



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000

Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## AGENDA

Pwyllgor	IS-BWYLLGOR TRWYDDEDU
Dyddiad ac amser y cyfarfod	DYDD MERCHER, 1 TACHWEDD 2023, 10.00 AM
Lleoliad	YB 4, NEUADD Y SIR, CYFARFOD AML-LEOLIAD
Aelodaeth	Cynghorydd Michael (Cadeirydd) Cynghorwyr Driscoll a/ac Ferguson-Thorne

### 1 Datgan Buddiannau

I'w wneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

### 2 Cais am Roi Trwydded Bersonol (*Tudalennau 3 - 4*)

### 3 Cais am Drwydded Safle - Burger King, Queens Street (*Tudalennau 5 - 24*)

### 4 Cais am Drwydded Safle - Burger King, Southgate House (*Tudalennau 25 - 46*)

### 5 Cais am Drwydded Safle - State of Love & Trust (*Tudalennau 47 - 66*)

### 6 Materion Brys (os o gwbl)

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Iau, 26 Hydref 2023

Cyswllt: Graham Porter, 02920 873401, g.porter@caerdydd.gov.uk

Mae'r dudalen hon yn wag yn fwriadol

**CARDIFF COUNCIL  
CYNGOR CAERDYDD**

**Agenda Item CO.**

**LICENSING SUB-COMMITTEE: 1 November 2023**

**Report of the Head of Regulatory Services**

**Application No: 089827**

**Application for the grant of a Personal Licence**

**Name of Applicant: Mr Jarryd Anthony Clifford**

**1. Application**

- 1.1 An application for the grant of a Personal Licence has been received from Mr Jarryd Anthony Clifford.
- 1.2 The applicant has advised that he does not hold, nor has he applied to any other authority for a Personal Licence. He has produced all the documents required by the Licensing Act 2003. The criminal record check produced by the applicant disclosed information regarding a conviction history, details of which will be circulated at the meeting.
- 1.3 South Wales Police have been consulted on the application and have advised that in view of the conviction history they object to a Personal Licence being granted.

**2. Legal Considerations.**

- 2.1 Applications for the grant of a Personal Licence are determined under Section 120 of the Licensing Act 2003. Under Section 120(5) the Chief Officer of Police may submit an objection notice if satisfied that the granting of the licence would undermine the crime prevention objective.
- 2.2 In each case the Sub-Committee, having regard to the police representations, may make the following determination
  - a) reject the application if it considers it necessary for the promotion of the crime prevention objective to do so, and
  - b) grant the application in any other case.
- 2.3 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 eg. 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.

**3. Recommendation.**

3.1 That the application be considered.

**Helen Picton  
Regulatory Services**

**13<sup>th</sup> October 2023**

CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 1 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 088901

Name of Premises: Burger King, 70 Queen Street, Cardiff, CF10 2GQ

Ward: Cathays

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from Unionburger Limited in respect of Burger King, 70 Queen Street, Cardiff, CF10 2GQ.
- 1.2 The applicant has applied for the following:
- (1) In respect of the following licensable activities:
    - (i) The provision of late night refreshment (indoors)
  - (2) Description of Premises (as stated by applicant):

“Ground floor only Burger King restaurant premises in a city centre location”.
  - (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 04:00 hours
  - (4) To provide licensable activities during the following hours:
    - (i) The provision of late night refreshment (indoors).

Monday to Sunday: 23:00 to 04:00 hours
- 1.3 A site map showing the premises and the 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. Although South Wales Police are objecting to the granting of a licence, the applicant has agreed with them that if the application is granted by the Licensing Sub-Committee, a number of conditions will be attached. A copy of the objection and the conditions referred to above can be found in **Appendix C**.
- 3.2 A representation has been received from Licensing Enforcement. A copy of the representation can be found in **Appendix D**.
- 3.3 A representation has been received from local ward Councillors. A copy of the representation can be found attached as **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**

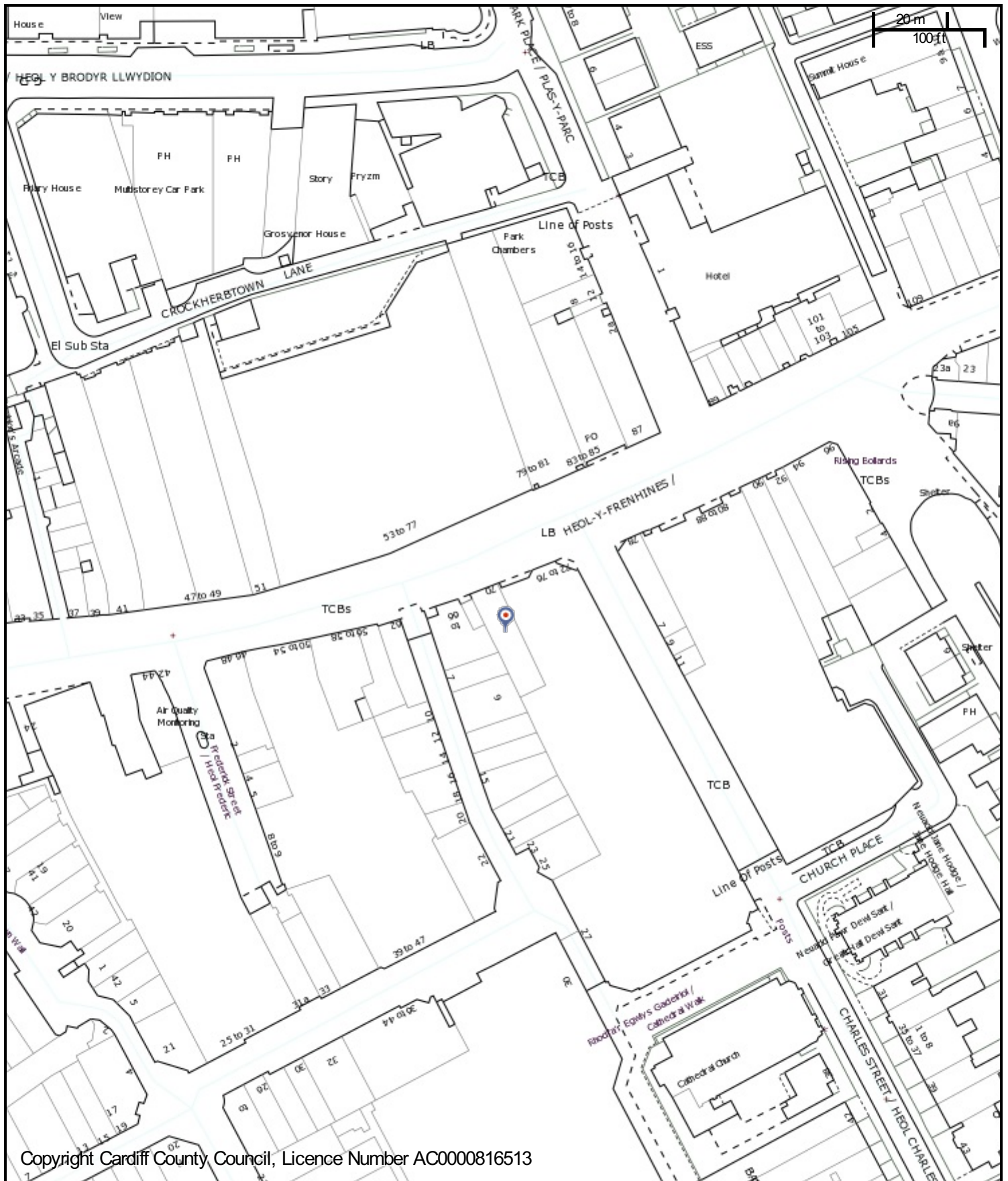
- 5.1 The application should be determined and the appropriateness of any conditions on the licence need to be discussed.

