

LICENSING SUB-COMMITTEE: 25 January 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 081012

Name of Premises: Red Sea Café & Restaurant, 49-50 Clifton Street, Cardiff, CF24 1LS

Ward: Adamsdown

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from Samson Fessehaye-Araya in respect of Red Sea Café & Restaurant, 49-50 Clifton Street, Cardiff, CF24 1LS.
- 1.2 The applicant has applied for the following:
- (1) In respect of the following licensable activities:
 - (i) The sale by retail of alcohol for consumption on the premises.
 - (2) Description of Premises (as stated by applicant):
"10 tables, 4 seats each. Alcohol will be served from 11am to 11pm".
 - (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 Sunday: 11:00 to 23:00
 - (4) To provide licensable activities during the following hours:
 - (i) The sale by retail of alcohol for consumption on the premises:
Monday to Sunday: 11:00 to 23:00
- 1.3 A site map showing the premises and a plan of that premises can be found in **Appendix A**.

2. **Promotion of Licensing Objectives**

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B**.

3. **Relevant Representations**

- 3.1 A representation has been received from South Wales Police. A copy of the representation can be found attached as **Appendix C**.

3.2 A representation has been received from a local resident. A copy of the representation can be found attached as **Appendix D**.

3.3 A representation has been received from Pollution Control. The applicant has agreed to the conditions proposed by Pollution Control. Both the representation and the agreement can be found attached as **Appendix E**.

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 e.g. 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.

Helen Picton
Regulatory Services

9th January 2023

APPENDIX A

Site Map & Plan



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd
 CAERDYDD CF10 4UW
 Tel: 029 20872088

County Hall, Atlantic Wharf
 CARDIFF CF10 4UW
 Tel: 029 20872087

Cyngor Caerdydd

Cardiff Council



Title

Scale: 1:1000

Date: 9/1/2023 at 10:14 AM

Coordinates:

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Ordnance Survey 100023376 (2014).

