

LICENSING SUB-COMMITTEE: 25th May 2018

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 022305

Name of Premises: New York Pizza, 104 Crwys Road, Cathays, Cardiff, CF24 4NQ

Ward: Cathays

1. Application

1.1 An application for a Premises Licence - Grant, has been received from Mr Juan Hassan Tish in respect of New York Pizza, 104 Crwys Road, Cathays, Cardiff, CF24 4NQ

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

The provision of late night refreshment (indoors)

(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 Saturday: 13:00 to 05:00

Sunday: 13:00 to 04:00

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

The provision of late night refreshment (indoors):

Monday to Saturday: 23:00 to 05:00

Sunday: 23:00 to 04:00

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**

10 May 2018

M Describe the steps you intend to take to promote the four licensing objectives:

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

- * Ensure CCTV in place.
- * Zero tolerance.
- * Litter collected.
- * No ASB around / in the premises
(Anti Social Behavior)

b) The prevention of crime and disorder

* To prevent crime and disorder we will operate a zero tolerance premises. If required (which I doubt will be necessary) we would provide door staff on special events that occur in Cardiff at your request. We will ensure that we have the advised CCTV cameras in operation at all times and ensure they are readily available at your request.

c) Public safety

We will ensure that public safety is high on our agenda. Ensuring there are no objects (within the public area of the premises) that could be used as weapons or pose a risk to the public.

d) The prevention of public nuisance

We will ensure that once customers have consumed or bought their food that they leave the area suitably. We will encourage no litter and will collect litter regularly within the immediate vicinity.

e) The protection of children from harm

We will ensure all children are suitably supervised whilst on and around the premises.

Barker, Kirstie

From: Bosquette, Kevin
Sent: 20 April 2018 14:15
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc: Evans, Kirsty
Subject: FW: Licensing Act 2003 - New York Pizza - New Premises Licence Application
Attachments: New Premises New York Pizza 104 Crwys Road Cardiff CF24 4NQ.pdf; New York Pizza Application.pdf; New York Pizza Plan.pdf; New York Pizza Proof of right to work.pdf

Kirsty

There was a condition placed on the 06/01169/C (at appeal);

- (1) No customers or any other members of the public shall be admitted to or allowed to remain on the premises on any day after 2300 hours and before 0800 hours the following morning.**

This would mean they would need permission to vary the above planning condition in order to provide late night refreshment (indoors) Monday to Saturday 23:00 to 05:00 hours and Sunday: 23:00 to 04:00 hours.

Regards

Kevin Bosquette

*Cynorthwy-ydd Cynllunio / Planning Assistant
Rheoli Datblygiadau / Development Management
Gweithrediadau'r Ddinas / City Operations
Cyngor Caerdydd / Cardiff Council
E-bost/Email: kevin.bosquette@caerdydd.gov.uk / kevin.bosquette@cardiff.gov.uk
Ffôn/Tel: 029 22330832
Ystafell 201, Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW
Room 201, County Hall, Atlantic Wharf CARDIFF CF10 4UW*

From: Evans, Kirsty
Sent: 06 April 2018 15:02
To: Old Email Addresses - 2015b; Bond, Graham; CH - Child Protection Unit \ Uned Amddiffyn Plant; Old Email Addresses - 2015b; DC Consultations; 'Fiona Kinghorn'; 'Fire Service'; Food Safety Team; Health & Safety Enforcement Section; 'Home Office (Immigration Enforcement)'; Hotchkiss, Jackie; 'Josef Prygodzicz'; Kelly, Cerys; NA Plan; Planning Assistants; 'Police Mailbox'; Old Email Addresses - 2018a; 'Sian James'
Cc: Morgan, Rhys
Subject: Licensing Act 2003 - New York Pizza - New Premises Licence Application

Dear all,

Re: Licensing Act 2003 – New York Pizza, 104 Crwys Road, Cardiff CF24 4NQ

I am writing to advise you that an application for a Premises Licence under the Licensing Act 2003 was received by this office on 6 April 2018 in respect of the above premises.

Representations may be made in respect of this application by **4 May 2018**.

Barker, Kirstie

From: [Redacted]
Sent: 03 May 2018 15:21
To: [Redacted]
Cc: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: reps re NEW YORK PIZZA
Attachments: reps re NEW YORK PIZZA.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, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

Dear Mr Tish,

As discussed on the telephone,
Please find attached the conditions that the police seek to have placed on the licence.
If you are in agreement please email me back.
Any questions my telephone number is 02920 633421

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.**

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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.

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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

3rd May 2018

Juan TISH
New York Pizza,
104 Crwys Road,
Cardiff
CF24 4NQ

APPLICATION FOR THE GRANT OF A PREMISES LICENCE,

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. 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 any outside areas, 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.

2. The maximum number of customers consuming hot food inside the premises will be no more than nine at any one time.

p.t.o.

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

(the use of cctv is a proven tool in both preventing crime and detecting it.

The premises are small and overcrowding can lead to confrontation between customers, particularly late at night when they may have consumed alcohol).

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.