**Helen Picton**  
**Regulatory Services**

**13<sup>th</sup> October 2023**

# **APPENDIX A**

## **Site Map & 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: 1:1417

Date: 13/10/2023 at 9:59 AM

Coordinates:

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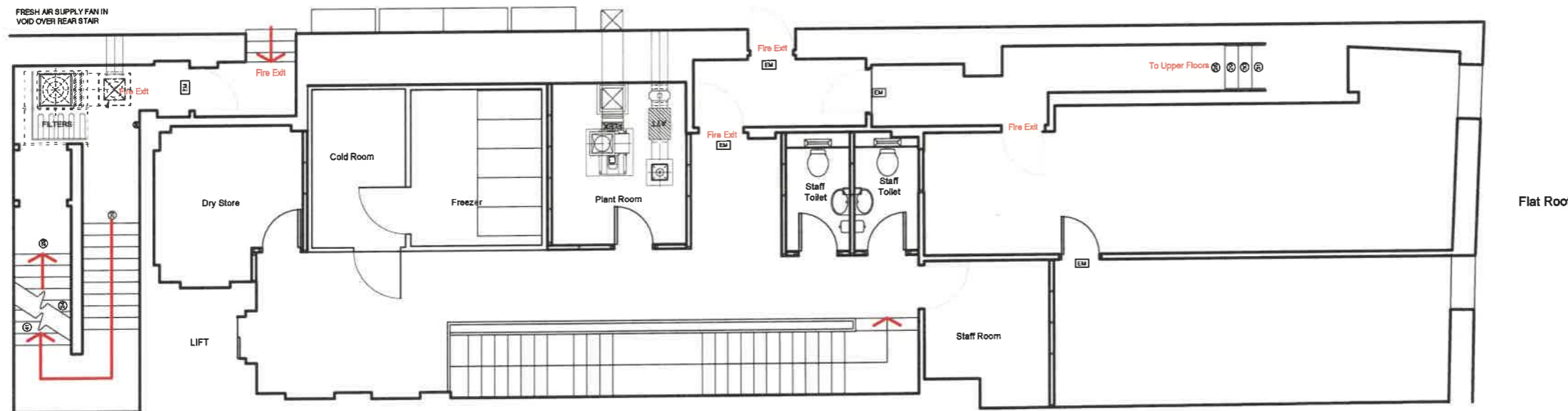
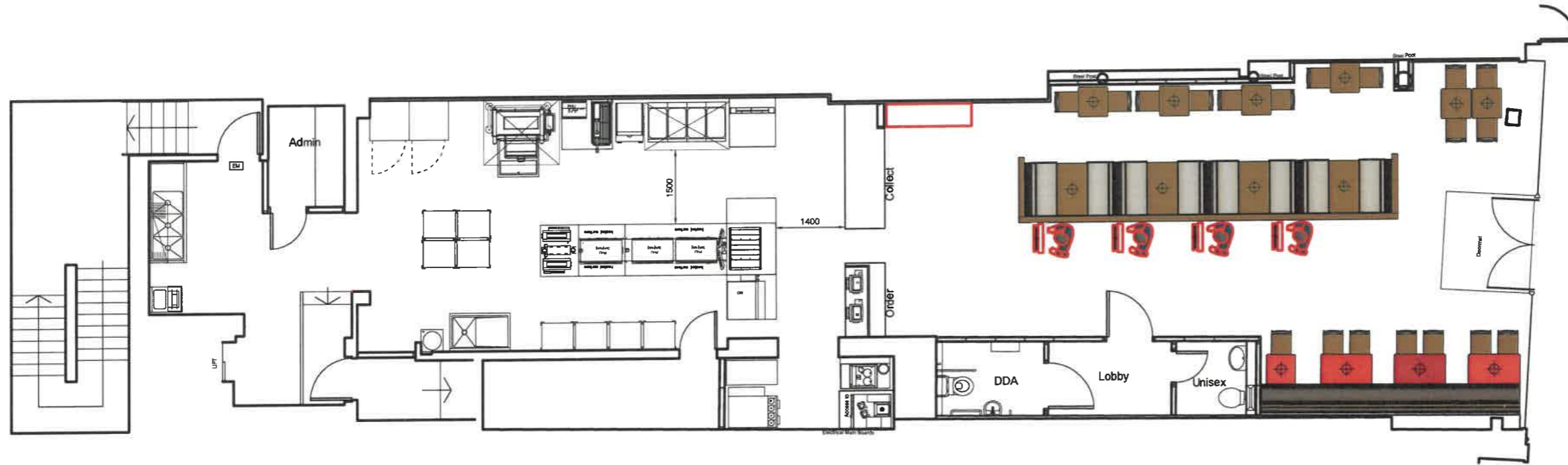
**Ordnance Survey AC0000816513 (2023).**

Tudalen 8



# GROUND & FIRST FLOOR LAYOUTS

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 All dimensions must be verified on site before any work is put in hand and any discrepancies must be reported to the Designer immediately.  
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First Floor

Tudalen 9

REV. \_\_\_\_\_

Client  
**UNIONBURGER Ltd**

Project  
**BURGER KING**  
**70 QUEEN ST, CARDIFF, CF10 2GQ**

Drawing Title  
**GROUND & FIRST FLOOR LAYOUTS**

Proj. No.	Dwg. No.	Revision
BD/ 1909/22	A3/100	
Drawn by	Scale	Date
	1:50 @ A1 1:100 @ A3	May 22

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**BURGER KING - 70 QUEEN ST, CARDIFF, CF10 2GQ**

**DESIGN**

# **APPENDIX B**

## **Operating Schedule**

**Continued from previous page...**

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

## 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.

The Cumulative Impact Assessment policy adopted by Cardiff Council affects this application in that the premises fall within the relevant areas defined within the policy which has been adopted by the Council. The Applicant understands that the effect of the policy is that there is a presumption against granting any application for a premises licence that is likely to add to the cumulative impact.

The operating schedule which forms part of this application describes the measures which the Applicant will take to mitigate any such impact.

The Applicant is very experienced in the operation of premises having late night opening in the Cardiff city centre and have traded from numerous outlets throughout the city centre since the early 1990's. The restaurant managers employed by the Applicant and the Applicant's area manager have excellent working relationships with the city centre management team.

The Applicant contends that this application should be an exception to the policy for the following reasons:

(a) The reasons set out above.

(b) Clientele/customers who will use the premises under the new premises licence will be patrons who already use and will already be in any event using the facilities in the city centre, and from that perspective the grant of this application will not in any way increase cumulative impact.

(c) The provision of food to persons using the city centre is it is submitted likely to have a positive impact rather than a negative cumulative impact.

