

LICENSING SUB COMMITTEE

27 OCTOBER 2017

Present: County Councillor Jackie Parry(Chairperson)
County Councillors Mackie and Williams

9 : DECLARATIONS OF INTEREST

No declarations of interest were received.

10 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TUDOR STREET

Applicants: Mr and Mrs Bakshish Singh
Mr Zdrovak

Interested Others: Councillor Iona Gordon
Jonathan Hill representing
Mr Ilamuddin and Mr Patel

The Application

An application for the grant of a Premises Licence was received from Mr Bakshish Singh in respect of 46 Tudor Street, Riverside, Cardiff.

The applicant applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption off the premises

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

“A shop which is a single floored premise on the ground floor”.

(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: 07:00 to 23:00

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

1. The supply of alcohol for consumption off the premises

Monday to Sunday: 07:00 to 23:00

Members were advised that the conditions suggested in the representations received from South Wales Police were accepted by the applicant.

Interested Others Representations

Mr Jonathan Hill addressed the Sub Committee. Mr Hill advised that the objections to the application were set out in the written representations and he did not wish to repeat them. Members were asked to note that the area is already well served with off licences.

Concerns were raised regarding the accumulation of rubbish outside the premises and the lack of sufficient parking provision in the immediate vicinity.

Members were advised that Mr Ilamuddin operated a general convenience store and he had a premises licence for off licence sales. The store closes at 2200 hours, although he was permitted sale of alcohol until 2300 hours. Mr Ilamuddin closes his business early due to safety concerns regarding the sale of alcohol late in the evening.

Members were advised that in 2012 a nearby garage made an application for a premises licence to permit 24-hour sale of alcohol. The application was subsequently amended to curtail the permitted hours. However, the application was refused on the grounds of prevention of crime and disorder and the prevention of public nuisance.

Mr Hill suggested that the effect of having too many licenced premises in one area is that people are drawn to the area and drunkenness increases. Business will also try to compete with each other on price and this in turn will draw more people in. There is a negative impact on litter, noise and public nuisance as a result.

Mr Hill suggested that there was also be potential for increased problems at Mr Ilamuddin's premises and concerns were raised regarding the safety of his staff, as undesirable customers were already being turned away. These undesirable elements may not be appreciated by new businesses in the area. Mr Hill stated that South Wales Police response to the application was sanguine and was as a result of the conduct of the existing traders in the area.

Mr Hill urged Members to consider the effect granting the premises licence would have on residents.

Mr Ilamuddin and Mr Patel both addressed the Sub Committee. Each had been trading in the area for a considerable period. They were aware of the particular issues facing the area. There are a number of hostels and organisations dealing with substance misused and addiction issues located in the immediate vicinity. They considered that another outlet would have a negative impact upon the licensing objectives.

Councillor Iona Gordon spoke on behalf of local residents. Councillor Gordon raised concerns regarding the impact that granting a premises licence at this location would have on the licensing objectives. The premises are located opposite Litchfield Court, a Council managed housing complex which provides accommodation for people leaving prison and/or homeless people. There are also hostels nearby in Fitzhammon Embankment, Clare Gardens and Clare Road. Residents in this accommodation are often being treated for mental health problems, in addition to additions. Councillor Gordon considered that an additional off-licence premises would exacerbate the potential for problems.

Responding to a question from a Member of the Sub Committee, Councillor Gordon stated that she was unable to provide any evidence that the applicants were not responsible.

Applicant Representation

Mrs Singh presented the application. Members were advised that the premises would operate within the law and all regulations would be abided with. The applicants understood the licensing conditions and these would be adhered to.

As a new business venture an undertaking was given to work in partnership with the regulatory authorities and other businesses in the area to ensure that there would be no negative impact caused to residents and to safeguard vulnerable groups of people. Mrs Singh requested an opportunity to prove that the business is able to comply with the regulations.

Members were advised that the shop would sell groceries and household goods in addition to alcohol. The majority of the premises would be a general store.

Responding to questions, Mrs Singh confirmed that they own another business based in Wolverhampton and the applicant, Mr Singh and herself were not planning to relocate to Cardiff. Mrs Singh introduced Mr Zdrovak, who would be in day to day control of the premises. Mrs Singh was unable to confirm if Mr Zdrovak held a personal licence. Mrs Singh accepted that Mr Singh or herself she did not vet Mr Zdrovak to ascertain whether he had any experience in working at or managing a licenced premises or whether he had previously breached licensing conditions. However, as a condition of the licence all staff would receive training regarding the sale of alcohol.

When prompted the applicant, Mr Singh, Mrs Singh or Mr Zdrovak were unable to list any of the licensing objectives.

Summing Up

Jonathan Hill stated that the new premises proposed to operate in a broadly similar fashion to those already operating in the area. Therefore, removing the sale of alcohol will not prevent accommodation. However, the risk and concerns of local residents relate solely to the sale of alcohol.

Concerns were raised regarding the day to day management of the premises, as the Designated Premises Supervisor would not be present. The person nominated to run the shop has a limited command of English and Members have not received any details regarding this person's history. Therefore, insufficient enquiry or concern has been demonstrated.

Mr Hill considered that granting a premises licence to these applicants for this premises would be a mistake.

Mrs Singh stated that she has listened to the concerns expressed. She did not agree that lack of English language skills meant that you were any less law-abiding. Mrs Singh confirmed that Mr Zdrovak has not managed a shop previously.

RESOLVED: That the Sub-Committee, having considered all the information; and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy, the Sub Committee refused that application as the Sub Committee considered that the applicants had failed to demonstrate that they would be able to uphold the licensing objectives.

The meeting terminated at Time Not Specified

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