

LICENSING SUB-COMMITTEE: 27th April 2018

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 021283

Name of Premises: Zaeka Limited, 46 Tudor Street, Riverside, Cardiff, CF11 6AJ

Ward: Riverside

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Zaeka Limited in respect of 46 Tudor Street, Riverside, Cardiff, CF11 6AJ.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

The sale by retail for consumption 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: 08:00 to 23:00

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

The sale by retail for consumption off the premises:

Monday to Sunday: 08:00 to 23:00

2. Promotion of Licensing Objectives.

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

12 April 2018

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 11 April 2018 14:33
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: FW: Licence conditions,

Dear Council Licensing,

All is now agreed between the Police and the applicants regarding the application for a premises licence at 46 Tudor Street.

Thanks

Tony

From: Petya Ivanova
Sent: 11 April 2018 14:07
To: Bowley,Anthony swp54909 <Tony.Bowley@south-wales.pnn.police.uk>
Subject: Re: Licence conditions,

Dear Mr Bowley

we agree with the conditions and i have understood everything thanks for the information.

From: Tony.Bowley@south-wales.pnn.police.uk <Tony.Bowley@south-wales.pnn.police.uk>
Sent: Wednesday, April 11, 2018 4:40:04 AM
To:
Subject: Licence conditions,

Dear Ms Ivanova,

Now that your question around spirits being kept behind the till has been answered please would you email me and Cardiff Council Licensing stating that you are in agreement with the police representations.

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/>

Barker, Kirstie

From: Tony.Bowley@south-wales.pnn.police.uk
Sent: 06 April 2018 14:38
To:
Cc: Licensing (Licensing, Regulatory) \ I rwyddedu
Subject: reps re 46 TUDOR STREET
Attachments: reps re 46 TUDOR STREET.doc

***** 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. ***

Dear Ms. Ivanova,

Please find attached two conditions that the police request to be placed on your premises

licence.

If you are in agreement please email or write back to me.

Any questions don't hesitate to phone.

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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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

6th April 2018

To
Yordanka IVANOVA
46 Tudor Street,
Cardiff
CF11 6AJ

APPLICATION FOR THE GRANT OF A PREMISES LICENCE,
46 TUDOR STREET, CARDIFF CF11 6AJ.

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 representations made by the Police when determining the variation of this application.

Should the applicants agree to 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.

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 licensable areas to which the public have access (excluding toilets) and all exits and entrances 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.

p.t.o.

2. Displays of spirits will be kept from the reach of customers. Spirits will only be accessible to customers upon request.

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

The prevention of crime and disorder.

The prevention of public nuisance.

Public safety

The protection of children from harm.

Addition evidence to support the Police representation and conditions may be used at a subsequent hearing before the 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.

29 MAR 2018

LICENSING SECTION

Date 29th March 2018.

Enclosed in this envelope is an objection to the licensing application for premises 46 Tudor Street, Riverside, Cardiff, CF11 6AD.

My contact details are:

Mr [unclear]
[unclear]
[unclear]
[unclear]

Telephone no [unclear] OR [unclear]

I would like to be present at the hearing and I will be representing myself, please could you forward the hearing date and time and if which it take place to the above adress, Thankyou.

[Signature]

Objection to Premises Licence –Grant

Premises: 46 Tudor Street, Riverside, Cardiff,
CF11 6AD.

1. The prevention of Crime and Disorder

- a. This area of riverside is well known for its history of drug dealers, prostitution and drug addicts. Crack, Heroin, Cocaine, khat (Catha Edulis) and Marijuana/skunk use are the reasons for the regular attendance by the police, ambulance and fire services.

The addition of another outlet being allowed to sell alcohol in later hours could only impact further on a community that already suffers the consequences of ghettoisation of the dispossessed, who by degrees suffer from drug, alcohol or substance addiction and misuse: Some in recovery, some not. Street crime in the area; it is suggested, exuberated by the prevalence of the aforementioned substance abuse problems.

- b. The police and cpo's have made a fantastic effort to maintain and clear the problems caused by addicts (both alcohol and drugs users) on Fitzhalmon Embankment/ corner of Wood Street, it is our feeling that the granting of a licence would simply be a retrograde step and lead to the re-establishment of this drinking/drug taking spot.

2. The Prevention of Public Nuisance

- a. Further to the point b. There is a huge scope for the possibility of public nuisance. Wood St, Tudor St and Tudor rd are major thoroughfare from the town centre; leading to suburban areas such as Plantagenet St , Dispenser Gardens, Dispenser St, Dispenser Pl, Clare St, Clare Gardens, Havana St, Allensback/Taff Embankment, Beauchamp St, Neville St, De Burgh St, Lower Cathedral Rd, few of which appear to have been canvassed for opinion at the present moment. As residents, employers, workers and also the local community establishments plus Rehabilitation centres, we reasonably fear the granting of an additional off-licence would be a retrograde step and have a deleterious effect on the local family orientated community.

3. Public Safety.

- a. It is not simply a matter of another Off-licence as the applicant would undoubtedly have you believe but will be a source; given the areas background and history, for further incidences of public nuisance and threats to public safety.

4. The Protection of Children From Harm:

- a. It is clear that the consumption of alcohol has a deep impact on a given family dynamic. There would be, it appears to us as local shopkeepers, that have several families and partnerships in our community that have alcohol related problems. It is suggested that another off-licence would further undesirable effect on these already troubled families/relationships.