(d) The Applicant's management teams are highly experienced and well respect operators of licensed premises in the Cardiff city centre. Based upon their experience they reasonably anticipate that the facilities proposed by the application will not attract to the premises people who are not already using similar premises in Cardiff city centre. The additional facility offered by the Applicant will reduce demand and queuing on other existing premises and therefore would be expected to be of positive benefit to cumulative impact rather than the reverse.

By reason of the foregoing the Applicant contends that it is highly unlikely that the grant of the application will add to any negative cumulative impact upon the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits all areas where the public have access and any external drinking areas. Equipment must be maintained in good working order, the

**Continued from previous page...**

system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. SIA registered door staff shall be employed on such occasions when a requirement is identified by the licence holder's risk assessment. Consideration will be given to public holidays and days considered to be major event days in the City Centre. If the licence holder's risk assessment identifies that door staff are required then one SIA registered door staff will be engaged and deployed at the premises. The Applicant intends to have SIA registered door staff every day from 23:00 to close.

3. The premises will participate in the city centre radio net night security system.

4. A detailed bound numerical register of door supervisors to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed and the register to be available for inspection on request by an Authorised officer.

5. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

**c) Public safety**

7. If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

**d) The prevention of public nuisance**

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

8. For the purposes of delivery aggregators who will deliver takeaway orders the Applicant will only use the services of such delivery aggregators who have been approved by the Applicant's master franchisor - Burger King.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

# **APPENDIX C**

## **South Wales Police Representation and Proposed Conditions**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 05 September 2023 11:25  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:**  
**Subject:** Burger King Application - 70 Queen Street

**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.

Good Morning,

South Wales Police hereby give notice that an objection shall be made to the application for the grant of a premises licence for "BURGER KING", 70 Queen Street, Cardiff CF10 2GQ.

This objection is made under the licensing objectives of;

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

The premises are located within a saturation policy zone where there is a disproportionate amount of crime, disorder and public nuisance in the area. At this time the applicant has not provided reassurance by the way of agreed premise license conditions that the premise will not undermine the above licensing objectives.

Kind 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.

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**From:**  
**Sent:** 12 September 2023 11:47  
**To:**  
**Cc:**  
**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff

**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.

Good Morning both,

SWP have been in productive consultation with the applicant and have agreed upon the attached set of conditions that will be applied to the premise license if the sub-committee determine the application is exceptional and the premise license is granted.

Therefore SWP are not withdrawing their objection and will provide an evidential bundle in due course.

Many thanks

---

**From:**

**Sent:** Monday, September 11, 2023 12:18 PM

**To:**

**Cc:**

**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff

**Importance:** High

**\*\*\* 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 fgythiadau, 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

I refer to the two applications as above which my office has made on behalf of UnionBurger Limited.

Your records will show that South Wales Police as Responsible Authority has made a representation in relation to both applications.

My office has been in consultation with South Wales Police concerning its representations.

My client and South Wales Police have agreed a set of conditions as are attached hereto in Word format.

This is to confirm that my client offers to be bound by these conditions.



In these circumstances the representations as made by South Wales Police have been met by the agreement to have these conditions imposed. You will see that I have copied this to William Tapper of South Wales police who will now write to you to confirm.

Have any other relevant representations been made by any other party in relation to my clients applications? (The representation period in these cases closed on 6<sup>th</sup> September.) If so please let me have copies of the same. If not please would you confirm that the applications may now proceed to be granted without the need for any formal hearings.

I look forward to hearing from you.

Regards,

## Queen Street Burger King Proposed Conditions

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the Premises are open to the public. The system will cover all internal areas of the Premises where the public have access {excluding toilets} including all entrances and exits and any external areas associated with the Premises. The images shall 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 and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
2. When the Premises is open to and accessible by members of the general public a minimum of two Security Industry Authority (SIA) Door Supervisors will be employed at the Premises on Fridays, Saturdays and the Sunday before a bank holiday from 23:00hrs until close.
3. Sunday to Thursday, SIA will be provided in accordance with a written risk assessment.
4. On major event days there will be a minimum of two SIA registered door supervisors employed at the Premises from the earlier of 18:00hrs that day, or no less than two hours before the commencement of the event, until closure of the Premises to members of the general public.
5. Clickers, or other appropriate instruments, will be used to monitor the number of customers entering and exiting the Premises from 23:00 hours until closure of the Premises to members of the general public in line with the fire safety standards
6. When SIA registered door supervisors are employed at the Premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the Premises are open and at all other times as soon as reasonably

practicable. There will be sufficient trained staff to facilitate the above.

7. A register of door supervisors shall be kept at the Premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee on request.

8. An incident book will be kept and maintained at the Premises at all times. It shall be made available on request to a Police employee. This book will record the following:

All crimes reported at the venue

Any ejections of patrons

Any disorder on the Premises

Any visit by representatives of a relevant authority or emergency service

Any failure of the CCTV system.

9. Persons under the age of 16 years must not be permitted to enter or remain on the Premises after 23:00 hours unless accompanied by a person over the age of 21 years. A notice to this effect must be prominently displayed at the entrance/exit to the Premises.

10. The Premises Management must ensure that any WIFI System used at the Premises can be switched off at times to prevent or defuse any antisocial behaviour or at the request of Police.

11. From 2300 hours each day until close only the ground floor area will be used by customers.

12. The Premises shall operate a radio system which is monitored by the Local Authority and South Wales Police.

13. For the purposes of delivery the applicant will only use the services of such delivery aggregators who have been approved by the applicant's master franchisor – Burger King.

# **APPENDIX D**

## **Licensing Enforcement Representation**

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**From:**  
**Sent:** 22 August 2023 15:37  
**To:**  
**Subject:** RE: Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, 70 Queen Street, Cardiff, CF10 2GQ

Good Afternoon,

In relation to the above application the Licensing Authority would wish to make the following representation.

In regard to the application for grant of a premises licence, I wish to advise the licensing authority of Cardiff Council will be objecting to the application.

A Cumulative Impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance. The Policy creates a presumption that applications for Grant or Variations of premises Licences upon receipt of relevant representation will be refused unless the applicant can demonstrate the business will no longer have a negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the of the Cumulative Impact Zone and an objection is submitted in respect of the prevention of crime and disorder and prevention of public nuisance Licensing Objectives.

The Authority appreciates the operating schedule in the application references the CIP and makes a start to its rebuttal within the operating schedule. The Cumulative impact assessment sets out in Table1 of chapter 8 broad premises descriptors. Given the detail in the application the applicants premises provides some sit down covers however not of sufficient quantity to meet the true expectation of a restaurant and as such would result in a significant proportion of its trade being as Take away, this would certainly be the case during the later hours of trading. The hours specified in that application also represent that of late night take away where opening hours for the public until 04.00. Under the table 1 definitions this application would fall within the Red category Takeaway/fast food restaurant. The nature of the building and the proposed hours would also make the additional measures of restaurant category unsuitable to the nature of the business.

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, which is densely populated with late night refreshment premises. Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. With this in mind the Policy expects *Applicants to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact experienced in the area.*

The presence of takeaways/fast food outlets slows down the dispersal of people out of the City Centre, and leads to an increase in the number of people on the streets. This is supported by high levels of recorded crime and Health Board data which shows high levels of incidents in the Caroline Street area which is densely populated with takeaways and Queen Street which has 3 primary fast food outlet licensed. It is unclear from the detail if the premises will remain open for seated customers until terminal hour or if it will operate on a strictly takeaway basis, a management policy of patrons queuing etc has not been elaborated upon in the application.

