

LICENSING SUB-COMMITTEE: 22 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 090804

Name of Premises: The Birchgrove Inn

Ward: Heath

1. **Application**

1.1 An application to vary a Premises Licence has been received from Marston's Plc in respect of The Birchgrove Inn, Caerphilly Road, Birchgrove, Cardiff, CF14 4AE.

1.2 The applicant has applied for the following:

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

"In 2022 application was made to undertake substantial refurbishment of the premises and to update the conditions endorsed upon the Licence.

During that application detailed consultation was undertaken with South Wales Police and an agreement was achieved as to the hours of operation of the external areas and that the area to the front and the rear of the premises should operate to different times.

That agreement was not accurately depicted within the conditions proposed to the Licensing Sub Committee and thereby endorsed upon the Licence.

Application is therefore made to amend Annex 2 condition 6 as follows:

The external drinking area to the rear of the premises (former beer yard and garden) shall be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of adjacent properties.

That an additional condition should be added to Annex 2 as follows:

The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from midnight.

No further changes are sought to be undertaken in respect of the Licence".

2. **Current Licence**

2.1 The current Premises Licence permits the following:

(1) Unless otherwise indicated the premises may currently be open to the public during the following hours and for any hours consequential to the non-standard timings:
Monday to Sunday: 10:00 to 00:00 hours

(2) The sale by retail of alcohol for consumption on and off the premises:
Monday to Sunday: 10:00 to 23:30 hours

- (3) The provision of regulated entertainment in the form of indoors sports, live music (indoors) and recorded music (indoors):
Monday to Sunday: 10:00 to 23:30 hours
- (4) The provision of late night refreshment (indoors and outdoors):
Monday to Sunday: 10:00 to 23:30 hours
- (5) Non standard timings:

On New Year's Eve between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.

When there is a major sporting or entertainment event that shall be of the stature as listed. Rugby/Football world cup matches, world Boxing title fights, British Lions test matches, International Test Cricket. In an area of the world where a time difference occurs, to open and serve alcohol 30 minutes before and 30 minutes after the event and co join the hours should they meet or overlap. Breakfasts teas and coffees will be available.

On the days listed below additional hours are to be permitted for licensable activity

1st March (St David's day) 1hr, 17th March (St Patrick's day) 1hr, Good Friday 1hr, Easter Saturday 1hr, Easter Monday 1hr, 2nd May Bank Holiday Saturday prior 1 hr, 1st May Bank Holiday Friday prior 1hr, 1st May Bank Holiday Saturday prior 1hr, 1st May Bank Holiday Sunday prior 1hr, 1st May Bank Holiday Monday 1hr, 2nd May Bank Holiday (Whitsun) Friday prior 1hr, 2nd May Bank Holiday Saturday prior 1hr, 2nd May Bank Holiday Sunday prior 1hr, 2nd May Bank Holiday (Whitsun) Monday hr, August Bank holiday Friday prior 1 hr, August Bank Holiday Saturday prior 1 hr, August Bank Holiday Sunday prior 1hr, August Bank Holiday Monday 1 hr, Christmas Eve 24th December 2 hrs, Boxing Day 26th December 1hr, December 27th 1 hr

- 2.2 A site map showing the premises and a copy of the current plan of the premises 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 (Shared Regulatory Services). A copy of the representation can be found attached as **Appendix C**.
- 4.2 A number of representations have been received from local residents. Copies of these representations can be found attached as **Appendix D**.
- 4.3 A representation has been received from local ward Councillors. 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

6th November 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

Scale: 1:1000

Date: 6/11/2023 at 11:11 AM

Coordinates:

