

LICENSING SUB-COMMITTEE: 22 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 090462

Name of Premises: Bodega, Unit 3, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DL

Ward: Cyncoed

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Bodega (Lakeside) Ltd in respect of Bodega, Unit 3, Amber Vista, Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

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.
- (ii) The provision of late night refreshment (indoors and outdoors).

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

“Ground floor A3 site that is part of a mixed use commercial/resi block. Approx 32 internal plus 36 external good weather covers located within walled development. Site located in Lakeside area between Cyncoed Road and Roath Park Lake. On and off licence requested”.

(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 22:30 hours
New Years Eve: 09:00 to 01:00 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: 12:00 to 22:30 hours
New Years Eve: 12:00 to 01:00 hours

(ii) The provision of late night refreshment (indoors and outdoors):

New Years Eve: 23:00 to 01:00 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 These conditions have been agreed and the representation has been withdrawn.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

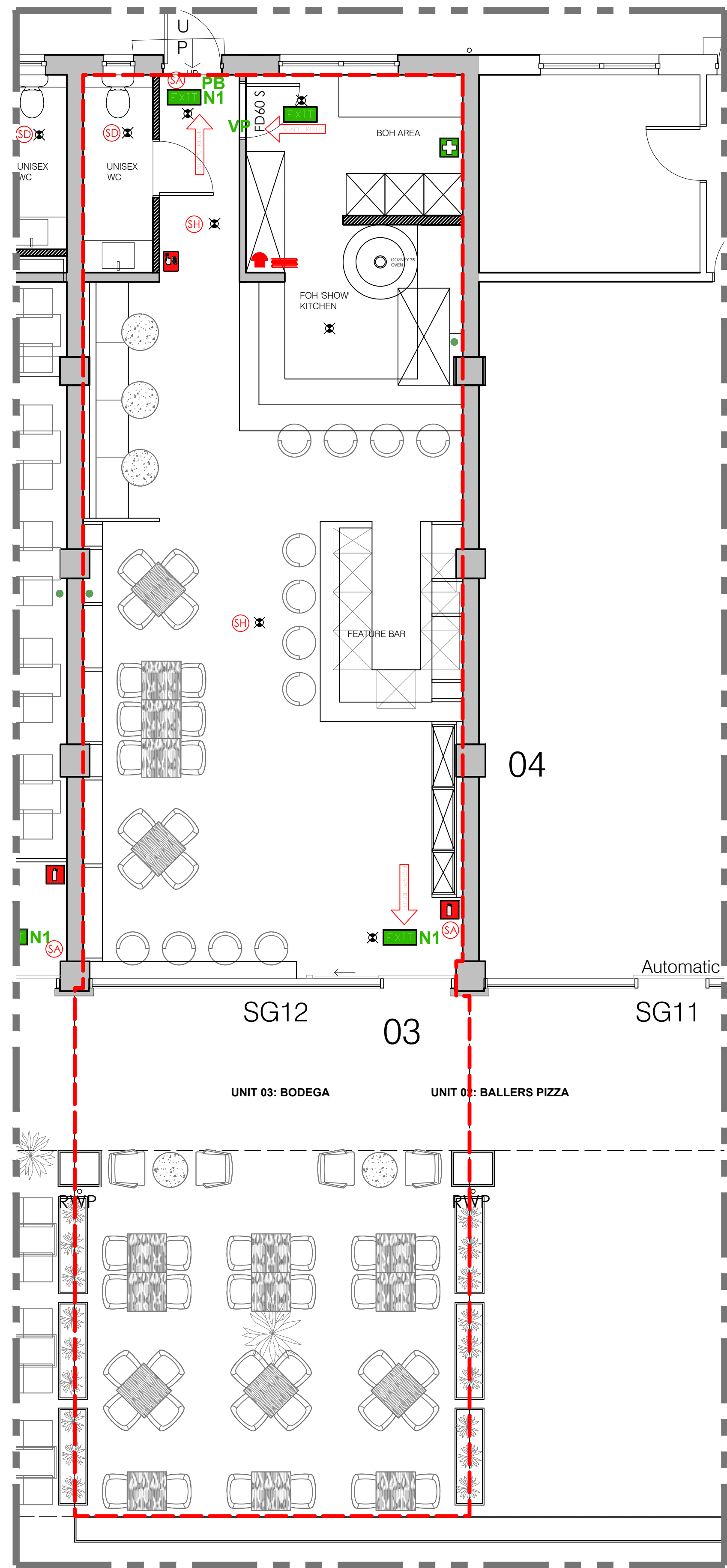
Date: 31/10/2023 at 13:02 PM

Coordinates:

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Ordnance Survey AC0000816513 (2023).



01 UNIT 03 BODEGA - PROPOSED LICENSING DEMISE PLAN
SCALE 1:50 @ A1

Fire		Emergency Lighting		Emergency Exit		Notices		Sensors		Note:	
	Fire Extinguisher		Emergency Spot Light		Emergency Exit Sign	N1	Fire Door Keep Clear		Mains Smoke Detector	<p>All emergency equipment shown is indicative only. All equipment placement, zoning and compartmentation is to be in accordance with local legislation and regulations, and to be agreed with the local Fire Authority.</p> <p>Fire alarm zones should be determined in accordance with a suitable qualified fire alarm engineer. Fire alarm is to be installed to comply with BS 5839. Smoke detectors must to voids in excess of 800mm.