It should also be noted that the planning consent does include a condition limiting the premises opening hours, Condition 4 of planning reference 22/02729 limits public access to the premises between 08.00 and 00.00 on any day.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy and have specific due regard to the additional measures within the table 1.

Tudalen 21

# **APPENDIX E**

## **Other Persons Representation**

## **Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

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**From:**  
**Sent:** 16 August 2023 12:11  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Licensing Objection Burger King 70 Queen Street  
**Attachments:** Licensing Objection Burger King 70 Queen Street.docx

Hi,  
Please find attached our objection in relation to the above application.  
Regards

**Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, 70 Queen Street, Cardiff, CF10 2GQ**

I am writing on behalf of myself, Cllrs Weaver, Ahmed and Merry to object to this application as we feel that allowing another venue on Queen Street to be open until 5am would be to the detriment of the Licensing Objectives and would not comply with the Cumulative Impact Policy that covers Queen Street.

Queen Street has a number of take aways already and an extra one with a late licence, particularly at the end of Queen Street, is likely to attract customers, who are the worst for alcohol use, coming from venues on Churchill Way as well as other venues.

This will serve to increase the noise, crime and anti-social behaviour in this area and will cause further disruption to visitors using the nearby hotels and increase the work of the already stretched police.

South Wales Police already have a mass of evidence related to late night takeaways in town and on Queen Street and their crime statistics record 282 reported crimes in that area between January and June 2023. These do not include incidents that the police deal with at the time and take no further.

We object to this application on the grounds that it will not promote the Licensing Objectives of the prevention of:

Crime and Disorder as it will increase the volume of intoxicated people in the area;  
Public Safety and Public Nuisance in that we have concerns over increasing noise, antisocial behaviour and violence.

The Cumulative Impact Policy is in place to prevent an application such as this one and puts the onus on the applicant to prove that their proposed premises will not undermine the Licensing Objectives. We feel they will not be able to achieve this and we ask you to refuse this application.

Regards

Cllr Norma Mackie and on behalf of Cllrs Sarah Merry, Chris Weaver and Ali Ahmed  
Cathays Councillors



CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 1 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 088904

Name of Premises: Burger King, Unit 3, Southgate House, Wood Street, Cardiff, CF10 1EW

Ward: Cathays

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from Unionburger Limited in respect of Burger King, Unit 3, Southgate House, Wood Street, Cardiff, CF10 1EW.
- 1.2 The applicant has applied for the following:
- (1) In respect of the following licensable activities:
- (i) The provision of late night refreshment (indoors and outdoors)
- (2) Description of Premises (as stated by applicant):
- “Ground floor only Burger King restaurant premises in a city centre location”.
- (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 03:00 hours
- (4) To provide licensable activities during the following hours:
- (i) The provision of late night refreshment (indoors and outdoors)
- Monday to Sunday: 23:00 to 03:00 hours
- 1.3 A site map showing the premises and the 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. Although South Wales Police are objecting to the granting of a licence, the applicant has agreed with them that if the application is granted by the Licensing Sub-Committee, a number of conditions will be attached. A copy of the objection and the conditions referred to above can be found in **Appendix C**.
- 3.2 A representation has been received from Licensing Enforcement. A copy of the representation can be found in **Appendix D**.
- 3.3 A representation has been received from local ward Councillors. A copy of the representation can be found attached as **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**

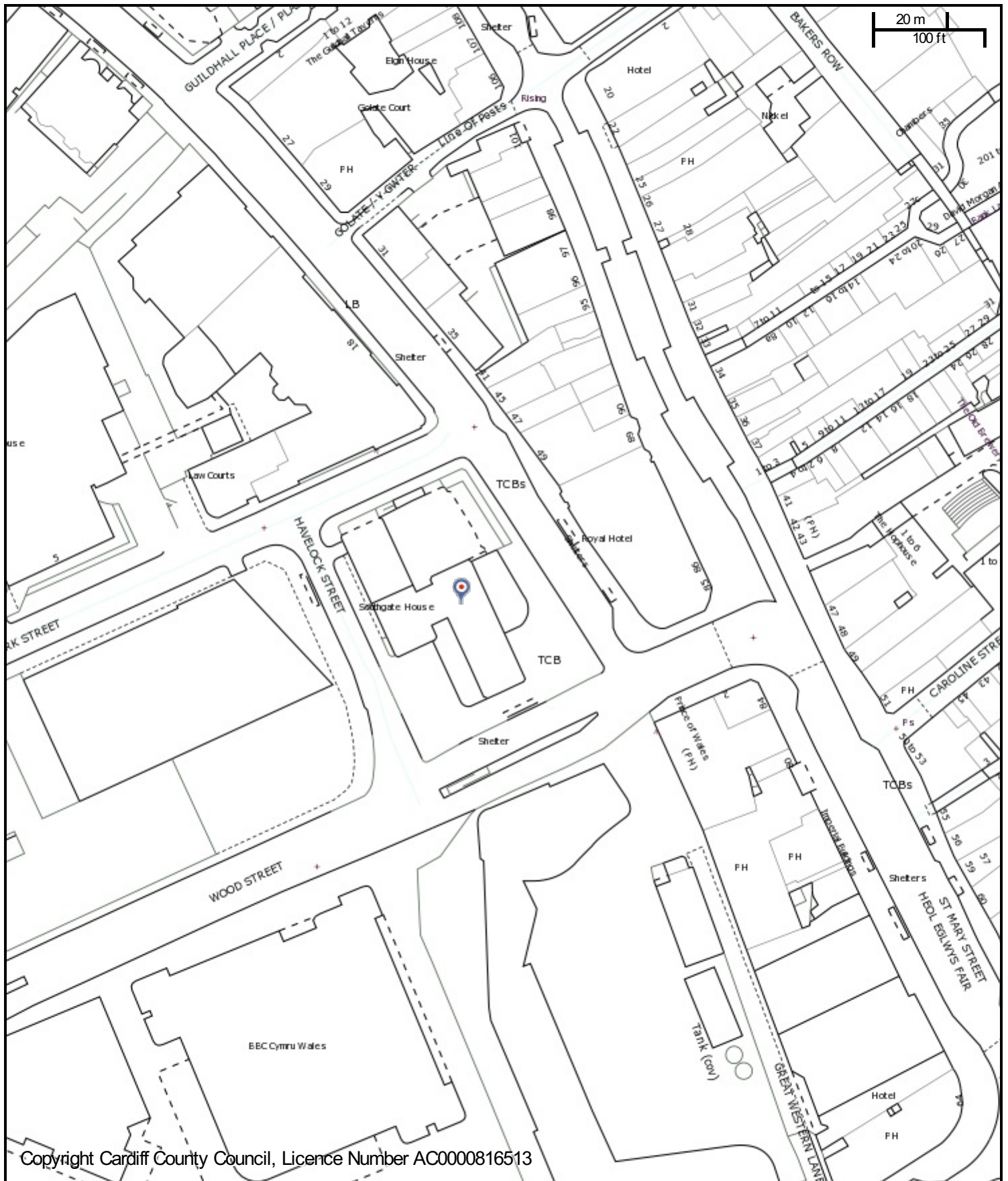
- 5.1 The application should be determined and the appropriateness of any conditions on the licence need to be discussed.