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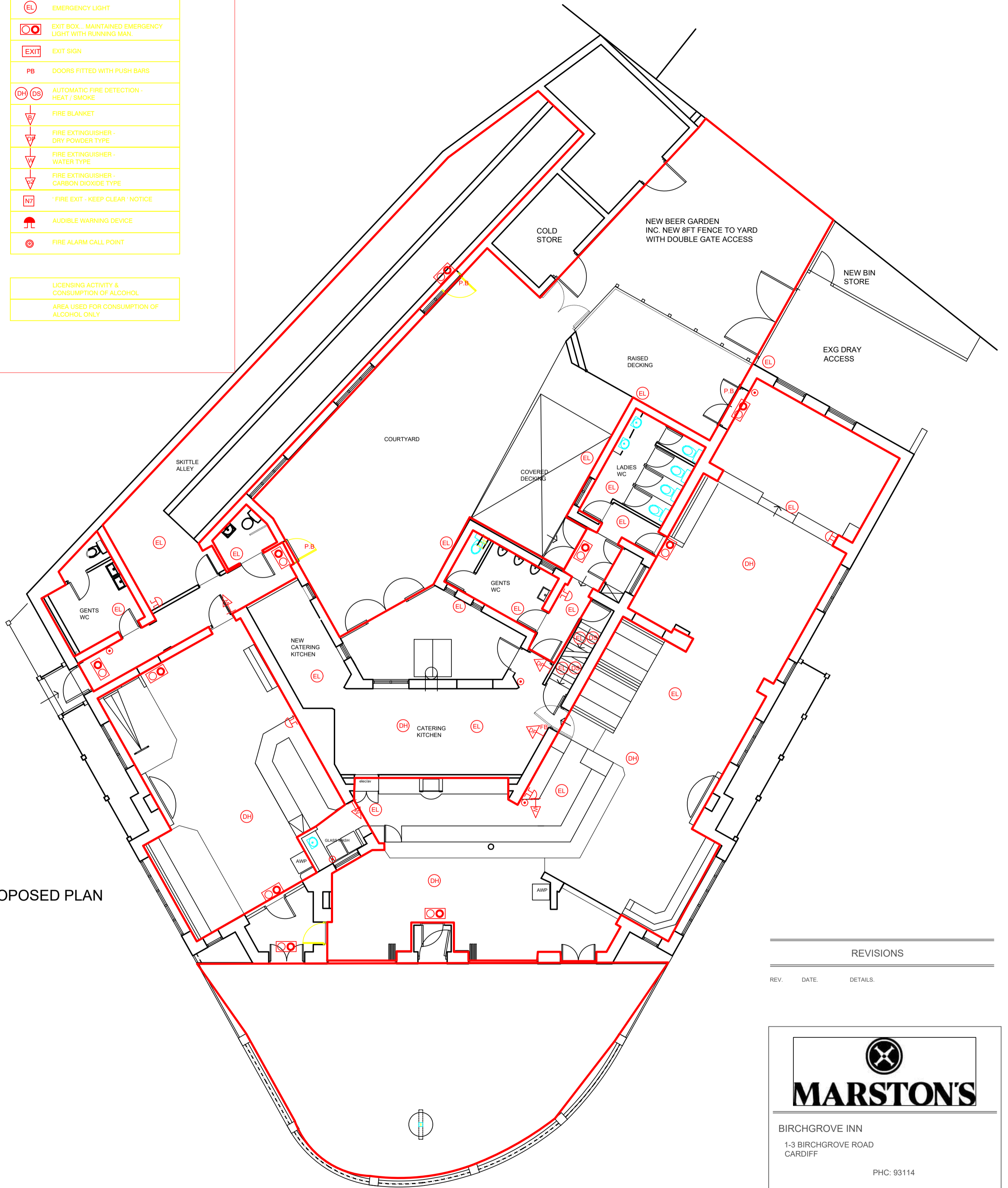
Ordnance Survey AC0000816513 (2023).

FIRE PREVENTION LEGEND

FD	1/2 HOUR FIRE RESISTING DOORS
EL	EMERGENCY LIGHT
	EXIT BOX... MAINTAINED EMERGENCY LIGHT WITH RUNNING MAN.
EXIT	EXIT SIGN
PB	DOORS FITTED WITH PUSH BARS
DH DS	AUTOMATIC FIRE DETECTION - HEAT / SMOKE
	FIRE BLANKET
	FIRE EXTINGUISHER - DRY POWDER TYPE
	FIRE EXTINGUISHER - WATER TYPE
	FIRE EXTINGUISHER - CARBON DIOXIDE TYPE
N7	'FIRE EXIT - KEEP CLEAR' NOTICE
	AUDIBLE WARNING DEVICE
	FIRE ALARM CALL POINT

LICENSING ACTIVITY & CONSUMPTION OF ALCOHOL
AREA USED FOR CONSUMPTION OF ALCOHOL ONLY

PROPOSED PLAN



REVISIONS		
REV.	DATE.	DETAILS.