GARDEN

FIRE EXIT
EXIT

KITCHEN

THIS IS THE PLAN

TABLES

40 CHAIRS

CORRIDOR

MALE TOILET

FEMALE TOILET

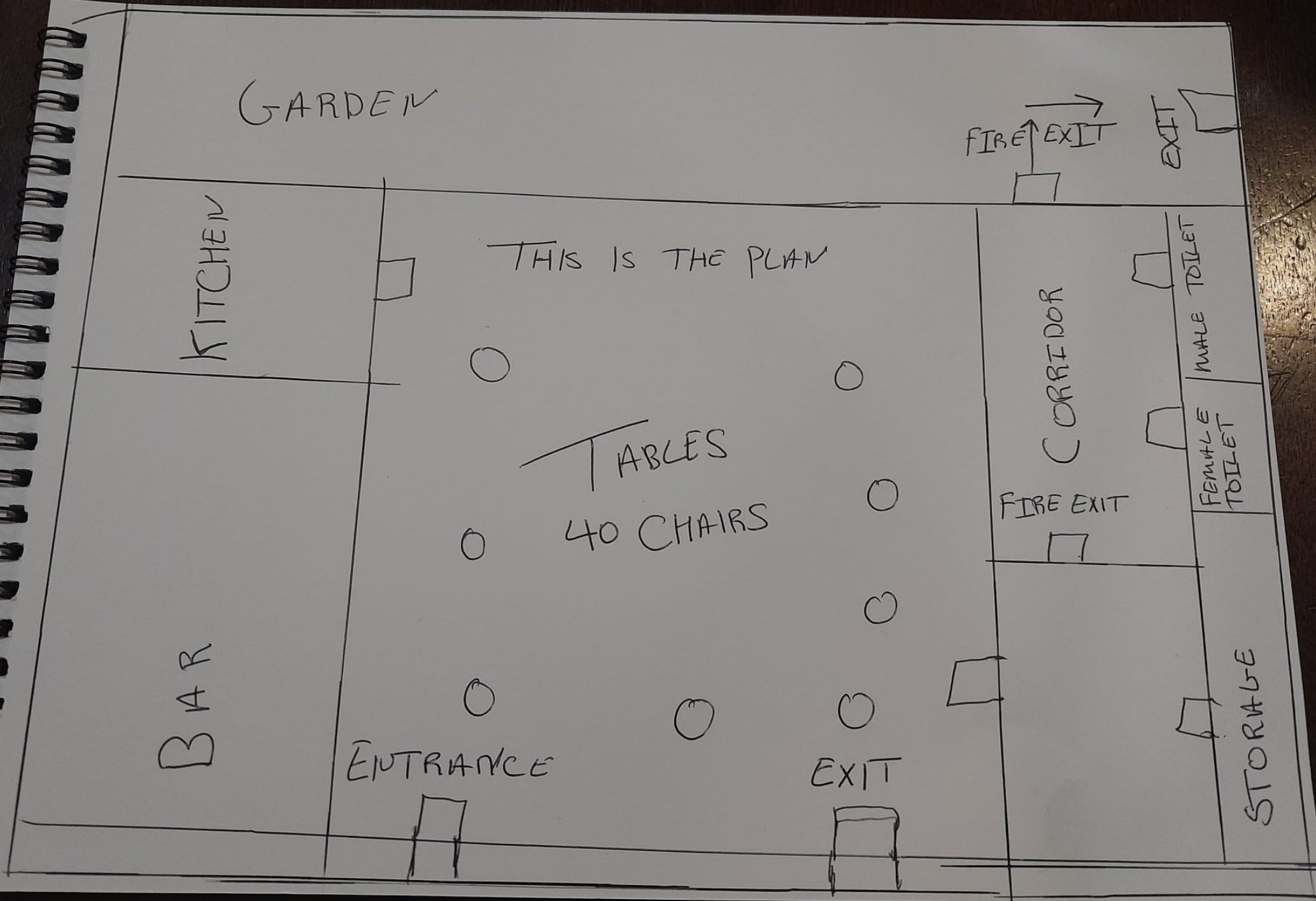
FIRE EXIT

BAR

ENTRANCE

EXIT

STORAGE



APPENDIX B

Operating Schedule

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 9)

b) The prevention of crime and disorder

CCTV Camera

c) Public safety

CCTV Camera

d) The prevention of public nuisance

STOP music after 11:00 pm

e) The protection of children from harm

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 16 December 2022 11:14
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Red Sea Cafe Clifton Street
Attachments: Red Sea Cafe signed copy.docx

***** 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 fygythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Good morning,

Please find attached the premise license application for the Red Sea Café on Clifton Street. Proposed conditions attached.

Any issues or questions please do not hesitate to contact me.

Kind regards
Mike



Police Constable 4813 Michael Stone

Adran Drwyddedu | licensing Department

Eastern BCU - URS Y Dwyrain

South Wales Police - Heddlu De Cymru



Ymateb nad yw'n Argyfwng \ Non-Emergency Response

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan <https://www.south-wales.police.uk>, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Teliffon: 01656 869211
Mewn argyfwng ffoniwch **999**
Fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Cardiff & Vale BCU
Cardiff Bay Police Station,
James Street, Cardiff Bay
CF10 5EW
Telephone: 01656 869211
In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

SWYDDOGOL - OFFICIAL

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

12th December 2022

**Red Sea Café & Restaurant,
49-50 Clifton Street,
Adamsdown,
Cardiff.
CF24 1LS**

APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.

“RED SEA CAFÉ & RESTAURANT, 49-50 CLIFTON STREET, ADAMSDOWN, CARDIFF, CF24 1LS”

I have caused enquiries 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.

You, as the applicant, have applied for a premises licence for a Café & Restaurant and for the sale of alcohol on premise only. The red sea café & restaurant is situated at 49 – 50 Clifton Street.