</p> <p>Fire Extinguishers and Equipment to be specified by Fire Engineer.</p> <p>Note that all emergency equipment must be displayed on suitable wall brackets, and with appropriate luminescent signage.</p> <p>Sprinkler and Ansul Suppression requirements are to be in accordance with landlord, and Building Control requirements, to specialist design.</p> <p>All emergency lighting to conform with BS 5266 Pt.1. All emergency and safety signage must comply with BS 5499:2014.</p> <p>Sprinklers where required by insurers, installed to applicable British standards.</p>	
	Fire Hydrant		Emergency Flood Light		Emergency Exit Downstairs	N2	Keep Closed Locked		Heat Detector		
	Fire Pump				Exit Sign	N3	General Fire Notice		Combined Smoke & Heat Detector		
	Fire Equipment				Door Release Unit	N4	Staff Fire Notice		Security Alarm		
	Fire Buckets				Evacuation Assistance Call Point	PB	Push Bar to Open		Disabled Toilet Alarm		
	Fire Alarm				Break Glass Call Point	VP	Vision Panel				
	Fire Blanket				Sounder Beacon						
	Fire Evacuation Horn				Combined Visual & Audio Sounder						
	Fire Alarm Interface Panel										
	Fire Hose Reel										
	Fire Alarm Zones										
	First Aid Kit										
	Gas Shut Off @ 1350mm above FFL										
	Ansul Suppression System										

--- RED LINE INDICATES LICENSING DEMISE

NOTES:
DO NOT SCALE FROM THIS DRAWING ALL DRAWINGS TO BE CHECKED ON SITE COPYRIGHT PROTECTED

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH SPECIFICATIONS SCHEDULES & DRAWINGS BY THE DESIGNER.
- ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO MANUFACTURE. ROD DRAWINGS TO BE ISSUED FOR DESIGNER COMMENT.
- SAMPLE OF ALL FINISHES TO BE SUBMITTED TO DESIGNER FOR APPROVAL.
- ALL DISCREPANCIES AND OMISSIONS ON SITE MUST BE REPORTED TO DESIGNER FOR THEIR COMMENTS OR APPROVAL PRIOR TO COMMENCING WORK.
- ALL ELECTRICAL, LIGHTING, HVAC AND PLUMBING ISSUES TO BE REFERRED TO ENGINEERS DRAWINGS PRIOR TO COMMENCEMENT OF WORKS.
- THE DESIGNS ARE SUBJECT TO APPROVAL BY STATUTORY AUTHORITIES AND ANY NECESSARY ALTERNATIONS SHOULD BE MADE IF REQUIRED TO COMPLY WITH STATUTORY REQUIREMENTS.