MARSTON'S

BIRCHGROVE INN
 1-3 BIRCHGROVE ROAD
 CARDIFF

PHC: 93114

Drawing No: 04.22/93114/401

PROPOSED LICENSING 2022

Scale: 1:100 @ A2 | Drawn By: LB

MARSTON'S PUBS AND BARS, SURVEYORS
 DEPARTMENT, MARSTON'S HOUSE, BREWERY
 ROAD, WOLVERHAMPTON, WV1 4JT
 Tel: 01902 711811

- Contractors responsibility to check all site dimensions & levels prior to commencing works.
- Contractor to comply in all respects with current building regulations & guidelines whether specified on this drawing or not.
- The drawing must be read & checked against any other specialist drawings provided by the company or by consultants.
- This drawing and the works depicted are the copyright of the company & may not be replicated without written permission.

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, e) (please read guidance note 11)

Application is made to reflect the agreement previously achieved in principle with the Police regarding differential operating times to the front and rear external areas. The front external area is sought to mirror the hours of operation permitted under the premises for opening.

The above is provided by way of explanation and is not intended to be converted into conditions.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

The following two conditions are proposed to be endorsed upon the Licence in substitution for condition Annex 2 condition 6:

1. The external drinking area to the rear of the premises (former beer yard and garden) shall be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of adjacent properties.
2. The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from midnight.

e) The protection of children from harm

No further risks have been identified which need to be addressed

ANNEXES: CONDITIONS

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

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

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

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



ANNEXES: CONDITIONS continued ...

permitted price.

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

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

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

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

where-

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the Operating Schedule

1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and it shall be maintained and operated at all times when the premises are open to the public. The system will cover all areas of the premises where the public have access (excluding toilets) including all entrances and exits and any external areas associated with the premises including the external bar. 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. Other than for off sales in sealed containers no drinks are permitted to leave the licensed area.

3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received concerning crime and disorder

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(g) any refusal of the sale of alcohol

4. The gates within the external rear drinking area will only be used for delivery access and in the event of an emergency.

5. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

6. The external drinking area should be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of any properties within the vicinity.

7. All windows and doors to be closed will be closed save only to allow persons to enter or exit from 23:00 hours when live music is being performed.

8. Signage will be displayed requesting customers leave the premises quietly.

9. Under 18s will only be permitted on the premises until 22:00 hours when accompanied by a responsible adult.



ANNEXES: CONDITIONS continued ...

Non-Standard Timings for opening hours, the sale of alcohol, live music, recorded music and late night refreshment:

On New Year's Eve between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.

When there is a major sporting or entertainment event that shall be of the stature as listed. Rugby/Football world cup matches, world Boxing title fights, British Lions test matches, International Test Cricket. In an area of the world where a time difference occurs, to open and serve alcohol 30 minutes before and 30 minutes after the event and to join the hours should they meet or overlap. Breakfasts teas and coffees will be available.

On the days listed below additional hours are to be permitted for licensable activity

1st March (St David's day) 1hr, 17th March (St Patrick's day) 1hr, Good Friday 1hr, Easter Saturday 1hr, Easter Monday 1hr, 2nd May Bank Holiday Saturday prior 1 hr, 1st May Bank Holiday Friday prior 1hr, 1st May Bank Holiday Saturday prior 1hr, 1st May Bank Holiday Sunday prior 1hr, 1st May Bank Holiday Monday 1hr, 2nd May Bank Holiday (Whitsun) Friday prior 1hr, 2nd May Bank Holiday Saturday prior 1hr, 2nd May Bank Holiday Sunday prior 1hr, 2nd May Bank Holiday (Whitsun) Monday hr, August Bank holiday Friday prior 1 hr, August Bank Holiday Saturday prior 1 hr, August Bank Holiday Sunday prior 1hr, August Bank Holiday Monday 1 hr, Christmas Eve 24th December 2 hrs, Boxing Day 26th December 1hr, December 27th 1 hr

Helen Picton

Helen Picton
Shared Regulatory Services

23 March, 2023



APPENDIX C

Noise Pollution Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 09 October 2023 11:45
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: The Birchgrove Inn, 1-3 Birchgrove Road, Heath, Cardiff, CF10 3ND - Variation of cnd 6

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.

I wish to advise that I objected to the above application under the grounds of prevention of public nuisance. The front of the above premises is open to multiple residential premises which will still likely give rise to complaints of nuisance and disturbance:

Cnd 6: *The external drinking area to the rear of the premises (former beer yard and garden) shall be closed from 23:00 hours to prevent unreasonable disturbance to the occupants of adjacent properties, and to add the following condition: The external drinking area to the front of the premises facing onto Caerphilly Road shall be closed from 00:00 hours.*

It is my position to advise you that we have received complaints from members of the public, where activity in the external area to the front of the premises has unreasonably detracted local residents from the enjoyment of their property, to include the following:

15/07/2022: Out of hours call was received to our department regarding loud music at the premises.

