

Meeting of:	<b>Licensing Sub-Committee</b>
Date of Meeting:	<b>Monday, 10 July 2023</b>
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Grant of a Premises Licence
Purpose of Report:	To consider an application under the Licensing Act 2003 for a Premises Licence.
Report Owner:	Licensing Authority
Responsible Officer:	The Licensing Authority
Elected Member and Officer Consultation:	Statutory Consultation
Policy Framework:	This is a matter for decision by the Licensing Act 2003 Sub Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>To consider an application under the Licensing Act 2003 ("the Act") for the variation of a Premises Licence at Foxy's Deli, 7 Royal Buildings, Victoria Road, Penarth, CF64 3ED submitted by Sian Fox of Foxy's Deli, 7 Royal Buildings, Victoria Road, Penarth, CF64 3ED .</li> </ul>	

## **Recommendations**

1. The Sub-Committee is required to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office, the application and any representations submitted.

If minded to grant the application, the Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Section 10 of the Home Office Guidance relates to conditions attached to Premises Licences. Mandatory conditions apply to the licence in respect of a Designated Premises Supervisor, age verification policy and authorisation by personal licence.

## **Reasons for Recommendations**

1. To advise the Members of the relevant options available to them under the Licensing Act 2003 in determining the matter.

### **1. Background**

- 1.1 When discharging its functions, the licensing authority must promote the following licensing objectives set out in the Licensing Act 2003:

The prevention of crime and disorder  
Public Safety  
The prevention of public nuisance  
The protection of children from harm

- 1.2 On 16<sup>th</sup> May 2023 the Licensing Authority received an application for the variation of a Premises Licence for Foxy's Deli, 7 Royal Buildings, Victoria Road, Penarth, CF64 3ED.
- 1.3 A copy of the relevant parts of the application form and plan are attached at Appendix A to this Report. The application seeks to: extend the permitted hours for the sale of alcohol, change the authorisation to remove off sales from the licence and to extend the premises to include an outdoor covered area. A copy of the existing licence plan is attached at Appendix B to this report.
- 1.4 The application includes an Operating Schedule which sets out the steps the applicant proposes to take to promote the licensing objectives and is set out in Box M of the Application form at Appendix A.
- 1.5 On 12<sup>th</sup> June 2023 the Licensing Authority was notified that a number of additional conditions had been proposed by South Wales Police in relation to the

application and that the applicant had agreed to the inclusion of these conditions in the amended application. Details of the additional conditions are attached as Appendix C. In addition to the additional conditions, the applicant has amended the timings requested and is now seeking approval to sell alcohol on Monday to Thursday 0830 to 2240 and on Friday and Saturday 0830 to 2330. Sunday opening remains as per the current licence.

The current permitted hours for the sale of alcohol are: 0830 to 1800 Monday to Saturday and 1000 to 1400 Sunday.

- 1.6** The applicant has been advised that as a statutory consultee, the Planning Department has not made representations but has provided a copy of the current Planning permission. Planning and Licensing applications have not been submitted simultaneously. There are restrictions in place on the planning consent but the applicant is entitled to continue with the Premises Licence application prior to submitting a planning application to the Council for consideration.
- 1.7** The application seeks to vary the licence to allow on sales only but the applicant has confirmed that this was a typographical error. She has confirmed she wishes to retain the authorisation to sell alcohol for consumption on and off the premises as per the existing licence.
- 1.8** The applicant is also seeking to add an outdoor covered seating area as part of the premises licence. The applicant is responsible for obtaining permission to use the area in question and this is not a matter for consideration when determining the application.

## **2. Key Issues for Consideration**

- 2.1** The application was advertised in accordance with the regulations. The period for making representations ended on 13<sup>th</sup> June 2023.
- 2.2** Under The Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority or any other person may make relevant representations at any time during the 28 day consultation period.
- 2.3** During the consultation period four representations were received from other persons and the relevant representations within the emails received are attached to the Report as Appendix D. One of the objectors has provided video footage which will be shown during the meeting.