DRAFT FOR INFORMATION

Location Plan (NTS)

STUDIO SEVERN

Client
BODEGA

Project
AMBER VISTA
UNITS 03

Drawing
PROPOSED LICENSING PLAN

Drawing No.
105.2

Date
24/08/23

Scale
1:50 @ A1

Revision
—

Drawn By
SLP

APPENDIX B

Operating Schedule

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

There will be sufficient competent staff on site during opening hours.

Required training will be provided and updated regularly.

Senior team members will have appropriate qualifications by a recognized body.

All staff will be advised of licensing law in writing before they are allowed to serve alcohol.

With the support of our Health and Safety advisor, Fire Safety advisor and Environmental Health Officer risk assessments will be carried out. We will implement and maintain all required policies.

b) The prevention of crime and disorder

We will install a CCTV system that will cover indoor and outdoor areas even when premises are not in use.

A notice will be displayed at the entrance to the premises advising that CCTV is in operation.

Bottles and glasses will be collected from the outdoor and public areas.

Glass bins won't be accessible for the public.

All instances of crime and disorder that may happen on the premises will be reported to the local police department.

On request CCTV footage will always be provided to the police.

c) Public safety

Health and safety assessments will be carried out and reviewed annually. Copy of all risk assessments to be kept at the premises.

Health and safety policy will be prepared by Chappell Safety Services Ltd.

Suitable fire risk assessment will be carried out, and will implement all necessary control measures.

Capacity to avoid overcrowding will be set for the premises followed by fire risk assessment.

Required weekly, monthly, six monthly and annual tests will be carried and records kept on site in suitable log book.

All portable fire fighting equipment and fire alarm system will be maintained and tested by a qualified technician.

Adequate and appropriate first aid kits to be available at premises.

At least one suitable trained first aider will be on duty when the public are present.

All required electrical testing will be carried out by a certified electrician. test results will be kept at premises. Annual inspections and testing will be in place. Electrical installation report will also be at the premises.

Gas safety certificate will be on premises and annual inspection will be carried out.

d) The prevention of public nuisance

There will only be background music playing in the restaurant during opening times, levels will be regulated to ensure that this is not disturbing any local residents.

During the final hours of opening the music level will be reduced.

Disposal of empty bottles into waste bins outside the premises will not be permitted between the hours of 22:00 and 07:00.

All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing nuisance to nearby properties.

All external lighting is direct away from residential properties.

Staff will undertake a litter pick around the premises.

Continued from previous page...

e) The protection of children from harm

Children are only allowed on the premises with supervision of an adult or parent.

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID to prove their age.

APPENDIX C

South Wales Police Representation and Agreement

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 13 October 2023 10:22
To:
(Rheoleiddio Trwyddedu)
Cc:
Subject: reps for BODEGA
Attachments: reps for BODEGA.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, meddyliwch 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

Attached are the conditions that the Police seek to have placed on your premises licence at "BODEGA".

I am aware that the 2100 terminal hour for the use of the outside area may be a sticking point. In relation to the taking in of furniture at 2100 I believe I have found a compromise/solution, please see within the relevant condition number 5.

I have tried to telephone you and have left a voice message on your phone.

Please give me a ring to discuss.

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.

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.swpolice.uk

Gorsaf Heddlu Bae Caerdydd,

Cardiff Bay Police Station, 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.

12th October 2023

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

“BODEGA” 21 CLEARWATER WAY, CYNCOED, CARDIFF, CF23 6DL

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. Use of the outside area by customers will cease by 2100 hours each day. From 2100 hours to opening the next day, all outside furniture such as tables and chairs will be roped, barred or removed so as to prevent people utilising these tables and chairs.

