

LICENSING SUB-COMMITTEE: 1 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 089547

Name of Premises: State of Love & Trust, Commercial Unit 5, Amber Vista, Clearwater Way,
Cyncoed, Cardiff, CF23 6DZ

Ward: Cyncoed

1. Application

1.1 An application for the Grant of a Premises Licence has been received from SOLAT Wine Beer Spirits Ltd in respect of State of Love & Trust, Commercial Unit 5, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DZ.

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):

"The premises will be a hybrid wine, beer and spirits shop and bar.

The business will have two service points; one with a retail focus for off-sales, the other a draught beer, wines by the glass area that will service the on-trade element of the business. Indoor and outdoor seating will be provided by the business so that there will be no standing consumption to take place.

Customer toilets, suitable fire exits and ventilation will be provided by the business. These facilities have been assessed and approved by building control (Clark Banks)".

(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: 09:00 to 23:00 hours

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

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

Monday to Sunday: 09:00 to 23:00 hours

1.3 A site map showing the premises and a 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. The conditions proposed in this representation have been agreed by the applicant. Copies of the representation and the subsequent agreement can be found in **Appendix C**.
- 3.2 A representation has been received from Pollution Control with proposed licence conditions. These conditions have been agreed and the representation has been withdrawn. A copy of the representation and subsequent agreement can be found in **Appendix D**.
- 3.3 A representation has been received from a local resident. A copy of the representation can be found in **Appendix E**.

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 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: 16/10/2023 at 9:34 AM

Coordinates:

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Ordnance Survey AC0000816513 (2023).

APPENDIX B

Operating Schedule

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

1. We will have two staff members in attendance for all closing procedures so that all licensing objectives can be maintained and carried out during busy service times. This will enable us to manage customers and their consumption positively and proactively.

b) The prevention of crime and disorder

24hr CCTV will be in effect both indoors and outdoors. We will be monitoring all off-premise sales of alcohol to ensure no minors are being supplied and putting into effect a policy of prevention. This policy will include a daily diary that records any issues observed during business hours that management can act upon with the landlord or local authorities.

c) Public safety

Full Health and Safety protocol will be carried out which will be backed up by appropriate Public Liability and Business Insurance. We are using industrial non slip flooring and providing purpose built furniture in order to maintain people's safety within the premises. Plus we are meeting all Building Regulations under planning guidelines being set out by the landlord.

d) The prevention of public nuisance

All areas both indoors and out will be monitored by CCTV. We will be employing a message of respect to our neighbours and be mindful of volume levels when leaving the premises.

e) The protection of children from harm

We will be operating a no under 18's policy from 8pm onwards. For the times that they are permitted to be on the premises we will have a zero tolerance towards bad language, aggressive and overly loud behaviour. We will be operating a "Challenge 25" policy to ensure that no minors are to be served alcohol for on or off premise consumption. Soft drinks and other non-alcoholic options will be provided for any under 18's that are accompanied by adults on the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

South Wales Police Representation and Agreement

From:
Sent: 04 October 2023 10:46
To:

Subject: reps for STATE OF LOVE AND TRUST
Attachments: reps for STATE OF LOVE AND TRUST.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. ***

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

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

Dear

As discussed, please find attached the conditions that the Police seek to have placed on your premises licence when it is issued.

Should you be in agreement with these conditions, email me back in the affirmative and copy in Cardiff Council Licensing.

If there are any issues or questions you have, don't hesitate to email or ring me.

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.

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

Cymorth Iaith Gymraeg\Welsh Language Support

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU

Mi

URhS Caerdydd a'r Fro

Cardiff & Vale BCU

Gwefan: [www](http://www.swpolice.uk)

Gorsaf Heddlu Bae Caerdydd,

Cardiff Bay Police Station, [www](http://www.swpolice.uk)

Stryd James, Bae,

James Street, Cardiff Bay

Caerdydd CF10 5EW

CF10 5EW

Teliffon: 01656 869211

Telephone: 01656 869211

SWYDDOGOL – OFFICIAL

Police Licensing Department

Cardiff Bay Police station.