- 2.4** The authority is only empowered to consider relevant representations as defined in Section 18 (6) of the Licensing Act 2003 that is, "representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives" which are not deemed frivolous or vexatious.
- 2.5** A Premises Licence, once granted, will generally remain in force indefinitely. The circumstances in which it will not do so are when:
- It is revoked; or
  - The applicant requests a licence for a limited time only; or
  - It is suspended; or
  - It lapses due to some incapacity on the part of the licence holder; or
  - It is surrendered.
- 2.6** At the time this report was drafted, the representations had not been withdrawn and therefore a full hearing of this application is necessary.

### **3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?**

- 3.1** This report relates to a regulatory function of the Council.

### **4. Climate Change and Nature Implications**

- 4.1** This report relates to a regulatory function of the Council.

### **5. Resources and Legal Considerations**

#### **Financial**

- 5.1** Fees associated with the issue of Licences are set in statute and support the administration and enforcement of the Licensing Act 2003 functions.

#### **Employment**

- 5.2** None.

#### **Legal (Including Equalities)**

- 5.3** Section 18 of the Licensing Act 2003 provides as follows;
- 18 Determination of application for premises licence
- (1) This section applies where the relevant licensing authority—
- (a) receives an application for a premises licence made in accordance with section 17, and
- (b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.
- (2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—
- (a) such conditions as are consistent with the operating schedule accompanying the application, and
- (b) any conditions which must under section 19, 20 or 21 be included in the licence.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
- (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to grant the licence subject to—
- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) to refuse to specify a person in the licence as the premises supervisor;
- (d) to reject the application.
- 5.4** The Licensing Act 2003 Sub-Committee must have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8, 12 and 20. There are no specific policies relating to the area or for this type of application. Sections 2, 9 and 10 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003 relate to this application.

## **6. Background Papers**

The Licensing Act 2003; The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003; Regulations to the 2003 Act; Vale of Glamorgan Council's Statement of Licensing Policy.

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/~~We~~ SIAN FOX  
 (Insert name(s) of applicant)


being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PRMAS0147
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
FOXY'S DELI 7 ROYAL BLDGS VICTORIA RD			
Post town	PENARTH, CARDIFF	Postcode	CF64 3ED
Telephone number at premises (if any)	02920 251666		
Non-domestic rateable value of premises	£		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)	enquiries@foxysdeli.com		
Current postal address if different from premises address	/		
Post town		Postcode	

Part 3 - Variation

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

N/A

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

2) FOXYS DELI / CAFE IS A FAMILY FRIENDLY CAFE. FOR OVER 20 YEARS WE HAVE BECOME A HUB OF THE COMMUNITY. IT IS SITUATED ON STATION APPROACH IN PENARTH. DURING AND AFTER COVID19 WE HAVE BEEN FORTUNATE TO HAVE AN OUTDOOR PARKLET SEATING AREA NEXT TO OUR MAIN DOOR. WE CURRENTLY HAVE A LICENSE TO SELL ALCOHOL ON THE PREMISES AND WOULD LIKE TO EXTEND THIS SERVICE TO CUSTOMERS FOR A FEW MORE HOURS IN THE EVENINGS. WE ENVISAGE THIS TO BE POPULAR WITH FAMILIES AND LOCALS. FROM A BUSINESS POINT OF VIEW, WE NEED TO EXTEND OUR BUSINESS IN THIS WAY IN ORDER TO SURVIVE IN THIS CLIMATE.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

NO



A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 5)	
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)		
Tue					
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Sat					
Sun					

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 5)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 6)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sun					



I WE ARE OPEN IN DAYTIME TOO BUT I ASSUME THIS MEANS LATE NIGHT TIMES.

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	17.00	21.00	Please give further details here (please read guidance note 5) LIGHT MEALS TO BE SERVED	Both	<input checked="" type="checkbox"/>
Tue	17.00	21.00			
Wed	17.00	21.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	17.00	21.00			
Fri	17.00	21.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	17.00	21.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>	
Day	Start	Finish		Off the premises	<input type="checkbox"/>	
Mon	<del>11.00</del> 08.30	23.00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)	Both	<input type="checkbox"/>	
Tue	<del>11.00</del> 08.30	23.00				
Wed	<del>11.00</del> 08.30	23.00				
Thur	<del>11.00</del> 08.30	23.00		<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		
Fri	<del>11.00</del> 08.30	24.00				
Sat	<del>11.00</del> 08.30	24.00				
Sun						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	<del>11.00</del> 08.30	23.00	/
Tue	<del>11.00</del> 08.30	23.00	
Wed	<del>11.00</del> 08.30	23.00	
Thur	<del>11.00</del> 08.30	23.00	
Fri	<del>11.00</del> 08.30	24.00	
Sat	<del>11.00</del> 08.30	24.00	
Sun			

