

**LICENSING SUB-COMMITTEE: 29 December 2017**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Grant**

**Application No: 017319**

**Name of Premises: Fintans Llanishen**

**Ward: Llanishen**

**1. Application**

1.1 An application for a Premises Licence - Grant, has been received from Spiro Michael Gropetis in respect of Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

1. The supply of alcohol for consumption on and off the premises

(2) 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 21:00

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

1. The supply of alcohol for consumption on and off the premises:  
Monday to Sunday 09:00 to 21:00

**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**

**14 December 2017**

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

We are only aiming to sell bottled beers and wines as accompaniments to meals eaten in or taken away, we don't anticipate any anti social behaviour but all staff will be trained in Challenge 25, CCTV will be available at all times, stock will be stored out of reach of children.

b) The prevention of crime and disorder

CCTV will be in operation on the premises

c) Public safety

'nothing beyond existing health and safety/fire safety etc requirements'

d) The prevention of public nuisance

'nothing beyond existing health and safety/fire safety etc requirements'

e) The protection of children from harm

'nothing beyond existing health and safety/fire safety etc requirements'

**Section 19 of 21**

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

## Barker, Kirstie

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**From:** ian <ian@fintans.co.uk>  
**Sent:** 14 December 2017 13:11  
**To:** Tony.Bowley@south-wales.pnn.police.uk  
**Cc:** Licensing (Licensing, Regulatory) \ Trwyddedu  
**Subject:** RE: reps re FINTENS LLANISHEN

Hi Tony,

We are in complete agreement with your representations becoming conditions.

Kind Regards

Ian Fowler

Fintans Llanishen

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**From:** Tony.Bowley@south-wales.pnn.police.uk [mailto:Tony.Bowley@south-wales.pnn.police.uk]  
**Sent:** 30 November 2017 12:15  
**To:** ian@fintans.co.uk  
**Cc:** licensing@cardiff.gov.uk  
**Subject:** reps re FINTENS LLANISHEN

Dear Ian and Spiro,

Please find attached the police representations for this application.

The signed original is available if you require it.

Should you be in agreement with the representations becoming conditions on your premises licence please email me in the affirmative and copy in Cardiff Council.

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.**

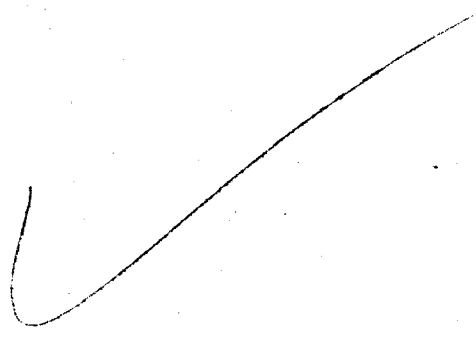
**Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.**

**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.**

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



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

20<sup>th</sup> November 2017

Ian@fintans.co.uk

Re **APPLICATION FOR A NEW PREMISES LICENCE,**

**“FINTANS” 11 STATION ROAD, LLANISHEN, CARDIFF CF14 5LS.**

I have caused enquiries to be made 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.

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 primary use of the premises is that of a takeaway/restaurant.
2. Alcohol will only be sold as an accompaniment to the purchase of a meal.
3. Customers will not be permitted to leave the premises with open containers of alcohol.
4. A cctv system will be installed to a standard agreed with South Wales Police. It shall be maintained and operated at all times the premises are open to the public. The system shall cover all areas to which the public

have access (excluding toilets) including all public entrances and exits. Images will be kept for a minimum of 31 days.

The images shall be produced to an authorised 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 is reasonable practical.

There will be sufficient staff training to facilitate the above.

5. At least 50% of the licensable area used by customers shall be set out with tables and chairs for the purpose of consuming food.

6. The premises shall operate a "Challenge 25" policy.

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

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,

J. JONES  
Chief Inspector.

**Griffiths, Paul (PPE)**

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**From:** Griffiths, Paul (PPE) <Paul.Griffiths@wales.nps.gov.uk>  
**Sent:** 09 December 2017 13:15  
**To:** Licensing (Licensing, Regulatory) \ Trwyddedu  
**Subject:** Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS

**Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS**

**Objection to the above Premises License Application**

From:-



I am writing to object to the Premises License Application on the grounds of:

Prevention of crime and disorder:-

- The sale of alcohol for consumption "off" the premises could easily cause public disorder and further crime in Llanishen Village. There have been break-ins and thefts of cigarettes and alcohol from the Co-Op in recent times.

Prevention of Public Nuisance:-

- Fintan's sits right next to the Village's 16th century Church, which already has the nuisance of rubbish from the general public (including school children) who use the site for eating and drinking already. Alcohol bought from Fintan's as "off" site sale could easily become a public nuisance for not only the Church, but also the residents and businesses of the Village.

Public Safety:-

- Who is going to police the possible problem of "off" site alcohol sales? Are we going to have broken bottles/glasses and anti-social behaviour become more prevalent in Llanishen Village?
- Llanishen Village has no active Police Station, who is going to police the area after 9pm if it has problems with late night drinkers?

Protection of Children From Harm

- The nearby school has a cut through from the school through the Churchyard and thereby directly next to Fintan's.

- Who is responsible within Fintan's as to the sale of "off" site alcohol to the public, which could include school children, those of 6th form age who look old enough to try and buy "off" site alcohol or those that ask others to buy it for them.
- Children could also be harmed if there is leftover alcohol in bottles/glasses especially if left in the Churchyard.

I do not see why Fintan's needs to provide alcohol either "on" site and especially "off" site. It is a Fish and Chip shop, not a restaurant and I object to this application.



**Griffiths, Paul (PPE)**

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**From:** Jenkins, Shaun (Cllr)  
**Sent:** 11 December 2017 13:21  
**To:** Griffiths, Paul (PPE)  
**Cc:** Barker, Kirstie  
**Subject:** Re: Licensing Act 2003: New Premises: Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS.

Dear Paul,

Further to your email please see my objection below.

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Dear Sir/Madam,

Licensing Act 2003: New Premises: Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS

I am writing to object to the application for a premises licence at Fintans, 11 Station Road, Llanishen, Cardiff, CF14 5LS. The basis for the objection is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of public nuisance and the protection of children from harm.

11 Station Road lies within the small village of Llanishen, and within a few minutes walk of Llanishen High School, and enabling the premises to sell alcohol would provide an additional, and unnecessary, source of alcohol which would, in my view, be contrary to the aims and objectives of the Licensing Act 2003.

The application proposes that alcohol will be sold for consumption on and off the premises between 9am and 9pm, Monday - Saturday. It is noted that those premises that are already licenced in the area do so whilst deploying a nationally developed "Challenge 25" scheme and with significant time and money invested in training staff.

Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises that there is a risk of increased public nuisance in the area.

Residents in this area already suffer noise nuisance and at times antisocial behaviour, and an additional licenced premises will only add to the likelihood of even further detriment to residents' quality of life.

I would also urge the Licencing Authority to consider that by virtue of the uncommonness of alcohol being served in a chip shop, it would invariably have to be displayed prominently within the shop for customers to be aware of its presence, this will only seek to incentivise the alcohol and given the very broad demographic who would likely frequent the shop, including children, then there is a real risk that this could lead to completely unnecessary exposure of alcohol to children.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Cllr Shaun Jenkins

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