**Helen Picton**  
**Regulatory Services**

**13<sup>th</sup> October 2023**

# **APPENDIX A**

## **Site Map & 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: 1:1417

Date: 13/10/2023 at 14:42 PM

Coordinates:

© Crown copyright and database rights (2014).

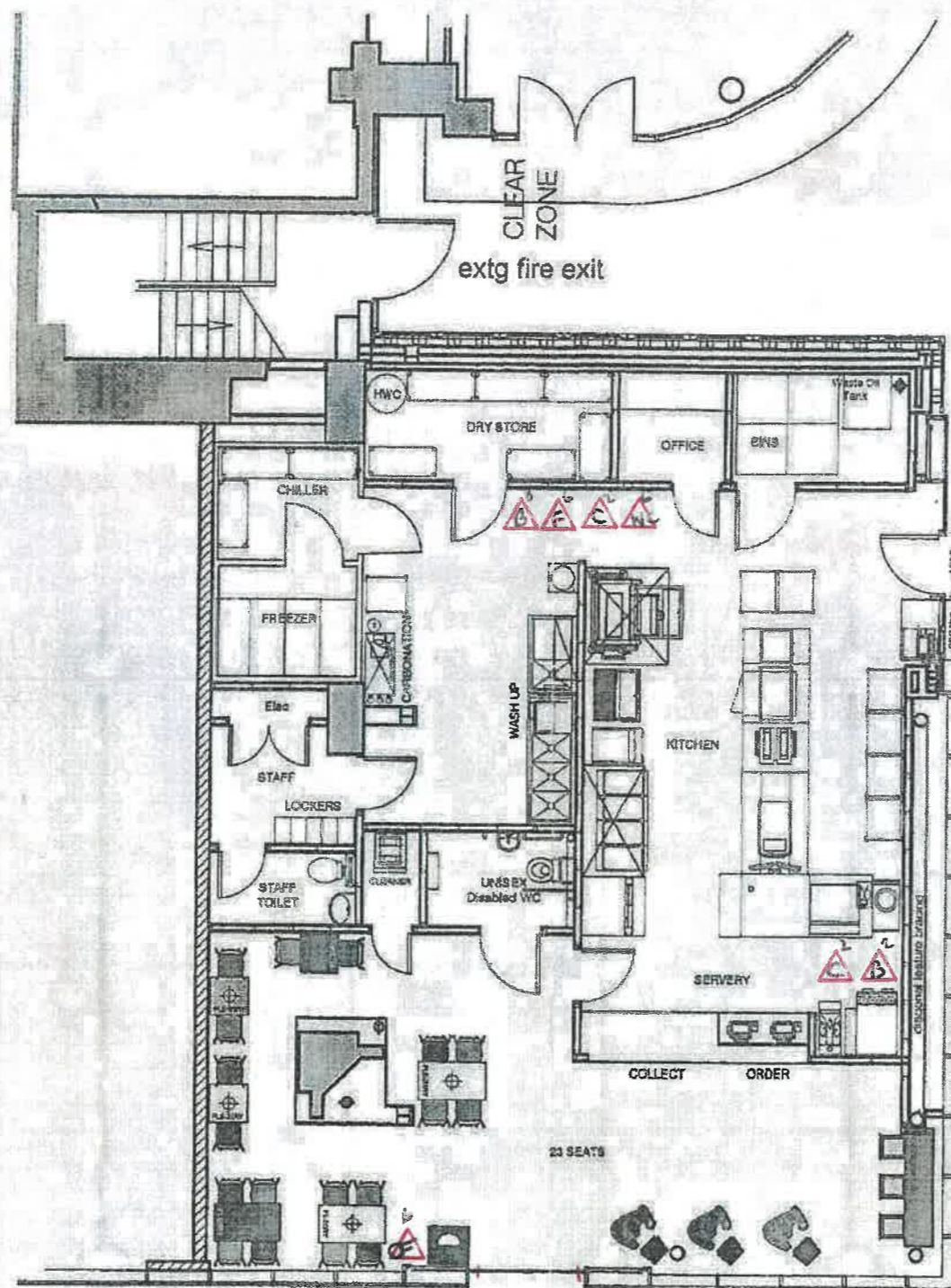
This copy is produced specifically to supply County Council information NO further copies may be made.

**Ordnance Survey AC0000816513 (2023).**

# LAYOUT

Contractors are not to scale from this plan or use as a template.  
 All dimensions must be verified on site before any work is put in hand and any discrepancies must be reported to the Designer immediately.  
 Where any variations occur between small scale and detailed drawings the detailed drawings should take precedence.  
 Copyright of this drawing is reserved by Britsch Design and is issued on condition that it is not copied or distributed to any third party either wholly or in part without the consent of Britsch Design in writing.

PROPOSED INSTALL DATE APRIL 27<sup>TH</sup> 2023



FIRE ACTION PUBLIC x1  
 FIRE ACTION STAFF x3  
 FIRE ACTION CALL POINTS x3

- △<sup>6</sup> = 6 Ltr FOAM (2)
- △<sup>6</sup> = 6 Ltr WET CHEMICAL (1)
- △<sup>2</sup> = 2 kilo CARBON DIOXIDE (2)
- △<sup>8</sup> = FIRE BLANKET 1-8 x 1.75m (1)
- △<sup>2</sup> = FIRE BLANKET 1-2 x 1.2m (1)

Tudalen 29

REV. B	UPDATED TO SITE SURVEY	cc
REV. A	WALK UP WINDOW ADDED	21-11-22 bd 11-10-22

Client  
**UNIONBURGER Ltd**

Project  
**BURGER KING**  
 SOUTHGATE HOUSE, WESTGATE ST,  
 CARDIFF CF10 1QR

Drawing Title  
**LAYOUT**

Proj. No.	Dwg. No.	Revision
BD/ 1946/22	A3/100	B
Drawn by	Scale	Date
	1:50 @ A1 1:100 @ A3	OCT 22

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The Annex / 33 Dillingburgh Road | 01823 419000/ Phone  
 Old Towny Eastbourne/ BN20 8LU | 01823 419000/ Fax

**BURGER KING - WESTGATE STREET - CARDIFF**

**DESIGN**

# **APPENDIX B**

## **Operating Schedule**

**Continued from previous page...**

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

In accordance with the information given in section 14 no member of the public shall be admitted to the premises after 00:00 but members of the public and home delivery couriers will be served from the sliding side window service point.

## 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.

The Cumulative Impact Assessment policy adopted by Cardiff Council affects this application in that the premises fall within the relevant areas defined within the policy which has been adopted by the Council. The Applicant understands that the effect of the policy is that there is a presumption against granting any application for a premises licence that is likely to add to the cumulative impact.

The operating schedule which forms part of this application describes the measures which the Applicant will take to mitigate any such impact.

The Applicant is very experienced in the operation of premises having late night opening in the Cardiff city centre and have traded from numerous outlets throughout the city centre since the early 1990's. The restaurant managers employed by the Applicant and the Applicant's area manager have excellent working relationships with the city centre management team.

The Applicant contends that this application should be an exception to the policy for the following reasons:

(a) The reasons set out above.

(b) Clientele/customers who will use the premises under the new premises licence will be patrons who already use and will already be in any event using the facilities in the city centre, and from that perspective the grant of this application will not in any way increase cumulative impact.