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

THE CONDITIONS CURRENTLY IMPOSED ON THE LICENCE, PREVENT LOCALS ENJOYING A MEAL WITH ALCOHOL IN A SAFE SURROUNDING (NOT A PUB).  
 THE CURRENT LICENCE PREVENTS US FROM EXPANDING THE BUSINESS WHICH WE NEED TO CONTINUE TRADING IN THIS DIFFICULT ECONOMIC CLIMATE. HAVING THIS VARIATION WOULD BE A BENEFIT TO US AND

THE COMMUNITY.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

AT THE MOMENT I AM WAITING  
FOR OUR ORIGINAL PREMESIS  
LICENCE TO BE SENT BY VAL OF  
GLAMORGAN LICENSING DEPT.  
I PAID A FEE TO OBTAIN A DUPLICATE  
AS OURS WAS VERY WORN.

**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 and e) (please read guidance note 11)**

A PROOF OF AGE POLICY IS IMPLEMENTED.  
THE DESIGNATED PREMISES SUPERVISOR OR  
A PERSONAL LICENCE HOLDER WILL BE  
IN CHARGE OF THE PREMISES.  
DETAILED "CUSTOMER CODE OF CONDUCT"  
POSTER WILL BE DISPLAYED.

**b) The prevention of crime and disorder**

A C.C.T.V SYSTEM WILL BE INSTALLED  
WORKING TO THE SATISFACTION OF THE VALE OF  
GLAMORGAN.

**c) Public safety**

ALL BOTTLES AND GLASSES WILL BE REMOVED  
FROM PUBLIC AREAS AS SOON AS CONTENTS  
ARE EMPTY. FIRST AID EQUIPMENT ARE  
READILY AVAILABLE.  
FREE DRINKING WATER IS READILY AVAILABLE.

**d) The prevention of public nuisance**

OPERATE A NO SMOKING POLICY. AN  
AREA PROVIDED. SEPERATELY FOR SMOKERS.  
(OUTDOORS ONLY).  
PROMINENT AND CLEAR NOTICES WILL BE  
DISPLAYED REQUESTING PATRONS TO RESPECT  
NEEDS OF ANY RESIDENTS.

**e) The protection of children from harm**

FIRE RISK ASSESSMENT IS CONDUCTED  
AT THE PREMISES.  
ALCOHOL WILL NOT BE AVAILABLE IF  
ONLY UNDER 18'S ARE PERMITTED.

*- Do not have Cheque Book Need BACS DETAILS PLEASE*

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or  No -
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.  - see previous:
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>SIE Fox</i>
Date	<i>9/5/23</i>
Capacity	<i>OWNER</i>

