

LICENSING SUB-COMMITTEE: 28 June 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 086078

Name of Premises: Greek Village, 21 Caroline Street, Cardiff, CF10 1FG

Ward: Cathays

1. **Application**

1.1 An application to vary a Premises Licence has been received from Greek Village 1 Limited in respect of Greek Village, 21 Caroline Street, Cardiff, CF10 1FG.

1.2 The applicant has applied for the following:

(1) Description of the nature of the variation (as stated by applicant):

“Restaurant and take away of Greek food as per attached plan. There will be no change to the hours during which the premises is currently permitted to sell alcohol”.

(2) The application proposes the following:

i) To permit the provision of late night refreshment (indoors) during the following hours:

Friday to Sunday: 23:00 to 04:00 hours

ii) To amend the opening hours on Friday to Sunday from 11:00 to 04:00 hours.

2. **Current Licence**

2.1 The current Premises Licence permits the following:

(1) Unless otherwise indicated the premises may currently 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 hours

(2) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 11:00 to 22:30 hours

1.3 A site map showing the premises and a current plan of that premises can be found in **Appendix A**.

2. **Promotion of Licensing Objectives**

2.1 The conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B** along with a copy of the current licence conditions.

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 Neighbourhood Services (Shared Regulatory Services). A copy of the representation can be found attached as **Appendix D**.
- 3.3 A representation has been received from the Senior Licensing Enforcement Officer. A copy of this representation 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.

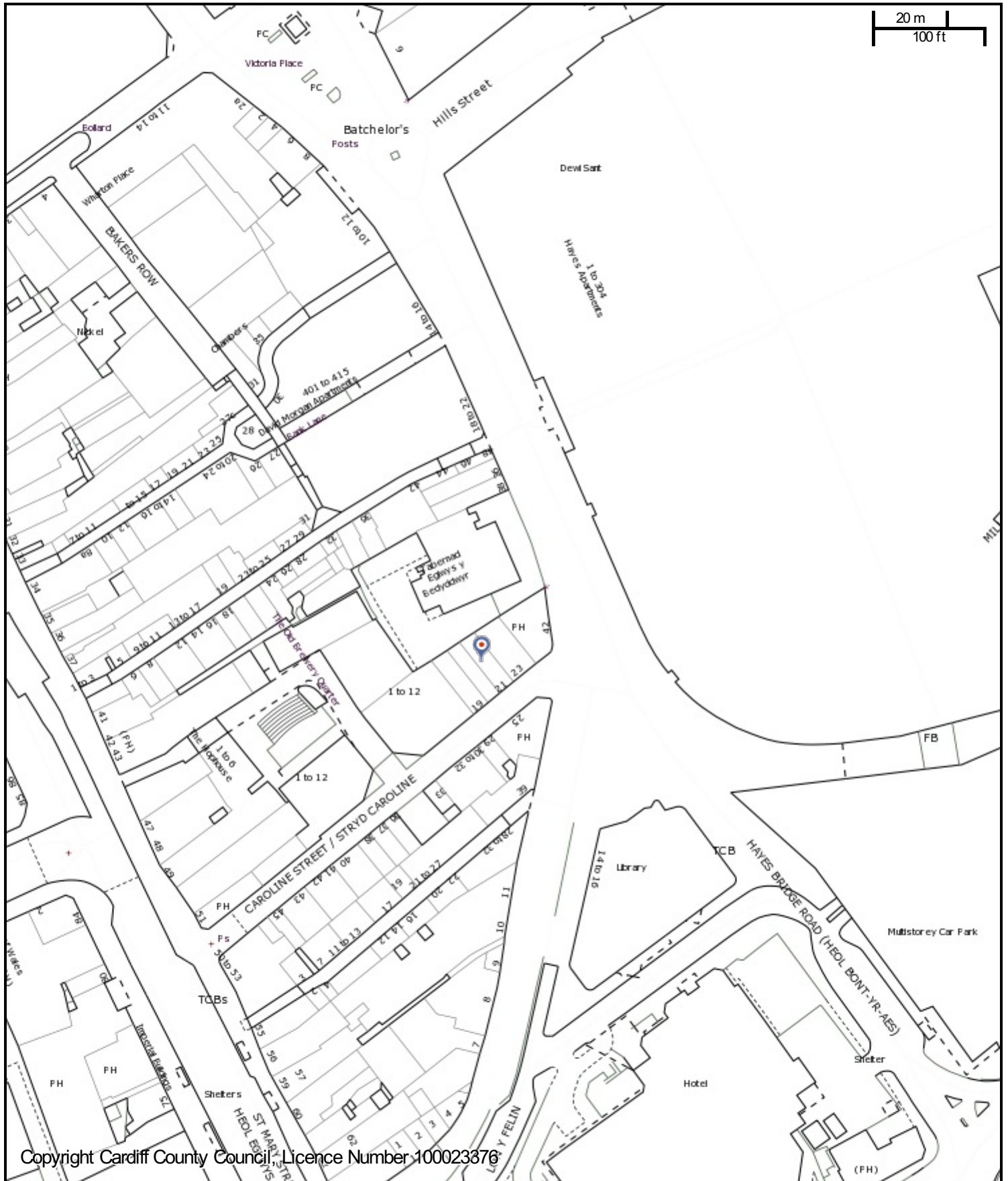
- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (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.