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

Barker, Kirstie

From: Mackie, Norma (Cllr)
Sent: 11 April 2018 13:01
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: letter to Committee New York Cafe 104 Crwys Road application
Attachments: letter to Committee New York Cafe 104 Crwys Road application.docx

Please find attached our representation regarding the above application.

I would be grateful if you could keep us informed on the progress of this application.

Regards

Norma Mackie
On behalf of Cathays Councillors

11 April 2018

Dear Sir/Madam

RE: Licence application New York Pizza 104 Crwys Road, Cardiff CF24 4NG

Cllr S Merry, Cllr C Weaver, Cllr A Ahmed and I wish to object to the above Licences application based on the following Licensing Objectives:

Prevention of Crime and Disorder

Opening until the requested hours is likely to increase the incidence of drunkenness and disorderly behaviour in the area.

Public Safety

There are already incidents of crime and disorder in the area which will not be reduced by an increase in drunken people coming to use the premises which could lead to anti-social and violent behaviour.

Prevention of Public Nuisance

Opening until 4 and 5am will increase the noise and disruption to residents in the area and will create more litter on Crwys Road and the surrounding streets.

Protection of Children from Harm

Children living in the area of the premises are likely to have their sleep disturbed by noise from drunken customers.

Yours sincerely

Norma Mackie

On behalf of Cathays Councillors

Barker, Kirstie

From: (
Sent: 19 April 2018 14:37
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: Licencing Application: New York Pizza

To whom it may concern,

I am a resident at 1

I am writing in response to a recent letter about a licensing application by the company New York Pizza based at 104 Crwys Road, CF24 4NG. I would like to support the local Councillors' objection to the licence as I agree that it would violate the licensing objectives as laid out in the letter. More specifically, I am concerned about the likely nighttime noise and disturbance if the licence is granted.

Thank you for your assistance.

Yours faithfully,

(

Barker, Kirstie

From: >
Sent: 20 April 2018 15:06
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc:
Subject: Licensing Application for New York Pizza, 104 Crwys Road, Cardiff, CF24 4NG

I am writing to you regarding the above application which has been referred to me as an interested party in that my residence is next door to the said business at [redacted]. My address is known as [redacted] as my sole entrance is in the lane behind, but I occupy the whole of the premises with the exception of the hairdressing shop in the ground floor front at [redacted]. When I heard about the proposal, I was very surprised not, as a concerned party, to have been formally invited to comment - I consider that to be a serious omission.

The New York Pizza business has quite a history of applying for extensions to its business hours following numerous prosecutions in the past for working outside of its permitted hours. Its applications have been refused in the past and it is my opinion that conditions in Crwys Road and in the New York Pizza premises have not changed in any way that would suggest that it would now be appropriate to extend those licensing hours. I must therefore object most strongly to the issue of a licence which would permit the business to extend its active hours beyond 23.00 hours. My specific reasons are:

- 1) The premises are in the form of a takeaway shop which would be inappropriate for sales of hot food for consumption on premises
- 2) Extending the use of the premises in the way sought would inevitably lead to customers parking in the lane behind, thus adding to the public nuisance for residents (such as myself) from traffic blocking access.
- 3) I believe that the proposal might lead to an increase in the negative aspects of further provision in Crwys Road of late opening of premises known to be a magnet for customers who might already be under the influence of alcohol. South Wales Police have evidenced this before which is why the area is a part of the City Road/Crwys Road Saturation Policy.
- 4) There are other residential properties nearby and issues of noise and disturbance from car doors slamming, cars parking, and noise from the premises itself are all extremely likely to cause unacceptable levels of public nuisance.
- 5) The granting of a licence should not be considered unless the applicant has appropriate planning permission to accommodate the licence asked for. Cardiff's Planning Officers have advised that the premises do not at this time have the necessary planning permission to operate beyond 23.00 and that as nothing has changed since the last application, it is highly unlikely that such permission would be granted at this time.

I would request therefore that this licence application be denied on the grounds of the prevention of public nuisance and/or crime and disorder.

Sincerely,

Hartrey, Claire

From: [redacted]
Sent: 21 April 2018 20:04
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Subject: licensing application for New York Pizza

Licensing Application for New York Pizza, 104 Crwys Road, Cardiff, CF24 4NG

To Whom it May Concern

I am writing to voice my objections to the above licensing application.

As a long term resident of Cathays, I have seen the area change over the years from a family area with young children to a predominantly student area. At the moment I would say that the area is beginning to change again with more young professionals living locally, which is a good social mix.

I think the student population can be a real asset to a city but there is no getting away from the increase in litter and increase in noise from loud music in the night. They often put their rubbish out at the wrong times and the seagulls rip open bags and rubbish is scattered. The waste disposal team do a great job in trying to keep the streets clean and tidy but each week they collect a lot of litter from gutters and streets. If this application is approved, then the litter, noise and disruption to residents will also very likely increase.

Extremely late opening times will also encourage people who have been to late bars and clubs using this facility and drunken, anti-social behaviour is also likely to increase. We often hear drunken students returning to their homes and often we find "take away" litter and empty alcohol bottles in the street the next day. If this application is approved then the area could suffer from noise for a lot longer in the night.