15/07/2022: Complaint was received in relation to loud music from the premises, alleging music to be loud past 23.00 hours. On call duty officers attended the premises on this occasion and witnessed around 15 people in the external area and loud music at 23.10 hours.

18/0/2022: Complaints were made to suggest that the recent extension of the beer garden was causing unbearable noise, the complaint also indicated that the external area should have not yet been in use until the 27th of July 2022. In this case the complainant advised they had to sleep at an alternative address because of the noise.

19/07/2022: A letter was sent to the DPS Carly Booth regarding noise at the premises.

05/09/2023: Complaints in relation to loud music at the premises were received, diary sheets were sent to the complainant which indicated excessive noise from front area of the premises can be heard most weekends. The complainant has indicated that the front external area is often open until 23.45.

Many Thanks

APPENDIX D

Other Persons representations

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 24 October 2023 13:58
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Change of license , Birchgrove pub.

Good afternoon,

I wish to object to the Birchgrove's application to extend the license to allow the use of the front, outside area until midnight.

As the position of these premises is in a residential area, the use of this facility causes a great deal of noise from the patrons- impacting on at least 25 residential properties.

We have had issues with noise from this area throughout the last 2 summers, contacting the Council noise pollution and licensing departments on numerous occasions . The problem often continues long after closing time.

We have witnessed, on some occasions, people urinating in the street, fighting and general poor behaviour. Recently we had a raucous extremely loud rendition of "Happy Birthday" at 11:45 pm.....

Very little monitoring of the outside area seems to go on, allowing shouting, shrieking, loud conversations and laughing , which we believe to be a breach of the peace and a public nuisance.

We haven't reported some instances as by the time the Police / noise team arrive, all will be finished and we know that the landlady would deny any of it.

Frequently, after a "live" event which are extremely loud, people come outside to carry on conversations.....which are very loud as their ears are still adjusting to the noise. We have witnessed some passing pedestrians being shouted at, especially females.

I have noticed on some "legal advice for pub landlords" websites, a general opinion is that no outside area should remain open after 11pm , especially in residential areas.

To sum up, I believe allowing this change of license will cause a public nuisance and a breach of the peace to the residents of the area.....which we have had to put up with for the last 2 years.

Yours faithfully,

Sent from my iPad

Ref: ecc P00285 Birchgrove Inn



30-10-2023

Dear Helen Pictou,

My name is

I live to the

rear of the Birchgrove Inn owned by Marsden's now

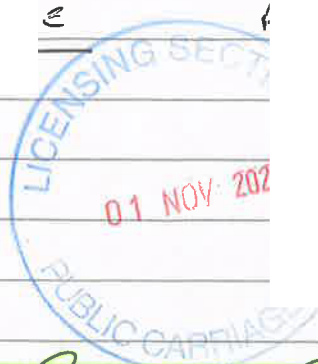
I'm writing to object to any extension of their opening hours. As it is it's far too late (the outside area I use)

The problems started when Marsden's extended the beer garden it used to be up by Coarbilly Rd end but now it's all the way down to the side of the house next door you can't have the windows open in the hot weather it's a nightmare

I am unwell I cannot stay up for the noise pollution people I have to take strong medication if it's not drunk coming arguing fighting its kids screaming

Please consider the cottages to the rear of me I mean when making any decision

Thank you



Re C.C.C. P00285 Birchgrove Inn.

Dear Helen PICTON,

I AM OPPOSED TO THE PROPOSED NEW OPENING TIMES OF THE BIRCHGROVE PUB. THE LETTER OUTSIDE ON THE WINDOWS DOES NOT TELL THE LOCALS ABOUT WHAT THEY ARE INTENDING TO DO,

AMEND ANNEX 2. CONDITION 6.

As the people I have spoken to have NO IDEA what it means.

THIS PUB HAS CAUSED MAJOR PROBLEMS IN THE HEATH AREA WITH ROWDY GANGS, PARKING ISSUES, AND NOW CITIZENS PARTIES. SOMETHING HAS TO BE DONE.