(c) The provision of food to persons using the city centre is it is submitted likely to have a positive impact rather than a negative cumulative impact.

(d) The Applicant's management teams are highly experienced and well respect operators of licensed premises in the Cardiff city centre. Based upon their experience they reasonably anticipate that the facilities proposed by the application will not attract to the premises people who are not already using similar premises in Cardiff city centre. The additional facility offered by the Applicant will reduce demand and queuing on other existing premises and therefore would be expected to be of positive benefit to cumulative impact rather than the reverse.

By reason of the foregoing the Applicant contends that it is highly unlikely that the grant of the application will add to any negative cumulative impact upon the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits all areas where the public have access and any external drinking areas. All equipment must be maintained in good working order, the

**Continued from previous page...**

system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. SIA registered door staff shall be employed on such occasions when a requirement is identified by the licence holder's risk assessment. Consideration will be given to public holidays and days considered to be major event days in the City Centre. If the licence holder's risk assessment identifies that door staff are required then one SIA registered door staff will be engaged and deployed at the premises. The Applicant intends to have SIA registered door staff every day from 23:00 to close.

3. The premises will participate in the city centre radio net night security system.

4. A detailed bound numerical register of door supervisors to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed and the register to be available for inspection on request by an Authorised officer.

5. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

**c) Public safety**

7. If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

**d) The prevention of public nuisance**

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

8. For the purposes of delivery aggregators who will deliver takeaway orders the Applicant will only use the services of such delivery aggregators who have been approved by the Applicant's master franchisor - Burger King.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



# **APPENDIX C**

## **South Wales Police Representation and Proposed Conditions**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

**From:** Tapper, William swp6414 <William.Tapper@south-wales.police.uk>  
**Sent:** 05 September 2023 11:26  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:** Bill Parry  
**Subject:** Burger King Application - Wood Street

**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.

Good Morning,

South Wales Police hereby give notice that an objection shall be made to the application for the grant of a premises licence for "BURGER KING", Wood Street, Cardiff CF10 1EW.

This objection is made under the licensing objectives of;

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

The premises are located within a saturation policy zone where there is a disproportionate amount of crime, disorder and public nuisance in the area. At this time the applicant has not provided reassurance by the way of agreed premise license conditions that the premise will not undermine the above licensing objectives.

Kind regards,



William Tapper BA (Hons), PGDIP

Cwnstabl Yr Heddlu | Police Constable

Adran Drwyddedu | Licensing Department

Gorsaf yr Heddlu Bae Caerdydd | Cardiff Bay Police Station

Symudol/Mobile: 07970 161437



### 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.

## Barker, Kirstie

---

**From:** Tapper,William swp6414 <William.Tapper@south-wales.police.uk>  
**Sent:** 12 September 2023 11:47  
**To:** Barker, Kirstie; Bill Parry  
**Cc:** Hardwick,Justin swp2027  
**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff

**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.

Good Morning both,

SWP have been in productive consultation with the applicant and have agreed upon the attached set of conditions that will be applied to the premise license if the sub-committee determine the application is exceptional and the premise license is granted.

Therefore SWP are not withdrawing their objection and will provide an evidential bundle in due course.

Many thanks

Will



William Tapper BA (Hons), PGDIP

Cwnstabl Yr Heddlu | Police Constable

Adran Drwyddedu | Licensing Department

Gorsaf yr Heddlu Bae Caerdydd | Cardiff Bay Police Station

Symudol/Mobile: 07970 161437



---

**From:** Bill Parry <BillP@WPARRY.CO.UK>  
**Sent:** Monday, September 11, 2023 12:18 PM  
**To:** Barker, Kirstie <kibarker@cardiff.gov.uk>  
**Cc:** Sandra <Sandra@WPARRY.CO.UK>; Tapper, William swp6414 <William.Tapper@south-wales.police.uk>  
**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff  
**Importance:** High

**\*\*\* 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 Kirstie,

I refer to the two applications as above which my office has made on behalf of UnionBurger Limited.

Your records will show that South Wales Police as Responsible Authority has made a representation in relation to both applications.

My office has been in consultation with South Wales Police concerning its representations.

My client and South Wales Police have agreed a set of conditions as are attached hereto in Word format.

This is to confirm that my client offers to be bound by these conditions.

In these circumstances the representations as made by South Wales Police have been met by the agreement to have these conditions imposed. You will see that I have copied this to William Tapper of South Wales police who will now write to you to confirm.

Have any other relevant representations been made by any other party in relation to my clients applications? (The representation period in these cases closed on 6<sup>th</sup> September.) If so please let me have copies of the same. If not please would you confirm that the applications may now proceed to be granted without the need for any formal hearings.

I look forward to hearing from you.

Regards,  
Bill Parry.  
Parry & Co Solicitors  
37, Walter Road, Swansea SA1 5NW  
Fax: 01792 464539  
Switchboard: 01792 470037  
[Bill@wparry.co.uk](mailto:Bill@wparry.co.uk)

This email may contain confidential information. If you are not named on the addressee list, please take no action in relation to this email, do not open any attachment, and please contact the sender (details above) immediately.

A list of the names of the partners is available for inspection at the above office.  
Regulated and Authorised by the Solicitors Regulation Authority.

#### Cyber crime and fraud alert

Please be aware that we do not send notifications of changes to our bank details by email. Fraudsters have been impersonating law firms and some clients of law firms have been tricked into forwarding monies to them. If you receive an email that appears to come from us, providing different bank details to the ones we supplied at the outset of the matter or indicating a change in our bank details, please contact the fee earner dealing with your matter by telephone immediately. Do not reply to the email or act on any information contained in it. We will not accept responsibility if you transfer money into an incorrect account.

## Wood Street Burger King Proposed Conditions

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the Premises are open to the public. The system will cover all internal areas of the Premises where the public have access {excluding toilets} including all entrances and exits and any external areas associated with the Premises. The images shall 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 and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.
  
2. When the Premises is open to and accessible by members of the general public a minimum of two Security Industry Authority (SIA) Door Supervisors will be employed at the Premises on Fridays, Saturdays and the Sunday before a bank holiday from 23:00hrs until close.
  
3. Sunday to Thursday, SIA will be provided in accordance with a written risk assessment.
  
4. On major event days there will be a minimum of two SIA registered door supervisors employed at the Premises from the earlier of 18:00hrs that day, or no less than two hours before the commencement of the event, until closure of the Premises to members of the general public.
  
5. Clickers, or other appropriate instruments, will be used to monitor the number of customers entering and exiting the Premises from 23:00 hours in line with the fire safety standards – with consideration taken of the reduced capacity from the removal of seating areas after 23:00 hours.
  
6. When SIA registered door supervisors are employed at the Premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request

when the Premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

7. A register of door supervisors shall be kept at the Premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee on request.

8. An incident book will be kept and maintained at the Premises at all times. It shall be made available on request to a Police employee. This book will record the following:

All crimes reported at the venue

Any ejections of patrons

Any disorder on the Premises

Any visit by representatives of a relevant authority or emergency service

Any failure of the CCTV system.

9. Persons under the age of 16 years must not be permitted to enter or remain on the Premises after 23:00 hours unless accompanied by a person over the age of 21 years. A notice to this effect must be prominently displayed at the entrance/exit to the Premises.

