

LICENSING SUB-COMMITTEE: 3rd February 2017

Report of the Head of Regulatory Services

Application to vary a Premises Licence

Application No: CCCP/01123

Name of Premises: Sun Sun Chinese Takeaway

Ward: Heath

1. Application

1.1 An application for a variation to the existing Premises Licence, has been received from Mr Yi He in respect of Sun Sun Chinese Takeaway, 370 North Road, Heath, Cardiff, CF14 3BP.

1.2 The current Premises Licence permits the following:

Late night refreshment: Monday to Sunday 23:00 to 02:00

1.3 The following application for variation is now made:

To permit late night refreshment: Monday to Sunday 23:00 to 00:00

To permit the sale of alcohol for consumption off the premises: Monday to Sunday 16:00 to 00:00

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 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 appropriateness of the hours of operation and conditions on the licence needs to be discussed.

Dave Holland
Regulatory & Supporting Services

19 January 2017

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

refuse sell alcohol to people who already drank.

c) Public safety

refuse sell alcohol to people who already drank.

d) The prevention of public nuisance

e) The protection of children from harm

reject sell alcohol to people who under of age 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

Received 12/11/17

1123

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

18th November 2016.

Yi HI
370 North Road,
Cardiff
CF14 3BP

**Re APPLICATION FOR THE GRANT OF A PREMISES LICENCE,
"SUN SUN CHINESE TAKEAWAY" 370 NORTH ROAD, CARDIFF CF14
3BP.**

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 facility offering food.
2. The sale of alcohol will be ancillary to the sale of a meal.
3. Alcohol will only be handed to the customer at the point that the meal is handed over.
4. 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). 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.

5. Staff and delivery drivers will operate the challenge 25 policy in relation to alcohol sales.

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

(The omission of providing cctv images to the Police immediately upon request in the offered condition places a burden on the Police and the Crown Prosecution Service. Interviews of detained suspects will be unnecessarily delayed. Charging decisions from the CPS will also be delayed. This will have a negative effect on the four licensing objectives.)

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 ☎ 02920 633421.

Yours faithfully,

D. HOWE
Chief Inspector.

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 16 January 2017 10:23
To: uk121208@hotmail.com
Cc: Licensing (Licensing, Regulatory)
Subject: RE: reps re SUN SUN

Thank you.

I will drop in a couple of posters to put in your premises.

Regards
Tony

From: he yi [mailto:uk121208@hotmail.com]
Sent: 13 January 2017 19:47
To: Bowley,Anthony swp54909 <Tony.Bowley@south-wales.pnn.police.uk>
Subject: Re: reps re SUN SUN

Dear Tony

I have read the attachment, and I do agree with those conditions placed on the premises licenses.

Best regards
Owner : Yi He

发自我的 iPad

在 2017 年 1 月 13 日, 14:46, "Tony.Bowley@south-wales.pnn.police.uk" <Tony.Bowley@south-wales.pnn.police.uk> 写道:

Please find attached the Police representations as discussed.

If you are in agreement of these conditions being placed on the premises licence please reply to me and Cardiff Council Licensing in the affirmative.

If you have any questions please email or telephone me at any time.

Regards
Tony

Tel. 02920 633421

**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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Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <http://www.south-wales.police.uk/cy/datganiad-cyfrinachedd-e-bost/>

<reps re SUN SUN.doc>

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**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.**

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In an emergency, always dial 999.**

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Gallai defnyddio neu ddatgelu 珍 neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <http://www.south-wales.police.uk/cy/datganiad-cyfrinachedd-e-bost/>

From: Bowden, Fenella (Cllr)

Sent: 20 December 2016 19:03

To: Barker, Kirstie <kibarker@cardiff.gov.uk>

Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Sun Sun Chinese Takeaway, 370 North Road, Cardiff

Dear Kirstie

I wish to object to the Variation of License for the Sun Sun Chinese Takeaway at 370, North Road, Cardiff. My objections relate to the following objectives :

Prevention of crime & disorder;

Prevention of public nuisance;

The location of this takeaway is alongside a very busy road, and is within a residential area. Extending the hours by which alcohol can be purchased in the vicinity, and when all other pubs & shops are closed, is not conducive to encouraging public order and could lead to public nuisance. If the Committee is minded to approve this Variation, I would ask that the sale of alcohol be restricted to no later than 11pm.

