

**LICENSING SUB-COMMITTEE: 04 November 2016**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Grant**

**Application No: CCCP/01957**

**Name of Premises: Organicafe**

**Ward: Heath**

**1. Application**

1.1 An application for a Premises Licence - Grant, has been received from Mr Luca Fantozzi in respect of Organicafe, 104 Caerphilly Road, Birchgrove, Cardiff, CF14 4AG.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The sale by retail of alcohol for consumption on and off the premises:

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

“Café and delicatessen.”

(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 Saturday: 08:00 to 17:30

Sunday: 09:00 to 15:00

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

1. The sale by retail of alcohol for consumption on and off the premises:

Monday to Saturday: 08:00 to 17:30

Sunday: 09:00 to 15:00

**2. Promotion of Licensing Objectives.**

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report.

3. **Relevant Representations**

Representations have been received in respect of the application, copies of which are enclosed with the report.

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 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.

5. **Issues for Discussion.**

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

**Dave Holland**  
**Regulatory Services**

**20 October 2016**

## Section 18

### Licensing Objectives

#### a) General – all four licensing objectives

Strong management controls and effective training of all staff so that we are all aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- no selling of alcohol to underage people
- no drunk and disorderly behaviour on the premises area
- no violent and anti-social behaviour
- prevention of harm to children

Operating Schedule providing the hours of operation.

- Designated premises supervisor (DPS) to ensure they are present and in day-to-day control of the premises, to provide good training for staff on the Licensing Act and to make each sale of alcohol.

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

We will always operate the business to support these objectives through the operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

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

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence.

Not selling of alcohol to drunk or intoxicated customers.

Prevention and vigilance in any activity which may lead to crime or disorder.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner to avoid any disturbance to other businesses or residents.

#### c) Public safety

Internal and external building fixtures and lay out to promote public safety.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical,, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

#### d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

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

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol. Well trained staff about requirement for persons' identification and age. Staff to be on their guard for signs of children being put at risk and ensuring that young people under 18 years of age, on the premises, do not consume alcohol and are not served or sold any alcohol.

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**Barker, Kirstie**

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**From:** [redacted]  
**Sent:** 10 October 2016 11:56  
**To:** Licensing (Licensing, Regulatory)  
**Subject:** FW: RE: <No subject>

Dear Licensing,  
Please see below.  
The Police do not require a hearing.  
Regards  
Tony

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**From:** [redacted]  
**Sent:** 10 October 2016 10:26  
**To:** [redacted]  
**Subject:** Re: RE: <No subject>

Good morning Tony,  
Yes I accept the conditions.

Thank you so much

King regards

Luca

lunedì 10 ottobre 2016, 10:00 +0100 da

Hello Luca.

Are you able to confirm that you will accept the conditions proposed by the Police?

Regards

Tony

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**From:** [redacted]  
**Sent:** 04 October 2016 15:09  
**To:** [redacted]  
**Subject:** Re: <No subject>

Good afternoon Tony,

Thank you for your email.

King regard

Luca

Sent from Libero Mail for iOS

Tuesday, 4 October 2016. 12:12 +0100 from '  
<

Luca,

I forgot to say I will send you the signed original in the post.

Regards

Tony

**Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101 Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.**

**Do you need to speak to police but don't require an emergency response? Call 101 The number can be used to report a non-emergency to any force in Wales and England. In an emergency, always dial 999.**

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CARDIFF COUNTY COUNCIL

- 7 OCT 2016

LICENSING SECTION



Licensing Department,  
Cardiff Bay Police Station,  
James Street,  
Cardiff.  
CF10 5EW

30<sup>th</sup> September 2016

Luca FANTOZZI  
45 St. Edwen Gardens,  
Heath,  
Cardiff  
CF14 4JZ

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE,  
"ORGANICAFE", 104 Caerphilly Road, Cardiff CF14 4AG.**

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

We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

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

**POLICE REPRESENTATION**

1. The premises licence shall only remain in force as long as the main use of the premises is that of a café/restaurant.

2. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open and alcohol is offered for sale. The system shall cover all areas to which the public have access (excluding toilets) including all public entrances and exits and external areas used by customers. Images shall be kept for a minimum of 31 days.

The images shall be produced to a Police employee or authorised Officer of Cardiff Council Licensing in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate the above.

**HEDDLU DE CYMRU URhS Y DWYRAIN**

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae Caerdydd CF10 5EW  
Mewn argyfwng ffoniwch **999**, fel arall, ffoniwch **101**  
Ffacsimili: 029 2052 7280 Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)

**SOUTH WALES POLICE EASTERN BCU**

Cardiff Bay Police Station, James Street, Cardiff Bay CF10 5EW  
In an emergency always dial **999**, for non-emergencies dial **101**  
Facsimile: 029 2052 7280 Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)

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

1. The prevention of crime and disorder
2. The prevention of public nuisance.

Additional evidence to support the notice of the objection 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 Tony Bowley at the Cardiff Bay Police Station ☎ 029.20. 633421.

Yours faithfully,



D. HOWE  
Chief Inspector.

COPY TO:-

Clair HARTREY,  
Operations Manager,  
Licensing & Strategic Services  
Cardiff County Council,  
City Hall,  
Cardiff.  
CF10 3ND.

Anthony Bowley  
Police Licensing Officer  
Cardiff Bay Police Station  
**Direct Line** : +44 (0) 2920 633421 (Ext 34208)  
**Fax** : +44 (0) 2920 527256  
**E-Mail** : [Anthony.Bowley2@south-wales.pnn.police.uk](mailto:Anthony.Bowley2@south-wales.pnn.police.uk)



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**Barker, Kirstie**

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**From:** f  
**Sent:** 11 October 2016 22:13  
**To:** Licensing (Licensing, Regulatory)  
**Subject:** CCCP/01957

I wish to object to the above licencing application on the grounds that granting of said licence and opening hours can lead to anti social behaviour in an area that is already saturated by alcohol premises viz:

2 public houses, licenced restaurant, 2 shops that supply alcohol, and all in an area that is no more than 200 yards in a shopping area.

I would also like to point out that this premise is right in the path of school children coming and going to an infants school.

Being on a busy Main Road, we, the inhabitants near to the said premise, have enough of noise of people and traffic 7 days a week, without the extra sale of alcohol, that is going to now, increase on our only fairly quiet day, being a Sunday

**Regards..**



CHIEF EXECUTIVE  
 Paul Orders  
 County Hall  
 Atlantic Wharf  
 Cardiff CF10 4JW  
 Tel: 029 20672000

**City of Cardiff Council**  
**Cyngor Dinas Caerdydd**



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