In conclusion we would strongly oppose the granting of an additional Off-licence on Tudor Street for the above reasons.

The biggest concern that have been brought forward from residents are noise pollution, drunken disorderly behaviour, attracting the wrong type of crowds into this very residential area with so many children living around here and it is not the style of living that anybody would want to portray for their children .

Another outlet with the sale time that has been proposed leads to believe that a cut price Off-licence may be implemented and this could lead to the sale price of alcohol to fall in the area. The resident and CPOs of the area believe that Riverside and Grangetown already have more than adequate supply of Off-licences.



MALLOY & BARRY

SOLICITORS Our ref: MTB/SPC/10868/004

Date: 28 March 2018

Licensing Authority
Cardiff County Council
Regulatory Services
Licensing Section
City Hall
Cardiff
CF10 3ND

CARDIFF COUNTY COUNCIL

03 APR 2018

LICENSING SECTION

Dear Sirs

OUR CLIENT: [REDACTED]

[REDACTED]
[REDACTED]

We act for the above named gentleman in relation to his legal affairs.

The purpose of this letter is to advise you that our client, [REDACTED] objects to the proposed grant of a license to enable Zaeka Limited, of 46 Tudor Street, Riverside, Cardiff, to sell alcohol for consumption off the premises.

Our client, [REDACTED] has owned and operated a supermarket called "Eight Til Late" at 58-60 Tudor Street since 1981. The business is established, and our client has an intimate knowledge of the area and the Community he serves.

The reasons our client has for objecting to the proposed license are fourfold, namely:-

1. **The prevention of crime and disorder**

As you will be aware, our client holds a license to enable him to sell alcohol for consumption off the premises. As such, he is well aware of the needs of the Community and, in his view, the area is well served by licenses for the retail sale of alcohol off the premises and, in our client's view, the grant of another license will saturate the area, and lead to drunk and disorderly conduct, and an increase in crime.

Moreover, it is likely that individuals will consume alcohol in the street, which will lead to disorderly conduct, and an increase in public nuisance complaints.



194 Cowbridge Road East
Canton
Cardiff
CF5 1GW
DX 95415 Canton

T 029 20 34 34 34

F 029 20 34 14 34

Principal: Michael Barry BSc(Econ) Hons
Solicitors: Alex Magill BA
Alwyn Griffiths LLB
Mahbuba Ali LLB (Hons)
Waheeda Ali LLB (Hons) LLM

Disorderly conduct and rowdy individuals, caused through the consumption of alcohol, will invariably lead the local population to have concerns about their safety.

The Riverside area of Cardiff is known for issues arising from social delinquency, drug dealing and prostitution. The local community already suffer as a consequence of these problems, and those arising from the dispossessed, who often suffer degrees of alcohol addiction, drug and substance addiction and mental health problems.

Street crime in the area is likely to be exacerbated by the prevalence of a further outlet which will provide alcohol, which invariably will be abused by the aforementioned groups.

It is not unusual for my staff and I (who are mainly female) to be harassed and abused by people who are drunk, or clearly under the influence of narcotics.

An alcohol license only six doors away from our client's supermarket will only increase alcohol abuse in the area.

The law prohibits our client and his staff from serving an individual who is visibly drunk. However, whenever an individual is refused the purchase of alcohol, substantial conflict can arise, and we are advised that, in the past, there have been occasions when the police have been called.

Our client is of the view that the granting of another license will just exacerbate these problems.

The police have put a great deal of resource and effort into the Riverside Community, and we are advised that, as a result, the area has improved substantially. However, the grant of an alcohol license would be a retrograde step, and will invariably lead to an increase in crime within the area, caused through alcohol abuse.

2. **The prevention of public nuisance**

Tudor Street and Tudor Road are major thoroughfares, leading to and from Cardiff City Centre. It is therefore not appropriate to allow the area to decline by establishing another outlet to provide the transient Community with the opportunity to purchase and then abuse alcohol, which will invariably cause a public nuisance, not only to the resident community, but to such individuals who are passing through the area.

3. **Public safety**

The granting of additional alcohol license will clearly create very real problems for public safety.

Individuals who abuse alcohol tend to congregate in the streets, and will be perceived by the local community as a threat to their public safety, particularly late at night, when it is dark.

4. **The protection of children from harm**

The consumption of alcohol by an individual within a family has a profound impact on family dynamics; and our client, together with other resident shopkeepers in the area, are aware that there are several families who have alcohol related problems. The provision of a further opportunity to acquire alcohol, by the provision of an additional license, will not only cause harm to the individuals concerned, but also to the children within the family, who will invariably be the subject of abuse of one sort or another.

Accordingly, our client strongly opposes the grant of an additional license to sell alcohol in Tudor Street, for the reasons set out above.

The provision of additional alcohol will be disastrous for the local community, and will increase pressure on our client's staff and the police.

We would respectfully request that you take into account these above observations when considering the application for a premises license under Section 17 of the Licensing Act 2003.

If our client can be of further assistance, then please do not hesitate to contact us.

Yours faithfully


Michael Barry
Malloy & Barry



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

City of Cardiff Council
Cyngor Dinas Caerdydd



Title

Scale: 1:1417

Date: 12/4/2018 at 15:31 PM

Coordinates

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