Kind wishes

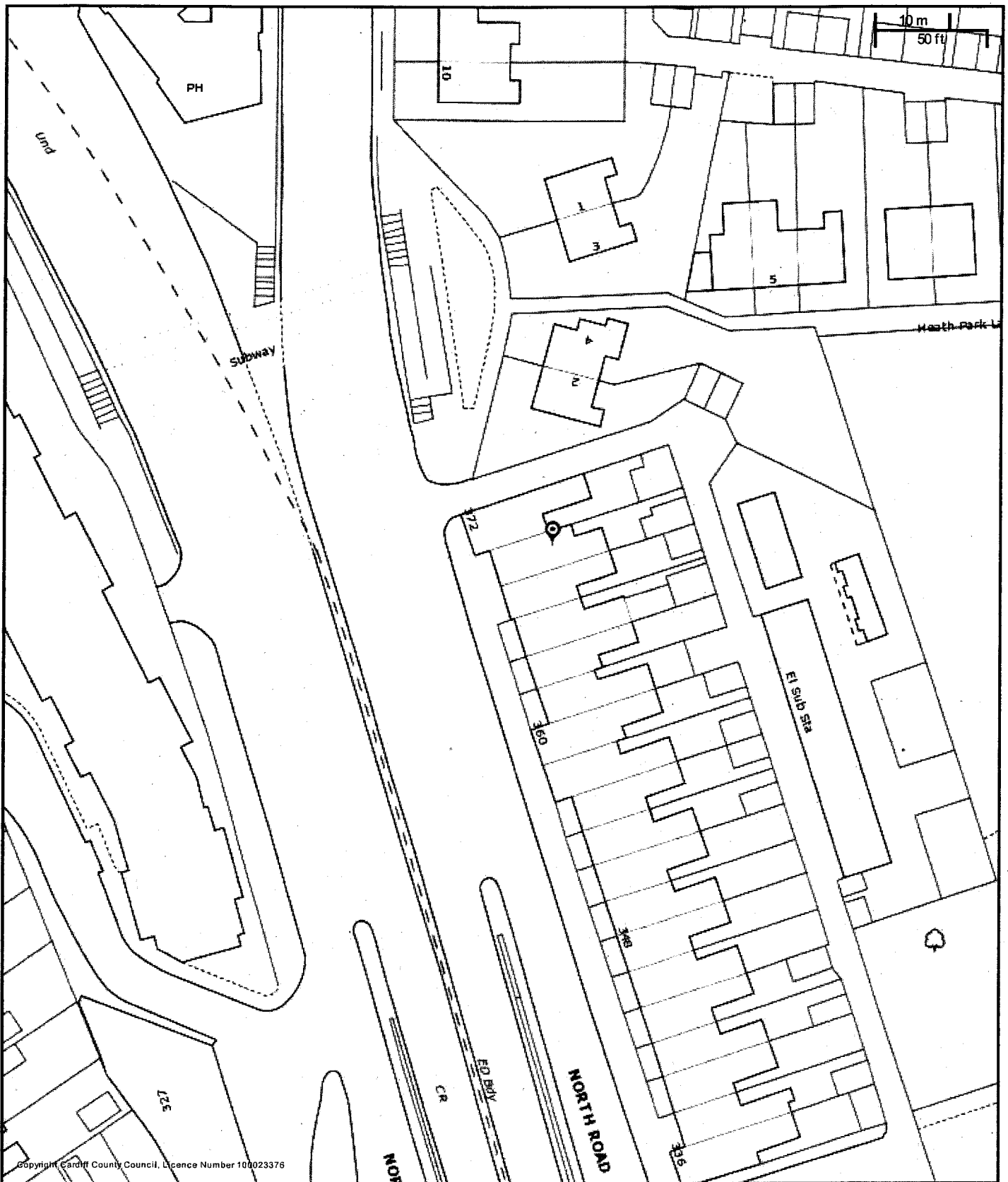
Fenella

Fenella Bowden

Independent Cllr for Heath

Tel/Fax : 02920 692435

Twitter: [followfenella@HBIndependents](https://twitter.com/followfenella@HBIndependents)



CHIEF EXECUTIVE
 Paul Orders
 County Hall
 Atlantic Wharf
 Cardiff CF10 4UW
 Tel: 029 20872000

City of Cardiff Council
Cyngor Dinas Caerdydd



CARDIFF
CAERDYDD



Title

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