flats and houses above and opposite. Even the other existing licenced premises close two days a week and have more limited opening times.

Already the Co-op is selling alcohol off premises and two restaurants, a Delicatessen shop/bar and a specific Tap & Cellar bar are selling alcohol on premises just in front of the proposed location for the wine shop. The commercial street, a small and an already **crowded** village street, cannot absorb more alcohol licence premises. Furthermore, it is not only a small commercial street, it is, and remains, predominantly a **residential** area.

There is already a degree of **nuisance** and **disturbance** to the residents from the above licenced premises with the late-night drinking with noise coming from people talking loudly or shouting, continuing their conversations outside, smoking outside and littering the pavement, customers lingering outside after closing hours, noise from the increase late night traffic and cars beeping, and people peeing on the access alley behind the Co-op.

In addition to the above alcohol licenced premises, Parsons Bakery, Co-op, Coffi Lab and nearby Secret Garden have a takeaway coffee/drinks service which produces an ever-increasing amount of litter that overflows from the rubbish bins at Heol y Deri.

But the noise not only occurs when these premises are open but also **after hours** when staff are clearing up, disposing of rubbish or bottles into waste containers producing loud sounds from shattered glasses, etc, and early morning hours when loud and polluting waste collection lorries come every day -very early in the morning- to pick up their waste, or delivery vehicles bringing more wine or beer or any other supply, and due to limited parking area obstructing traffic and endangering **people safety**.

If licenced, the new wine bar will increase considerably the cacophony of noises at unsociable hours, every day, leaving little respite and reduced quiet hours of sleep for the residents. Even worst during the spring and summer months when one has no option but to open the windows to breathe.

Directly above the proposed unit are residential flats where people live and expect to have a quiet enjoyment of their life without undue interference. Noise and vibration emanating from the premises will disrupt that enjoyment and have detriment to our quality of life and mental health. I doubt the unit is conditioned with the appropriate sound insulation as was the case with a previous licenced premises in the same building, causing no end of complaints and disturbance.

In addition, the premises proposed for the wine shop/bar is rather a small unit with no access to the rear, therefore all waste containers will be located and collected in front of the shop/bar like Rhiwbina Tap, creating more noise and obstruction in front of the proposed premises. Is it acceptable for businesses to use permanently public space to keep their waste bins, and narrowing the pedestrian area, because they have not fit for purpose premises? I don't think so. Not from the point of view of **public health**, **public safety** and not from the point of view of the attractiveness of Rhiwbina village.

There is already an existing licenced premises just in front of the proposed location, Tap Rhiwbina, where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided. Granting a licence would provide a further source of alcohol within a small area already so heavily populated with alcohol licensed premises. This is against the **Protection of Children** from Harm licensing objective.

It is well documented that an increase of alcohol licence premises in a small area attract anti-social behaviour, littering and the potential for street drinking and street **disorder**. Rhiwbina village has become a popular shopping destination for gifts and art, so why another alcohol selling premises – do we want to promote Rhiwbina village as a drinking destination?

Furthermore, the premises is situated in, what has become a very busy access route for vehicles heading towards the city centre or joining the A470 and the M4 motorway. Further delivery vehicles for the proposed shop/bar will add to existing street noise, congestion and cause further obstruction to the flow of vehicles through the village. And the increase of customers to the shop/bar will also increase congestion and parking issues in the village.

The proposed location of the wine shop/bar is a unit used as A1 retailer shop which was vacated by a furnishing retailer. It is a small unit with no rear access, and with the potential high customer occupancy of the shop/bar at certain times of the day one can only wonder about compliance with ventilation requirements, and fire **safety**. Ventilation is key to safeguard of employees and customers. The applicant may then be looking to install some kind of flue, but due to the limitation of the unit and building, it's likely this will impact the residents of Lloft Deri with more noise and another source of air pollution. There is already a pending consideration application for variation to planning permission (18/01847/MNR) relevant to 4a Heol-Y-Deri, precisely about noise levels.

I quote from the Cardiff Council [Statement of Licensing Policy 2020 – 2025](#) "Generally in most areas of Cardiff, ambient noise levels fall significantly after 23:00 hours but noise even from well behaved customers leaving licensed

premises late at night, can disturb residents especially during the working week. As a consequence what would be acceptable in the City Centre where there are fewer residents would not be acceptable in heavily populated residential areas”.

Heol y Deri is already a drink & food selling premises saturated street with limited and **over-stretched facilities**, another licenced premises, will tip the balance and will give rise to a negative **cumulative impact**, increasing noise and disturbance, traffic congestion, traffic pollution, litter pollution to unacceptable levels and decreasing the quality of life of the many people who have chosen Rhiwbina village as their home precisely for its friendly family community spirit.

Enabling the premises to sell alcohol on premises does **not** promote the Licensing objectives for the area. It caters for a specific type of clientele with emphasis on high consumption of alcohol; it is not a family-friendly venue where people with children can attend, it does not take into consideration the area in which the premises is situated and does not give due regards to the health and well-being implications to the residents of Lloft Deri, and the promotion of a safe environment for people visiting, working and living in the area.

I respectfully ask that consideration is given to the above arguments and to the plea of the residents of Lloft Deri, as well as neighbouring residents of Heol Y Deri, Pen Y Dre and Beulah Road, who will be strongly impacted by the increase noise and disturbance over and above existing levels already experienced in the village and decline granting a licence to sell alcohol on premises to Wine Republic.

Thank you,

Yours sincerely