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 off sales and deliveries of alcohol are made by persons aged 18 years or over.

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,

From: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Sent: 24 October 2023 10:49
To:
Subject: FW: FW: reps for BODEGA

From:
Sent: Tuesday, October 24, 2023 10:40 AM
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu) <licensing@cardiff.gov.uk>
Subject: Re: FW: reps for BODEGA

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

All agreed, thanks

Best wishes

Director

APPENDIX D

Pollution Control Representation and Agreement

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 02 October 2023 11:09
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: Bodega 21, Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

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

I have reviewed your application and associated documents regarding a premises licence to be granted under *The Licensing Act (2003)*, at *Bodega 21*, Clearwater Way, Cyncoed, Cardiff, CF23 6DL. Where I have concerns regarding the potential for public nuisance, due to the proximity of residential property in the area. I propose on the grounds of the prevention of public nuisance, that the following conditions are applied to the licence:

Cnd 1. The movement of bins, glass bottles and rubbish will not be undertaken between 21.00 hours and 08.00 hours, to minimise disturbance to nearby properties.

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.

It is the authority's position that I am objecting to the above application on the grounds of the prevention of public nuisance. However, where the applicant is willing to accept conditions set out (as above) my objections to your application can be overturned. Therefore, in essence your acceptance of such conditions would satisfy my objections to your application.

I have attached a link to the Cardiff City Council, Statement of Licensing Policy, where you will find guidance in relation to the expectations of noise and nuisance arising from the operation of licensed premises.

Link: <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/Entertainment-and-alcohol-licences/Premises-licence/Documents/Cardiff%20Council%20-%20Statement%20of%20Licensing%20Policy%202020%20-%202025.pdf>

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

Many Thanks



Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 17 October 2023 16:24
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Re: 19 & 21 Clearwater Way, Cyncoed, Cardiff, CF23 6DL.

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

Further to my previous correspondence

I have reviewed applications regarding premises licences to be granted under *The Licensing Act (2003)*, at both 19 and 21, Clearwater Way, Cyncoed, Cardiff, CF23 6DL. Where I have concerns regarding the potential for public nuisance, due to the proximity of residential property in the area. I had proposed to the applicant that on the grounds of the prevention of public nuisance, that the following conditions were applied to both licences:

Cnd 1. Movement of bins, glass bottles and rubbish will not be undertaken between 21.00 hours and 08.00 hours, to minimise disturbance to nearby properties.

Cnd 2. 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.

Cnd 3. The use of external seating areas will cease at 21.00 hours

It is the authority's position that I am now objecting to the above application on the grounds of the prevention of public nuisance, where the acceptance of **Cnd 3**. Could not be agreed between both myself and the applicant in regards to the use of external seating.

Many Thanks

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 18 October 2023 17:54
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: FW: 19 & 21, Clearwater Way, Cyncoed, cardiff, CF23 6DL

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

I can confirm that following a discussion with [redacted] today, following submission of my recent objections to his application. I can advise you that [redacted] has now agreed to accept my recommendations in regard to license conditions in relation to external areas.

Therefore, I would like to withdraw any objections to such applications (please see email confirmation below)

Many Thanks

From:
Sent: Wednesday, October 18, 2023 5:18 PM
To:
Cc: Licensing (Cardiff C.C.) <licensing@cardiff.gov.uk>
Subject: Re: 19 & 21, Clearwater Way, Cyncoed, cardiff, CF23 6DL

Evening

Further to our recent discussion I confirm our acceptance of your proposed conditions to 19&21 Clearwater way.

Best wishes

APPENDIX E

Other persons representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:

16 October 2023 12:52

To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

Subject: Opposition to the Proposed Establishment of Bodega (Lakeside) Limited Ltd in Our Residential Locale

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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 Bodega (Lakeside) Limited Ltd in Our Residential Locale

I am writing to express my objection to the proposed establishment of Bodega (Lakeside) Limited Ltd within our residential area, specifically at 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. 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. 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. 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,