The application is to allow the sale of alcohol for consumption on the premises as follows:

Monday to Sunday 11:00 – 23:30 hours



The premises is contained over 1 floor, the premises consists of a small bar and kitchen area, 10 tables with 4 chairs at each table and a pool table. There is also a second pool table in a small separate room which is a very small area. There is a very small external garden area which will be utilised as a smoking area.

The premises is situated on Clifton Street, Cardiff within busy shopping/commercial street. There are a number of other similar business in the immediate vicinity as well as other retail outlets selling a variety of items. There are also several licenced premises within the same area.

Opening times of the premise:

Monday to Sunday 11:00 – 23:00 hours

Measures offered by the applicant in support of the application:

Prevention of Public Nuisance:

1. CCTV camera

Prevention of Crime and Disorder:

1. CCTV camera

Protection of children from harm:

Nothing put forward

Public Safety:

1. CCTV camera

CONCLUSION

South Wales Police wish to object to the grant of this application under the Licensing Objectives;

Prevention of Crime and Disorder



Prevention of public nuisance

Protection of children from harm

There is a disproportionate amount of crime, disorder and nuisance within the immediate and surrounding areas, including that of local street drinkers and local youths.

However, should the committee be minded agreeing to this application, South Wales Police ask that the following additional conditions are attached to the premise licence.

If you as the applicant are in agreement with these conditions, then South Wales Police would then automatically withdraw their objection.

Hours agreed for the sale of alcohol:

Monday to Sunday 11:00 – 22:30 hours

- 1) The premises Licence shall only remain in force for as long as the daily use of the premises is that of a restaurant.

- 2) A CCTV system will be installed to a standard agreed by South Wales Police. It will be maintained and operated at all times the premises are open to the public. The system shall cover all licensable areas to which the public have access (excluding toilets) images will be kept for a minimum of 31 days. The images will be produced to a police employee in a readily playable format immediately on request when the premises are open and at all other times as soon as reasonably practical. There will be sufficient staff training to facilitate this.

- 3) An incident record will be kept at the premises. Any incident of crime and disorder witnessed by staff, or any incident reported by customers is to be noted in the log. Records will be kept for a minimum of 12 months. The following information shall be recorded in relation to each incident.
 - i) Date and time of the incident
 - ii) Name of person making the report

- iii) Names of parties involved (if known) or description of the parties (in as much detail as possible)
- iv) Nature of the incident
- v) Any action taken thereafter
- vi) Refusals of sale

Staff will be trained in relation to their responsibility to complete an incident report. Access to incident reports shall be made available to South Wales Police on request.

- 4) At least 70% of the public space will be occupied by tables and chairs when licensable activities are taking place.
- 5) Substantial food shall be available throughout the premises at all times during opening hours.
- 6) Alcohol will not be permitted in the external garden area.
- 7) Notices which state “No alcohol to be taken off the premises” will be placed throughout the café.
- 8) Anyone selling/supplying alcohol will receive relevant training in relation to alcohol sales and the promotion of the licensing objectives. This training will be refreshed annually with a record held on the premises. The training record shall be retained for a period of 18 months and will be made available for inspection upon request by a South Wales Police officer or other authorised person.
- 9) The licence holder will take appropriate measures to ensure that patrons leave the premises in a quiet and orderly fashion.
- 10) No music will be played in the rear external area of the premises.



- 11) A challenge 25 scheme shall operate at the premises (to minimise the risk of alcohol being sold to underage customers). This policy shall provide that before any sale of alcohol any person who appears to be under the age of 25 will be required to produce photo ID in the form of a passport, driving licence, UK Military ID card, PASS (or similar) card to prove that he/she is over the age of 18. Posters advertising the Challenge 25 and proof of age policies will be displayed in prominent places in the premises. All staff will be trained and regularly refreshed on the Challenge 25 policy. Training will be recorded and made available to enforcement authorities.

- 12) No persons under the age of 18 are allowed into or remain on the premises after 21:00 hours.