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

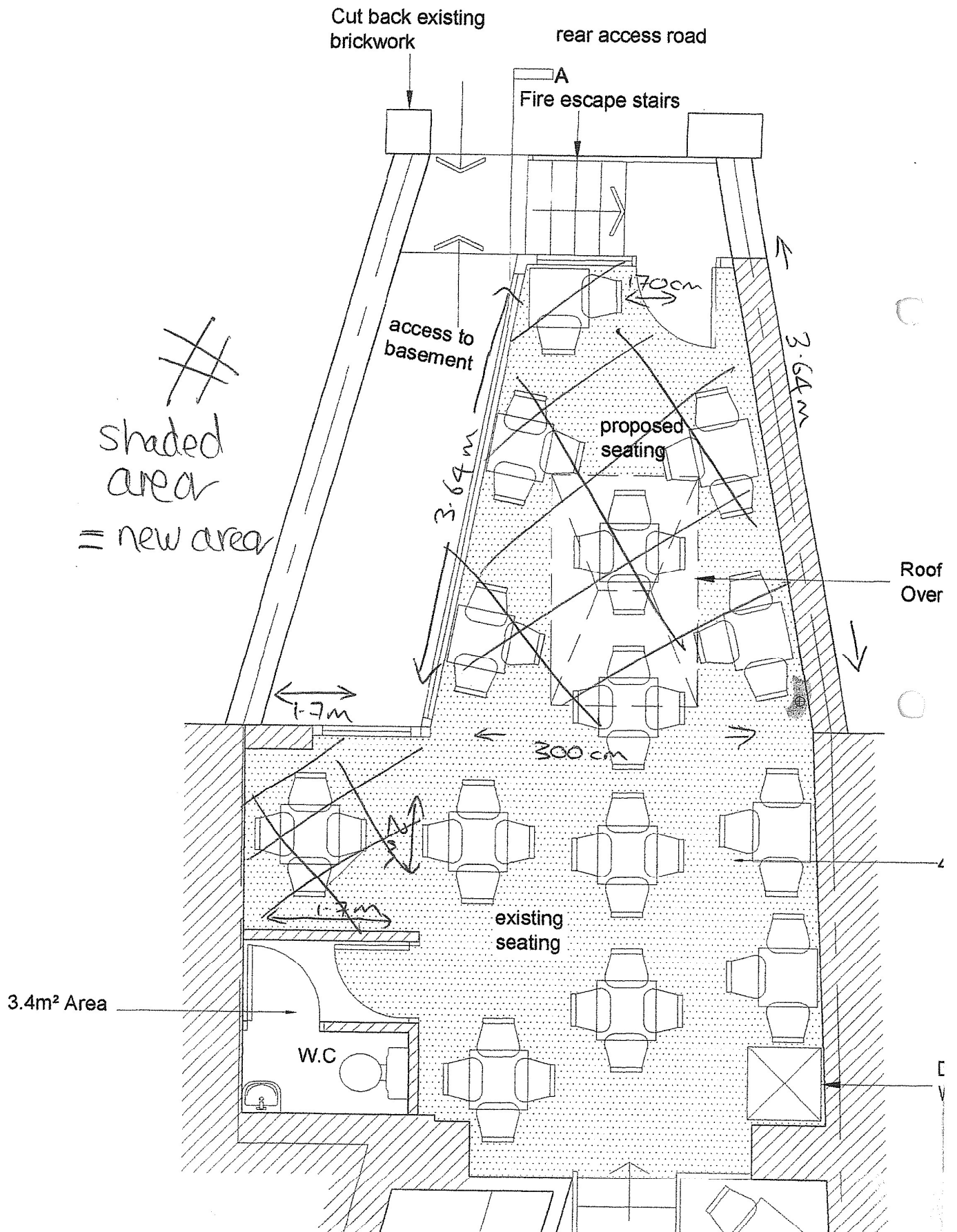
Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			



# Foxy's DELI





## APPENDIX C

The following amended application has been submitted following consultation with South Wales Police

Opening hours:

Monday to Thursday 08:30 – 23:00.

Friday to Saturday 08:30 – 00:00.

Sale of alcohol:

Monday to Thursday 08:30 – 22:40

Friday to Saturday 08:30 – 23:30

Additional/Replacement conditions

A CCTV system will be installed to an agreed standard approved by South Wales Police and will be maintained and always operated when the premises are open to the public. The system will cover all areas of the premises to which the public have access (excluding toilets) including all public entrances, exits and outside spaces. The images will be available for a minimum of 31 days. The images will 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.

The premises will operate a 'Challenge 25' policy. This policy will be brought to customers' attention by staff and through the display of appropriate signage. The only forms of identification recognised will be photographic identification cards, such as a driving licence, passport, HM Forces Card or proof of age scheme card with PASS logo.

All customer focussed staff will receive relevant training in relation to alcohol sales and the promotion of the licensing objectives. This training will be refreshed annually with a record held on the premise. The training record shall be retained for a period of 12 months and will be made available for inspection upon request by a South Wales Police officer or other authorised person.

An incident record will be kept at the premises. Any incident of crime or disorder witnessed by staff or any incident reported by customers is to be noted in the log. The following information shall be recorded in relation to each incident:

- Date and time of the incident
- Name of person making the report
- Names of the parties involved (if known) or description of the parties (in as much detail as possible)
- Nature of the incident
- Any action taken thereafter
- Refusals of sale

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

Clearly legible notices shall be displayed at all exits from the premise requesting public and staff to respect the needs of local residents and to leave the premises and area quietly.

Doors and windows shall be kept closed after 21:00, except for access and egress, to minimise noise impact on neighbouring properties.