James Street,

Cardiff.

CF10 5EW.

3rd October 2023

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

“STATE OF LOVE AND TRUST” Unit 5, AMBER VISTA, CLEARWATER WAY, CYNCOED, CARDIFF, CF23 6DZ

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

The Police object to this application based on the Licensing Objectives of the prevention of crime and disorder and the protection of children from harm.

Should the applicants agree to comply with the representations made to meet the Licensing Objectives before a hearing is held then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

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.



POLICE REPRESENTATION

1. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the areas to which the public have access (excluding toilets) and all entrances and exits including any outside area used by customers. Images shall be kept for a minimum of 31 days. The images shall be produced to a Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.

2. At least 75% of the internal area used by customers will be laid out with tables and chairs for the purpose of eating and drinking.

Ordinarily customers will be seated.

3. There will be no outside bar.

4. An incident and refusals log will be kept at the premises. This may be either electronic or written. The log will contain details of all incidents of disorder and breakdowns of the cctv system. The log will be made available for inspection by the police upon reasonable request.

5. All outside furniture such as tables and chairs will be removed from the outside area by 2100 hours each day.

6. Delivery drivers and riders employed to collect food and drink will gain access to the premises via the rear door. They will not be allowed to congregate at the front of the premises.

7. An age verification system shall be in place to verify that all sales are made by persons aged 18 years or over.

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. An age verification system, such as Challenge 25, shall be in place to ensure that at the point of delivery alcohol is only handed to customers aged 18 years or older.

9. Orders will only be dispatched to a bone fide address; no deliveries will be made to open spaces.

10. Details of all orders for alcohol will be kept either electronically or in a register. The details will include the date of purchase, the nature and quantity of alcohol, who makes the delivery and who the alcohol is delivered to. The register shall be made available to the Police upon request.

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 protection of children from harm.

The prevention of public nuisance.

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

If you wish any further information, then please contact Police Licensing Officer

Yours faithfully,

Chief Inspector

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.



From:
Sent: 04 October 2023 11:22
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Attachments: Re: reps for STATE OF LOVE AND TRUST
reps for STATE OF LOVE AND TRUST.docx

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

Hi

Thank you for meeting on site this week and taking me through all the necessary issues and conditions.

I am in agreement with all conditions and happy to operate within them.

Many Thanks

Sent from my iPhone

APPENDIX D

Pollution Control Representation and Agreement

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 29 September 2023 07:41
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: .FW: Unit 5 Amber Vista, Clear Water Way, Cardiff, CF23 6DZ.

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

Please see below – applicant is happy to accept conditions set out by noise and pollution team

From:
Sent: Thursday, September 28, 2023 2:30 PM
To:
Subject: Re: Unit 5 Amber Vista, Clear Water Way, Cardiff, CF23 6DZ.

Hi

Absolutely happy to accept those conditions on the operating schedule.

Site meeting is with _____, I had not realised that you both represent two different parties.

We will be having a site meeting Monday with him to tie in your operating conditions with any other recommendations that he has.

Thanks again

Sent from my iPhone

On 27 Sep 2023, at 08:45, _____ > wrote:

Hi

Thank you for your response to my recommendations, can you confirm that you are happy to accept such conditions as part of your operating schedule?

Regarding a site meeting can you advise me who you spoke to, was it a member of the noise and pollution team. I do not feel that a meeting at this stage would be necessary but would be more than happy to discuss the conditions if you feel this is needed.

Many Thanks

<image001.png>

From:

Sent: Tuesday, September 26, 2023 3:53 PM

To:

Subject: Re: Unit 5 Amber Vista, Clear Water Way, Cardiff, CF23 6DZ.

Thank you for the recommendations, definitely agree on the 9pm curfew for the outdoor seating.

It's difficult enough getting people to leave as it is at closing time, however it will be more manageable if we begin the process by closing outdoor seating at 9. Plus beneficial for the residential component of the building as you pointed out.

Regarding closure of doors and windows we have no public windows apart from a small recess window for the toilet and the front door is on sensor and will remain closed unless being used by a customer. Let me know if you need us to add further measures regarding this point.