- 13) All children must be accompanied by an adult at all times.

- 14) There will be no entertainment of a sexual nature such as striptease or lap dancing.

If you wish any further information, then please contact Police Licensing Officer Michael Stone at the Cardiff Bay Police Station

Yours faithfully,

R Haines CI 4705

Chief Inspector R. Haines



APPENDIX D

Other persons representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 22 December 2022 19:29
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Red Sea Café & Restaurant Licence Application

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Good Morning,

I object to this application due to a number of reasons:

- 1) The venue does not have any identifiable name on the building
- 2) The customers of this building currently hang around outside their front door, there is no outside area that is safe for their customers and doesn't block the highway, with potentially drunk patrons they will be more likely to do this.
- 3) I have had negative personal interaction with their customers - offers of drugs to myself, and harassment to my partner.
- 4) I have witnessed multiple underage girls interacting with their customers while hanging outside, I would be concerned they would be provided alcohol.

I feel the provision of a premises licence to this venue would not uphold the 4 licensing objectives.

APPENDIX E

Pollution Control representation and agreement

Barker, Kirstie

From:
Sent: 16 December 2022 11:42
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Barker, Kirstie
Subject: Application for the grant of a Premises Licence - Red Sea Cafe & Restaurant, 49-50 Clifton Street, Cardiff, CF24 1LS

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ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Samson Fssehaye-Araya

I have reviewed the application and associated documents, I have concerns in regard to public nuisance as there are residential dwellings above the proposed premises as well as residential properties surrounding the premises.

Pollution control seek to ensure the prevention of public nuisance and would seek to impose the following condition. For these reasons, I am minded to object on behalf of the responsible authority to your licence application. This considered, I would withdraw my objections to the Licensing Authority if the following can be agreed as conditions on your licence.

Music

1. The Licence Holder will ensure that sufficient measure are taken to prevent any noise on the premises causing nuisance or disturbance to persons in the vicinity.
2. No outside/garden regulated entertainment.

Customers

3. There will be strategically placed legible notices to be displayed at entrances/exits, requesting patrons to respect the needs of nearby residents and to leave the premises and area in a quiet and respectful manner.

Bins

4. The movement of bins and rubbish will not be undertaken between 2100 hours and 0900 hours in order to avoid potential disturbance.

I would welcome any commentary or alternative wording to these conditions. If you are happy with the above proposed conditions this needs to be confirmed as soon as possible and prior to the 2nd January 2022 to the parties copied in this email. If we cannot come to an agreement then the objections stand with the Licensing Authority.

Best regards,



Brigid Armstead | Neighbourhood Services Officer

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

Brigend, Cardiff and the Vale of Glamorgan / Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

Barker, Kirstie

From:
Sent: 17 December 2022 15:02
To: Armstead, Brigid
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu); Barker, Kirstie
Subject: Re: Application for the grant of a Premises Licence - Red Sea Cafe & Restaurant, 49-50 Clifton Street, Cardiff, CF24 1LS
Attachments: image001.png

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ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

I am happy to follow the regulations set by you. This includes music, no outside/garden entertainment, respectful customer and the movement of bins. I'm more than happy to follow these guidelines and would have no problem with any part.

Many thanks
Samson

On Fri, 16 Dec 2022, 11:42 Armstead, Brigid,

[fg](#)

wrote:

Dear Samson Fssehay-Araya

I have reviewed the application and associated documents, I have concerns in regard to public nuisance as there are residential dwellings above the proposed premises as well as residential properties surrounding the premises.

Pollution control seek to ensure the prevention of public nuisance and would seek to impose the following condition. For these reasons, I am minded to object on behalf of the responsible authority to your licence application. This considered, I would withdraw my objections to the Licensing Authority if the following can be agreed as conditions on your licence.

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Best regards,



Brigid Armstead | Neighbourhood Services Officer

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan / Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg

Website / Gwefan: <http://www.srs.wales> | <http://www.grhr.cymru>