10. The Premises Management must ensure that any WIFI System used at the Premises can be switched off at times to prevent or defuse any antisocial behaviour or at the request of Police.

11. The Premises shall operate a radio system which is monitored by the Local Authority and South Wales Police.

12. From 2300 hours each day until close only the ground floor area will be used by customers.

13. The 'walk-up window' shall only be used to facilitate delivery couriers and will not be used by the general public to order or receive food and drink.

14. For the purposes of delivery the applicant will only use the services of such delivery aggregators who have been approved by the applicant's master franchisor – Burger King.



# **APPENDIX D**

## **Licensing Enforcement Representation**

## Barker, Kirstie

---

**From:** Morgan, Rhys  
**Sent:** 24 August 2023 16:25  
**To:** Barker, Kirstie  
**Subject:** RE: Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Wood Street, Cardiff, CF10 1EW

Good Afternoon,

In relation to the above application the Licensing Authority would wish to make the following representation.

In regard to the application for grant of a premises licence, I wish to advise the licensing authority of Cardiff Council will be objecting to the application.

A Cumulative Impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance. The Policy creates a presumption that applications for Grant or Variations of premises Licences upon receipt of relevant representation will be refused unless the applicant can demonstrate the business will not add to the negative cumulative impact on any of the licensing objectives.

The premises detailed above falls within the boundary of the of the Cumulative Impact Zone and an objection is submitted in respect of the prevention of crime and disorder and prevention of public nuisance and public safety Licensing Objectives.

The Authority appreciates the operating schedule in the application references the CIP and makes a start to its rebuttal within the operating schedule. The Cumulative impact assessment sets out in Table1 of chapter 8 broad premises descriptors. Given the detail in the application the applicants premises provides some sit down covers however not of sufficient quantity to meet the true expectation of a restaurant and as such would result in a significant proportion of its trade being as Take away, this would certainly be the case during the later hours of trading as it is expressed this will be done from window servery. The hours specified in that application also represent that of late night take away where opening hours for the public until 03.00. Under the table 1 definitions this application would fall within the Red category Takeaway/fast food restaurant.

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, which is densely populated with late night refreshment premises. Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. With this in mind the Policy expects *Applicants to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact experienced in the area.*

The policy highlights the presence of takeaways/fast food outlets slows down the dispersal of people out of the City Centre, and leads to an increase in the number of people on the streets. This is supported by high levels of recorded crime and Health Board data which shows high levels of incidents in the Caroline Street area which is densely populated with takeaways and Queen Street which has 3 primary fast food outlet licensed. From the application documentation it is clarified that the trading model of the premises will change considerably from Midnight. The premises will generally close for access at midnight and trading will move to the designated delivery service window located on the Westgate street façade of the premises. With this dynamic shift in trading the importance of customer queue management and controlling the customers waiting for their order against the customers queuing to place an order will provide a dynamic shift to the routine trading within the premises of this nature. This could provide a pinch point as customers and delivery providers are all waiting on the public pavement outside a premises. In the operating schedule it is drafted as this service mechanism will be a control measure however it does raise the potential for incident to occur directly outside the premises. There is no additional consideration to queue management and or dispersal policies in the application that would provide mitigation for this potential

hotspot, especially on major event days as this premises will be in direct line of the public returning to the main transport route out of the city be it train, taxi etc.

It should also be noted that the planning consent does include a condition limiting the premises opening hours, planning reference 20/00628 limits public access to the premises between 07.00 and 00.00 on any day. this may indicate the decision to shift to a serving window from this hour.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy.

Kind regards

**Rhys Morgan**

**Licensing Section / Adran Drwyddedu**

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Bridgend, Cardiff and the Vale of Glamorgan

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg

Telephone | Ffôn 02920 871123



# **APPENDIX E**

## **Other Persons Representation**

## **Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

---

**From:** Mackie, Norma (Cllr)  
**Sent:** 16 August 2023 12:40  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Wood Street, Cardiff, CF10 1EW  
**Attachments:** Licensing objection Burger King Wood Street.docx

Hi,  
Please find attached our objection to the above application.  
Regards  
Norma

**Y Cynghorydd / Councillor Norma Mackie**  
**Yr Aelod Cabinet dros Wasanaethau Cymdeithasol (Gwasanaethau Oedolion)**  
**Cabinet Member for Social Services (Adult Services)**  
**Cyngor Caerdydd | Cardiff Council**

**02920 873 175**

**Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Wood Street, Cardiff, CF10 1EW**

I am writing on behalf of myself, Cllrs Weaver, Ahmed and Merry to object to this application as we feel that allowing a takeaway premises and restaurant on Wood Street to be open until 3am would be to the detriment of the Licensing Objectives and would not comply with the Cumulative Impact Policy that covers Wood Street.

This will serve to increase the noise, crime and anti-social behaviour in this area and will cause further disruption to visitors using the nearby hotels and increase the work of the already stretched police.

There will also be an impact on the residents taking apartments in the new bus at Central Square.

South Wales Police already have a mass of evidence related to late night takeaways in town and their crime statistics record 206 reported crimes in that area between January and June 2023. 102 of these are violent or sexual offences and 19 for Anti-Social Behaviour. These do not include incidents that the police deal with at the time and take no further action.

We object to this application on the grounds that it will not promote the Licensing Objectives of the prevention of:

Crime and Disorder as it will increase the volume of intoxicated people in the area;

Public Safety and Public Nuisance in that we have concerns over increasing noise, anti-social behaviour and violence.

The Cumulative Impact Policy is in place to prevent an application such as this one and puts the onus on the applicant to prove that their proposed premises will not undermine the Licensing Objectives. We feel they will not be able to achieve this and we ask you to refuse this application.

Regards

*nmackie*

Cllr Norma Mackie and on behalf of Cllrs Sarah Merry, Chris Weaver and Ali Ahmed  
Cathays Councillors

CARDIFF COUNCIL  
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 1 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 089547

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

Ward: Cyncoed

### 1. Application

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

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

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

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

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

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

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

(3) Unless otherwise indicated the premises may be open to the public during the following hours and for any hours consequential to the non-standard timings:

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

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

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

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

1.3 A site map showing the premises and a plan of the premises submitted with the application can be found in **Appendix A**.

## **2. Promotion of Licensing Objectives**

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B**.

## **3. Relevant Representations**

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

## **4. Legal Considerations**

- 4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives, which are:

Prevention of crime and disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

- 4.2 In each case the Sub-Committee may make the following determination

- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

## **5. Issues for Discussion**

- 5.1 The application should be determined and the appropriateness of any conditions on the licence need to be discussed.