There will be a standardised message communicated from all hospitality units regarding the respect and awareness that needs to be observed for neighbours. We will make sure this is clearly displayed.

We will keep use of external bins to daytime hours so that no disturbance is caused to existing neighbours behind and new neighbours above.

Just wanted to check if there would still be a meeting on site to go over these conditions as I spoke to your colleague last week who mentioned a site appointment would be organised.

Many thanks

Sent from my iPhone

On 26 Sep 2023, at 14:35, Barratt, Emma-Jayne
wrote:

Hi

I have reviewed your application and associated documents regarding the premises licence under *The Licensing Act (2003)*, Unit 5 Amber Vista, Clear Water Way, Cardiff, CF23 6DZ. I advise that I have concerns regarding the

potential for public nuisance, where residential premises can be found located adjacent to the outdoor seating areas, to include plans for residential premises on the 2nd floor of the development.

If the following measures were adopted into fashioned conditions, this would overcome my concern removing my consideration for adverse comment. I therefore propose on the grounds of prevention of public nuisance, that the following conditions are added to the licence:

Cnd 1. Windows and doors (except for access and egress) shall be closed from 21.00 hours

Cnd 2. The movement of bins, glass bottles and rubbish will not be undertaken between 21.00 hours and 08.00 hours, in order to ensure amenities of occupiers and other premises in the vicinity are protected.

Cnd 3. The use of the external seating area shall cease at 21.00 hours, to ensure the amenities of occupiers of premises within the vicinity are protected.

Cnd 4. Prominent clear and legible notices shall be displayed on exits to the premises, requiring patrons to respect the needs of the local residents, and to leave premises and surrounding areas quietly and orderly manner.

Upon agreement of such conditions, you will satisfy any objections to your application.

Please advise if you wish to accept such conditions or discuss the proposed conditions further.

Many Thanks

APPENDIX E

Other persons representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 02 October 2023 18:54
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Opposition to the Proposed Establishment of SOLT Wine Beer Spirits Ltd

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

Dear Sir/Madam,

Re: Opposition to the Proposed Establishment of SOLT Wine Beer Spirits Ltd in Our Residential Locale

I am writing to express my objection to the proposed establishment of SOLT Wine Beer Spirits Ltd within our residential area, specifically at Commercial Unit 5, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DZ. While I genuinely appreciate the significance of local businesses and their cultural value, I firmly believe that this particular location is entirely unsuitable for such an enterprise, given several compelling reasons.

- . Noise Disruption: Our residential area is renowned for its tranquil and peaceful atmosphere, a primary reason many of us chose to call it home. The operation of such a business, particularly during late hours, would inevitably result in elevated noise levels. This disruption would disturb our quality of life and potentially cause discomfort to families, the elderly, and young children residing nearby.^[SEP]
- . Safety Apprehensions: The anticipated influx of patrons, especially during weekends and evenings, raises grave concerns about safety. The heightened traffic and the potential for unruly behavior could lead to accidents and disturbances, placing residents at risk. This is especially concerning given the presence of three schools in proximity—two primary schools and one high school. Ensuring the safety of children in the area must be a top priority for all involved.^[SEP]
- . Parking Predicament: Our neighborhood already grapples with limited parking spaces. The addition of such an establishment could exacerbate this issue, making it exceedingly challenging for residents, myself included, to find parking near our homes.^[SEP]

. Impact on Property Values: The presence of such a business could negatively impact property values within the vicinity. Prospective buyers and renters may be deterred by the noise and safety concerns associated with residing in proximity to such an establishment.

I earnestly beseech the Cardiff Council to carefully consider these objections during the evaluation of the SOLT proposal. Preserving the serenity, safety, and character of our residential area should remain a paramount concern. Exploring alternative locations more suited for such a business is imperative to ensure the well-being and contentment of all residents.

I kindly request that you keep me apprised of any further developments and decisions regarding this matter. Your attention to this crucial issue is greatly appreciated.

Sincerely,

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