ANNEX 2. SECTION 4. THE ENTRANCE IS USED FOR CUSTOMERS AND KIDS PARTIES AND IS NEVER LOCKED.

ANNEX 2 SECTION 7. NEVER LOCKED OR CLOSED DURING LIVE MUSIC

YOURS SINCERELY

REF:- CCC P00285

BIRCHGROVE INN CARDIFF



31-10-2023

DEAR HELEN PICTON

AS JOINT OWNER OF

I AM AGAINST EXTENDING THE HOURS TO THE OUTSIDE AREAS

MY REASON FOR THIS IS SINCE MARSDEN'S HAVE TAKEN OVER THE GARDEN OF [REDACTED] HAS BEEN RENDERED USELESS. YOU CANNOT SIT OUT THERE AS IT FEELS AS THOUGH THE CUSTOMERS ARE IN THE GARDEN TOO. THIS IS BECAUSE MARSDEN'S HAVE EXTENDED THE BEER GARDEN RIGHT UP TO THE SIDE OF PINE LIND WALL.

I DON'T UNDERSTAND ANNEX 2-6 DOESN'T NO COUNT BECAUSE THERE IS ALWAYS UNREASONABLE DISTURBANCE IT'S HORRIBLES ANNEX 2-7 DOESN'T MAKE SENSE EITHER SURLY THEY SHOULD CHOSE ALL WINDOWS & DOORS AT THE START OF THE LIVE MUSIC? IS THIS A TYPING ERROR?

ANNEX 2-4 THESE GATES AREN'T LOCKED CUSTOMERS TAKE THEIR CHILDREN INTO PARTIES THROUGH THESE GATES THE CHILDREN ARE ALLOWED TO RUN & SCREAM UNSUPERVISED SO ARE THE CUSTOMERS UNSUPERVISED I MEAN

THE ONLY WAY YOU CAN APPRECIATE THE SITUATION IS IF YOU WERE TO VISIT [REDACTED] FOR YOURSELVES TO UNDERSTAND WHAT IMPACT THIS SITUATION HAS ON THIS PROPERTY THE BIRCHGROVE INN IS NO'S 1-3 BIRCHGROVE RD & THIS PROPERTY IS [REDACTED] PLEASE SEE THE MAP I'VE ENCLOSED IT'S NEXT DOOR!

Yours sincerely

RE. CCC P00 285

"BIRCHGROVE INN"