**Helen Picton**  
**Regulatory Services**

**16<sup>th</sup> October 2023**



# **APPENDIX A**

## **Site Map & Plan**



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd  
 CAERDYDD CF10 4UW  
 Tel: 029 20872088

County Hall, Atlantic Wharf  
 CARDIFF CF10 4UW  
 Tel: 029 20872087

**Cyngor Caerdydd**

**Cardiff Council**



**Title**

Scale: 1:1417

Date: 16/10/2023 at 9:34 AM

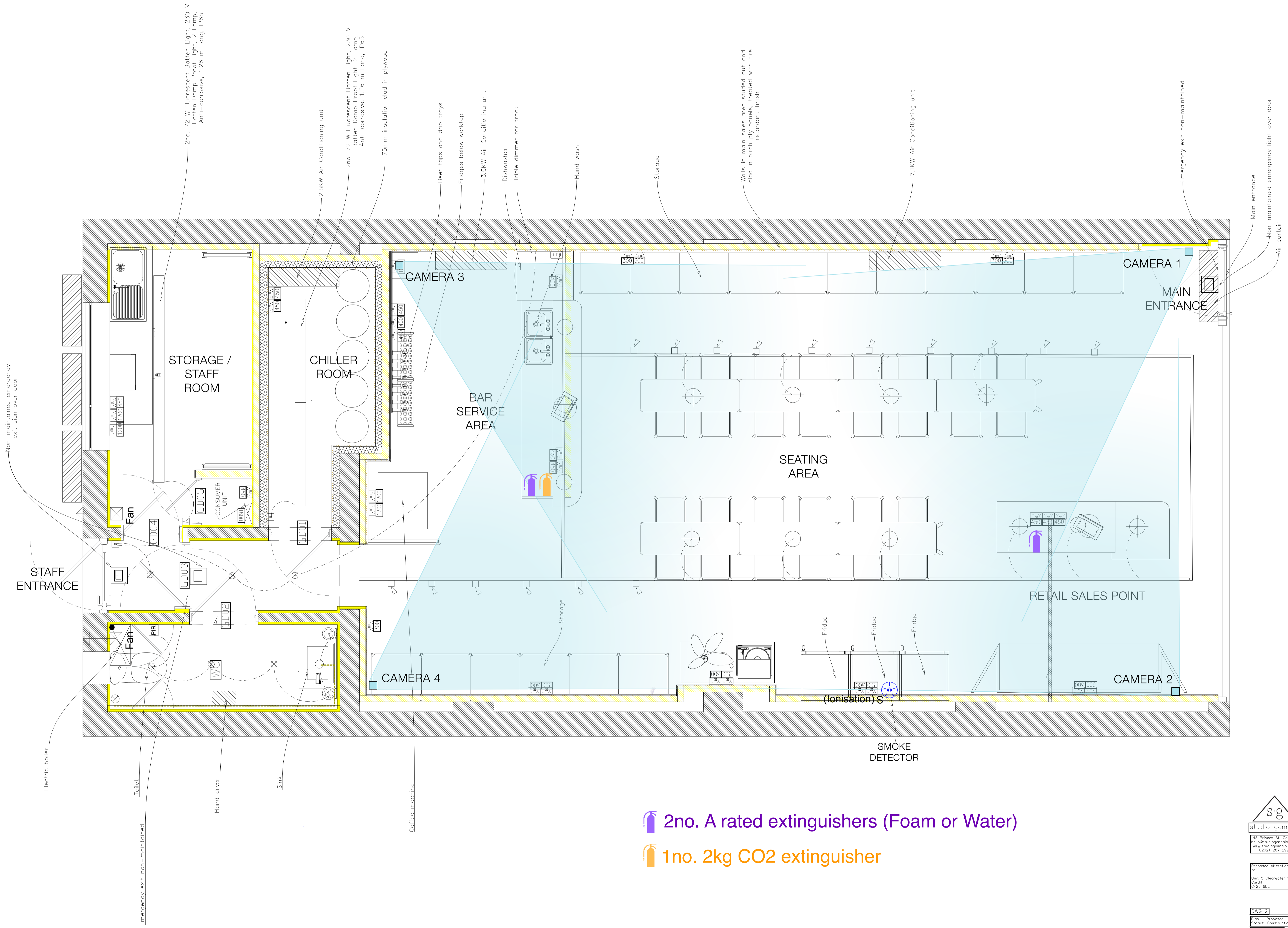
Coordinates:

© Crown copyright and database rights (2014).

This copy is produced specifically to supply County Council information NO further copies may be made.

**Ordnance Survey AC0000816513 (2023).**

Tudalen 50



2no. A rated extinguishers (Foam or Water)

1no. 2kg CO2 extinguisher

# **APPENDIX B**

## **Operating Schedule**

**Continued from previous page...**

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

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

b) The prevention of crime and disorder

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

c) Public safety

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

d) The prevention of public nuisance

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

e) The protection of children from harm

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

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

# **APPENDIX C**

## **South Wales Police Representation and Agreement**

---

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

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

**\*\*\* Warning: This email contains a Microsoft Office (Word, Excel, PowerPoint) or Adobe PDF attachment. Although this email has been scanned for threats, please think before opening attachments from unrecognised senders.**

**Rhybudd: Mae'r e-bost hwn yn cynnwys atodiad Microsoft Office (Word, Excel, PowerPoint) neu PDF Adobe. Er bod yr e-bost hwn wedi'i sganio ar gyfer unrhyw fygythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. \*\*\***

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

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

Dear

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

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

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

Regards

### Ymateb nad yw'n Argyfwng\ Non-Emergency Response

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan <https://www.south-wales.police.uk>, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

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

### Cymorth Iaith Gymraeg\Welsh Language Support

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

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

**Pencadlys Heddlu**

Heol y Bont-faen  
Penybont  
CF31 3SU

**Police Headquarters**

Cowbridge Road  
Bridgend  
CF31 3SU

Mi

**URhS Caerdydd a'r Fro**

**Cardiff & Vale BCU**

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

Gorsaf Heddlu Bae Caerdydd,

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

Stryd James, Bae,

James Street, Cardiff Bay

Caerdydd CF10 5EW

CF10 5EW

Teliffon: 01656 869211

Telephone: 01656 869211

**SWYDDOGOL – OFFICIAL**

**Police Licensing Department**

**Cardiff Bay Police station.**

**James Street,**

**Cardiff.**

**CF10 5EW.**

**3<sup>rd</sup> October 2023**

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

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

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

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

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

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

South Wales Police welcomes receiving correspondence in Welsh and English.

Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.





## POLICE REPRESENTATION

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

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

Ordinarily customers will be seated.

3. There will be no outside bar.

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

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

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

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

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



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

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

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

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder.

The protection of children from harm.

The prevention of public nuisance.

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

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

Yours faithfully,

Chief Inspector

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.  
South Wales Police welcomes receiving correspondence in Welsh and English.  
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



---

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

**\*\*\* 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.

Hi

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

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

Many Thanks

Sent from my iPhone

# **APPENDIX D**

## **Pollution Control Representation and Agreement**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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

**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.

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

---

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

Hi

Absolutely happy to accept those conditions on the operating schedule.

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

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

Thanks again

Sent from my iPhone

On 27 Sep 2023, at 08:45,

> wrote:

Hi

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

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

Many Thanks

<image001.png>

---

**From:**

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

**To:**

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

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

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

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

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

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

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

Many thanks

Sent from my iPhone

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

Hi

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

Tudalen<sup>2</sup> 62

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

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

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

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

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

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

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

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

Many Thanks

# **APPENDIX E**

## **Other persons representation**



## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

---

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

**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 Sir/Madam,

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

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

- . Noise Disruption: Our residential area is renowned for its tranquil and peaceful atmosphere, a primary reason many of us chose to call it home. The operation of such a business, particularly during late hours, would inevitably result in elevated noise levels. This disruption would disturb our quality of life and potentially cause discomfort to families, the elderly, and young children residing nearby.<sup>[SEP]</sup>
- . 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.<sup>[SEP]</sup>
- . 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.<sup>[SEP]</sup>

. 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,

--