Customers shall not be permitted to use the outside areas after 22:00.

On any evening when regulated entertainment is taking place, the premises management will undertake a risk assessment on the requirement of SIA registered doorstaff to be employed, from 19:00 until the close of the premises. A copy of this risk assessment will be made available to be viewed by responsible authority officers upon reasonable request.

Any bars or service points will be situated within the curtilage of the main building. No bars or service points will be situated in the outside seating area.

APPLICATION TO VARY PREMISES LICENCE FOXY'S DELI PENARTH

Only those issues which relate to the licensing objectives have been included in the schedule. Some personal information has also been redacted for the website version.

Representation Number	Name	Representation	Video evidence Yes/No	Comments/Update
1		<p>We would like to object to the application for a licence until midnight at Foxy's Penarth.</p> <p>We have 3 apartments in * Royal Buildings which is next door to Foxy's and the noise from Foxy's is bad enough without an extension until 12 pm.</p> <p>We are trying to keep the tenant we have but they will leave if this extension goes ahead.</p> <p>The customers will come out and are drunk and disorderly which will not only be a nuisance but will be a risk to public safety.</p>	<b>No</b>	<p><b>The application has been amended during the consultation period.</b></p> <p><b>The hours for the sale of alcohol proposed are:</b></p> <p><b>Monday to Thursday 0830 to 2240 and on Friday and Saturday 0830 to 2330.</b></p> <p><b>The opening times proposed are:</b></p> <p><b>Monday to Thursday 0830-2300</b>  <b>Friday to Saturday 0830-0000</b></p>

Representation Number	Name	Representation	Video evidence Yes/No	Comments/Update
2		<p>Please find below our representation with regards to the application from Foxy's Deli to extend the hours of its alcohol sales licence. My wife and I live with our son in the property situated next-door to Foxy's Deli.</p> <p>We would like to start our submission by stating that we believe Foxy's Deli to be a responsible and well-run business - and our comments and considerable concerns as homeowners are in no way a reflection on the way they trade or conduct themselves.</p> <p>We do however believe that any extension to their licence – and therefore likely hours and nature of their business - risks significantly adding to an existing problem with nuisance noise that we have been experiencing for more than 18 months.</p> <p>The outside seating parklets on Station Approach were built during the Covid pandemic as a means of helping businesses to survive during tough social mixing restrictions. We supported them as a temporary measure to help our neighbours - and always understood their introduction to be part of a pilot scheme that would be assessed by the local authority at a later date. However, it has recently been suggested to us that the local authority has no plans to remove the parklets.</p> <p>The Station Approach parklets were built in such a way that the outside seating spans the entire length of our home. Those assigned to Gin 64 sit just a few feet below our bedroom windows and those assigned to Foxy's Deli sit just a few feet below our living room windows. Like many other properties in the Penarth Conservation Area, ours has very large, old, single glazed windows, which are beautiful to look at, but unfortunately offer very little protection against outside noise.</p> <p>The introduction of the parklets has hugely changed our living experience within our home. We can experience significant noise problems in all our main living areas as a result - and the sound from them can travel to such an extent that conversations happening below sound as though they are taking place in the room next door.</p>	<b>No</b>	

		<p>This nuisance noise is significantly exaggerated during the evening and night, as general traffic slows and other daytime noise ceases.</p> <p>To cope, we often have to stay awake until the outside seating has finished being used for that day. We play white noise regularly, for us and our baby, to cover the noise generated from the parklets. In summer, we are unable to open our windows to keep cool until much later at night, or risk giving up what little protection we have from the noise generated outside.</p> <p>We fear that any extension to the hours Foxy's Deli operates could add considerably to the nuisance noise problems we can currently experience - as it would effectively double the number of businesses - and therefore customers - able to use the outside seating throughout the evening and into the night.</p> <p>This in turn would have a significant impact on our young family's right to peaceful enjoyment of our home.</p> <p>Again, to clarify, this is no reflection of the businesses, or their customers - who we believe to be responsible and simply using a tool they have been given by the local authority to help during the pandemic. It is though, a reflection on how utterly unsuitable and intrusive that seating is for the many people living nearby.</p> <p>We do not know if other submissions or concerns have been raised about the use of the parklets, and potential extension to that use, but we know from speaking to neighbours we are not the only ones who struggle with the nuisance noise and the issues that it can generate sleeping.</p>		
Representation Number	Name	Representation	Video evidence Yes/No	Comments/Update