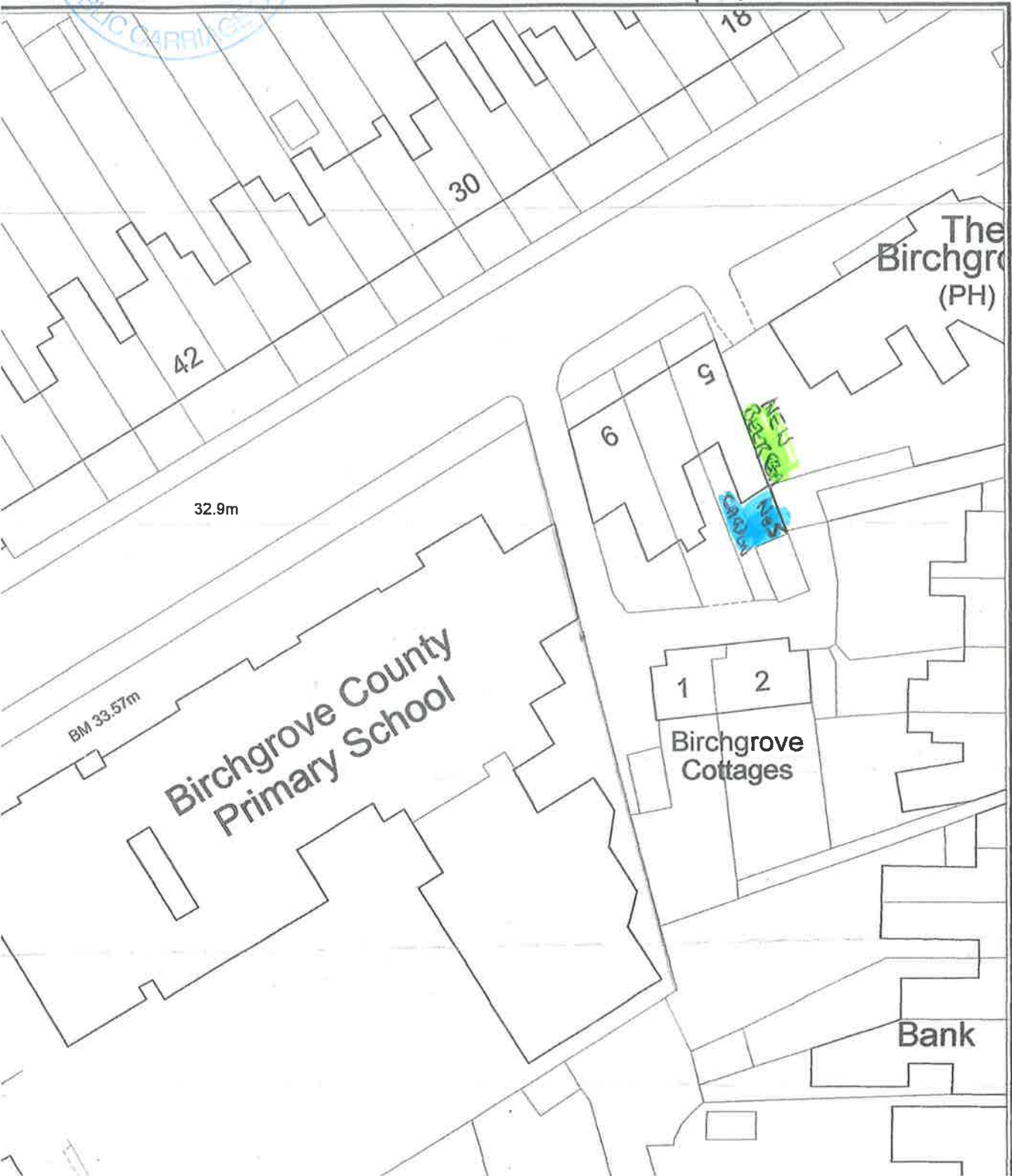
BLUE AREA No 5'S GARDEN



BREEN AREA HIGHLIGHTS

THE PROBLEMS IT'S RIGHT UP TO THE WALL OF No 5 THIS IS

A RESIDENTIAL HOUSE



APPENDIX E

Local Ward Councillor representation

From: Hinchey, Graham (Cllr)
Sent: 27 October 2023 10:57
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Any and all of the reason codes used for refusal below can be attributed to our objection.
Please see below information to support our objections to amending the license to midnight in external areas.

1. The prevention of crime and disorder
there have been a number of disorderly incidents just outside the boundary of the external area, with broken glassware found by residents and local businesses the following morning.
2. Public safety
as above
3. The prevention of public nuisance
there have been complaints to Local Members from residents who live w very close (within 20m) of noise and nuisance from music being played loudly and with doors/windows left open until late at night, particularly at weekends. The previous landlady did try and engage with Members and put up signs on the external doorways, asking for people to leave quietly. Unfortunately this did not stop external noise and nuisance and 23:00hrs closing of the external areas would ease the problems for neighbours
4. The protection of children from harm
Birchgrove primary school is within 100m of the external area of the pub and most children will walk past on their way to school. parents have raised concerns about broken glassware found on the footway in mornings.

Cllr Graham Hinchey
Councillor for Heath & Birchgrove

From: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Sent: Monday, October 23, 2023 9:27:13 AM
To: Hinchey, Graham (Cllr)
Subject: RE: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Hello Cllr Hinchey,

Thank you for your email.

Your objection has been received but we would appreciate it if you could provide further information with regards to your concerns. All representations should give detail about the likely effect of the granting of the licence on one or more of the licensing objectives. These are:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

If you require any further information please do let me know.

Regards

From: Hinchey, Graham (Cllr)
Sent: Sunday, October 22, 2023 8:57 AM
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>;

Cc: Sangani, Julie (Cllr) >; Ash-Edwards, Mike (Cllr)
Subject: RE: Licensing Act 2003: Variation Application: Birchgrove Inn, Caerphilly Road, Birchgrove, CF14 4AE.

Birchgrove Pub, Heath.
Re: Proposed amendment to vary hours of use

Having considered concerns expressed by local residents and the close proximity to the public highway and neighbouring domestic properties on Birchgrove Rd, and Caerphilly Rd, all 3 Local Members would like to object to the amendment and use of the outside areas (rear and front of the pub) beyond 23.00 hrs.

Kind regards
Heath Ward Councillors
Mike Ash-Edwards
Graham Hinchey
Julie Sangani