This is still a residential area and there are children living here who go to the local schools. This is not an appropriate area for late night/ early morning take away facilities.

As a local council I am sure that you are concerned about the well-being of these young children and their parents, as well as the rest of the permanent and temporary residents living in this area.

I hope that you will therefore refuse the application of New York Pizza in this area and thereby protect the area from an unwanted public nuisance.

Yours sincerely

Griffiths, Paul (PPE)

From:
Sent: 03 May 2018 11:13
To: Licensing (Licensing, Regulatory) \ Trwyddedu
Cc:
Subject: Licensing Application for New York Pizza, 104 Crwys Road, Cardiff.

Dear Sir/Madam

My name is | , I live with my wife and two children opposite New York Pizza at

I would like to strongly object to the granting of an alcohol licence and extended opening hours to New York Pizza.

I concur with all the reasons of my local councillors Bcc'd above.

I have enough problems living next door to when the students are in.

Noise all evening, urinating & vomiting in my forecourt.

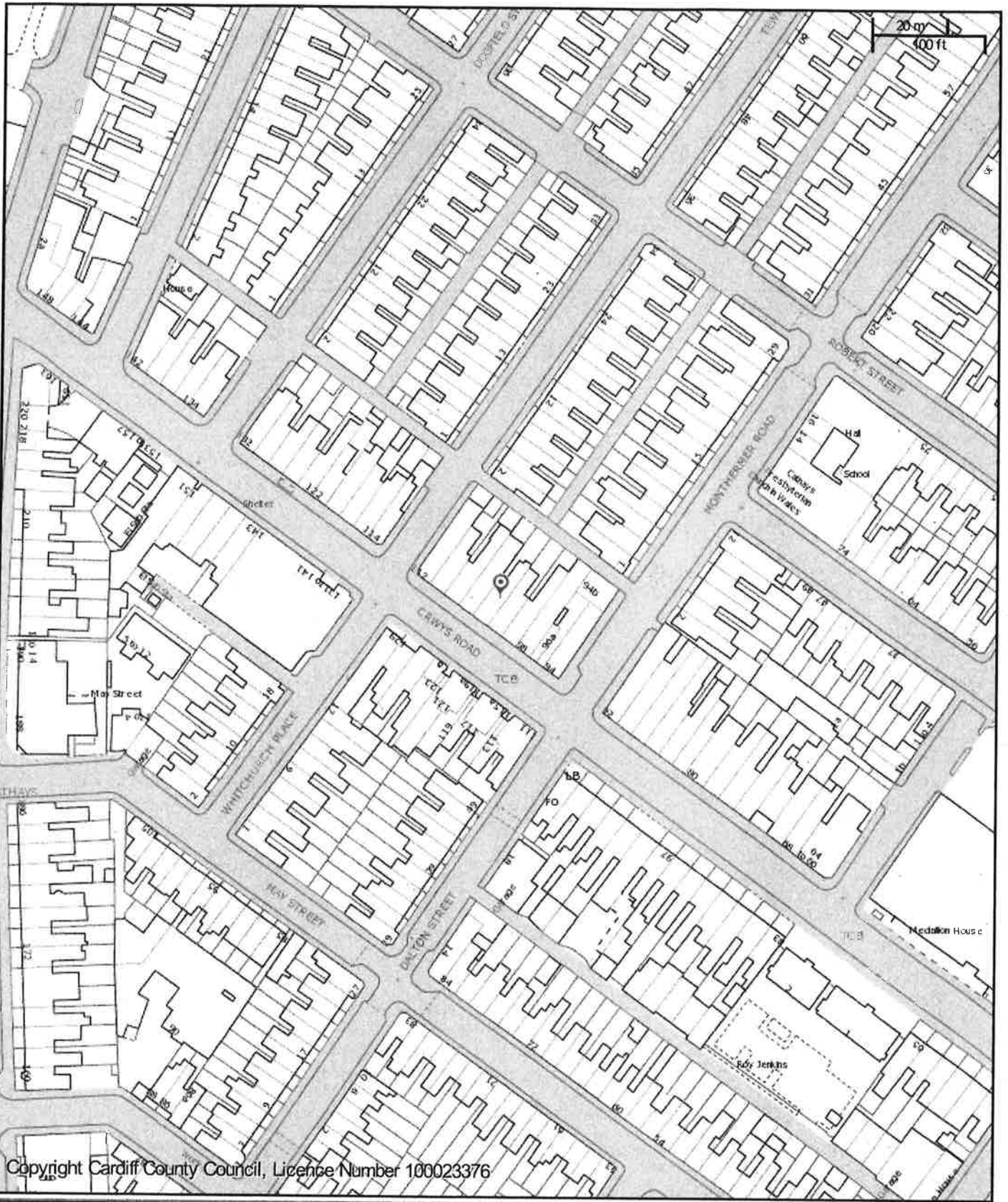
And were refused the alcohol licence!

The idea of a pizza shop selling alcohol and staying open until 5am in Crwys Road is absurd.

This is a residential area not Queen Street.

Please do not allow this.

Regards



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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: 10/5/2018 at 9:24 AM

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