3		<p>I am currently a resident of * Royal Building Penarth. I have been an occupier of this property for 13 years this October. I feel that it would be in the best interest and safety of the community to not have another premises with an extended licence.</p> <p>We already have enough people who cause damage and fight outside our property- I think this would just heighten our existing problems with drunk patrons of Gin 64 and surrounding premises with pre-existing late licences.</p> <p>I really think it would be a concern for public safety and a public nuisance especially as it's in a residential area! It really would bring more crime/disorder to the area- which as I stated previously we already have enough of this going on a regular basis.</p>	<b>No</b>	
Representation Number	Name	Representation	Video evidence Yes/No	Comments/Update

4		<p>The basis of this representation is with regard to the high potential for Public Nuisance (Noise) that would be created by the granting of an extended premises license to the aforementioned person/premises.</p> <p>Dear Licensing Committee,</p> <p><b>Introduction</b></p> <p>I have lived in my flat directly above Foxy's Deli for the past twelve years. At present, and with the current alcohol licence granted to Foxy's Deli, there have been no instances of what could be considered Public Nuisance (noise) emanating from these particular premises.</p> <p>However, it should be noted that there have been significant noise issues relating to the premises at No 8 Victoria Road, another licensed establishment (Gin 64), which is located some ten meters from my home. I have video recordings of previous noise issues, which I cannot append to this Representation, but will provide by separate cover.</p> <p>The videos will provide real examples of the potential for Public Nuisance from late night licensed premises in the vicinity. I would also like to point out that at a similar distance from my property, in the opposite direction, is the Paget Rooms event venue. When events are taking place at the Paget Rooms the ambient noise levels close to my property increase significantly with people attending events and the subsequent raised voices, taxis and vehicle movements associated with customers arriving and departing.</p> <p>I do appreciate that events at the Paget Rooms are not a weekly occurrence but they still need to be taken into consideration in the overall scheme of things.</p> <p>The application for an extended license at Foxy's Deli, if granted, would mean that there would be three adjacent licensed premises within fifteen metres of each other on a very small section of Victoria Road, all serving alcohol into the late evening / early morning, with a combined capacity for maximum of approximately six hundred and fifty people. Given my past personal experience, I consider that instances of Public Nuisance from the</p>	Yes	<p><b>N:B The three video recordings will be played during the meeting and therefore available via the live-stream and on-demand recording of the meeting."</b></p> <p><b>Three videos provided taken from the objector's premises.</b></p>
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increased noise levels of an additional late night licensed premises are inevitable due to the amount of people possibly present.

It is a given that some of these people will in certain levels of intoxication. The likelihood for Disorder and Crime is therefore also increased due to the aforementioned reasons. I find the proposals to extend the opening and licensing hours to 2300hrs and 2400hrs on a Friday and Saturday evening for Foxy's Deli to be unacceptable, and I have no doubt that the increased noise will impact substantially upon my use and enjoyment of my property, with a detrimental effect upon my already poor health. I am registered disabled and suffer with a number of debilitating chronic conditions.

**Parklets and Their Use**

It is extremely important for the Licensing Committee to note that the current licenses of both Foxy's Deli and Gin 64 allow them the use of external 'Parklets' provided by the Vale of Glamorgan Borough Council. These Parklets provide outside seating and drinking areas for some thirty to forty people with standing room for others on the pavements until the late evening/early morning. The noise levels when these areas are in use is horrendous for a resident living directly above them. In the past I have made several complaints to your Environmental Health Team due to the excessive noise levels, obstruction of the pavements, people smoking in my doorway and leaving beer bottles in my plant pots. On a number of occasions my daughter has had to ring me from across the road requesting that I come down to our entrance door and ask people to move away because she was afraid to try to enter the flat. I am quite sure that other residents have been hampered in going about their business, or intimidated by large groups of people drinking alcohol on the street. I am willing to provide evidence of my previous complaints and append them to this representation for consideration. They will demonstrate real, rather than hypothetical nuisance noise issues that have arisen in the past.

I appreciate that the Parklets are only in use in the warmer months, but this is the time when my windows are open and the ambient noise levels are way above what could possibly be considered reasonable. I can only hope that you will imagine having forty, mainly younger people having a



social gathering under your open bedroom window in summer to understand fully the potential for disturbance.

**Change of Business Ownership and Nature of Business for Foxy's Deli**

Foxy's Deli currently closes at 1700hrs and the trading days are from Monday to Saturday. In the time that a license has been granted to these premises, it has seldom been used past the 1700 closing time, and only for the occasional 'themed' events. This arrangement has been acceptable. I believe that the application for an extended license is not for the use of the current owners, but so that the business may be sold and changed from a delicatessen to a Cocktail Bar. This takes the premises and the nature of the business to a completely different direction and to one that I feel will be hugely detrimental to the local residents, myself especially, given my location immediately above the premises and adjacent to Bar 64 and the Paget Rooms.

**Summary**

The Potential for Public Nuisance (Noise) etc. I hope that my representation and the evidence provided will give you issues to deliberate and consider. I am very happy living in my flat and Penarth, and I wish to see the town thrive and prosper with new businesses being attracted. But it is only right that as a resident I am afforded the right to the peaceful enjoyment of my own home. It is my strong belief that if a license were granted to Foxy's Deli/the Cocktail Bar that the noise levels below my property would rise, especially in summer, to levels that would constitute a Public Nuisance. This would have a huge impact upon my quality of life, and I fear, also upon my health. Hence the reason for this representation.

Thank you for time in advance.

**Supplementary submission**

Subject: Objection to Licensing Application due to Noise Pollution

	<p><b>Concerns</b></p> <p>I hope this letter finds you well. I am writing to express my strong opposition to the recent licensing application submitted by Sian Fox of for extended licensing hours Foxy's Deli, 7 Victoria Road, Penarth CF64 3ED. While I understand the importance of supporting local businesses and economic growth, I believe that granting this license would contribute to significant noise pollution in the area, adversely impacting the well-being and quality of life of nearby residents.</p> <p>As a resident and concerned member of the community, I have observed a steady increase in noise levels in our neighborhood over the past few years. This proposed license, if granted, would exacerbate the existing noise pollution issues and create an even more disruptive environment for residents, affecting their physical and mental health.</p> <p>My objections are based on the following grounds:</p> <p><b>Residential Area:</b> The proposed location is predominantly a residential area, with families, children, and elderly residents. Noise generated by Foxy's Deli would disrupt the peace and tranquility necessary for a residential setting.</p> <p><b>Existing Noise Pollution:</b> The neighborhood is already subject to significant noise pollution from nearby roads, commercial establishments, and construction activities. Adding further noise sources would only compound the problem and create an unbearable living environment.</p> <p><b>Health Implications:</b> Excessive noise has been linked to various health issues, including stress, sleep disturbances, cardiovascular problems, and impaired cognitive function. Granting this license would compromise the well-being of residents and potentially lead to long-term health consequences.</p> <p><b>Property Value:</b> Noise pollution negatively affects property values in the area. Homeowners and residents may suffer financial losses due to decreased demand and marketability of properties in a noisy neighborhood.</p>		
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		<p>In light of these concerns, I respectfully request that the licensing authority carefully considers the potential impact of granting this license on the affected community. It is essential to strike a balance between economic interests and the well-being of residents.</p> <p>I propose the following actions:</p> <p>Conduct a comprehensive noise impact assessment: A detailed evaluation of the potential noise levels should be conducted by an independent and qualified professional. This assessment should consider the cumulative effects of existing noise sources and the proposed business operation.</p> <p>Implement noise mitigation measures: If the license is deemed necessary, the applicant should be required to implement appropriate noise mitigation measures. These may include soundproofing, noise barriers, operational restrictions during sensitive hours, and regular monitoring to ensure compliance.</p> <p>Public consultation: Engage the community in a transparent and inclusive consultation process to understand their concerns and gather feedback regarding the proposed license. This will allow residents to express their views and contribute to the decision-making process.</p> <p>I kindly request that my objections be taken into serious consideration during the evaluation of the licensing application. The well-being of residents and the preservation of a peaceful living environment should be given priority over economic interests.</p> <p>Thank you for your attention to this matter. I trust that you will carefully weigh the potential impact on noise pollution and make a decision that upholds the best interests of the community.</p>		
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