APPENDIX A

Site Map and Plan



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CHIEF EXECUTIVE

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CAERDYDD CF10 4UW
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Cyngor Caerdydd

Cardiff Council



Title

Scale: 1:1417

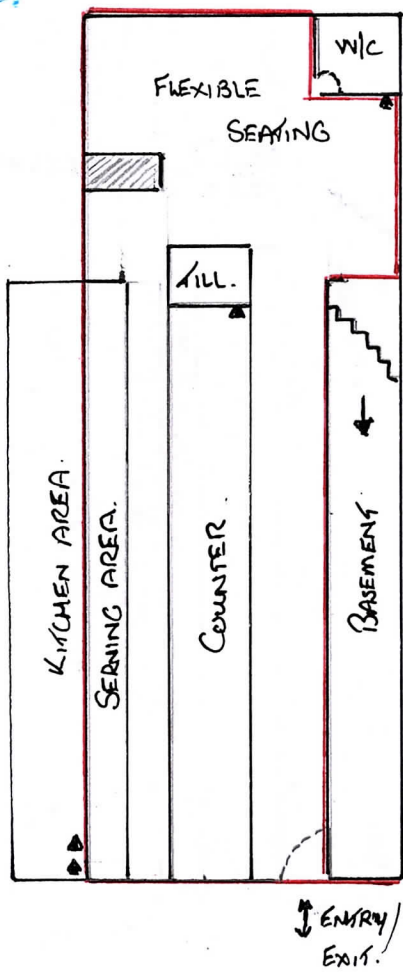
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SOUNLIKE LTD
 21 CAROLINE STREET
 CARDIFF
 CF10 1FG.

- LICENSABLE AREA.
- ▲ FIRE EXTINGUISHER.

APPENDIX B

Operating Schedule and Current Conditions

Continued from previous page...

I have enclosed the relevant part of the premises licence

Section 16 of 18

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

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

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL MAINTAIN:

STRONG MANAGEMENT CONTROLS AND EFFECTIVE TRAINING OF ALL STAFF SO THAT THEY ARE AWARE OF THE PREMISES LICENSE CONDITIONS AND THE REQUIREMENTS TO MEET THE FOUR LICENSING OBJECTIVES WITH PARTICULAR ATTENTION TO:

- A) NO SALE OF ALCOHOL TO UNDER AGE PEOPLE
- B) NOT TO PERMIT DRUNK AND DISORDERLY BEHAVIOUR IN AND AROUND THE PREMISES
- C) VIGILANCE IN PREVENTING THE USE AND SALE OF ILLEGAL DRUGS IN THE RETAIL AREA
- D) NOT TO PERMIT VIOLENT AND ANTI-SOCIAL BEHAVIOUR
- E) NOT TO PERMIT HARM TO ANY MINORS

THE OPERATING SCHEDULE PROVIDING THE HOURS OF OPERATION AND LICENSABLE ACTIVITIES WILL BE TAUGHT TO ALL STAFF

THE DESIGNATED PREMISE SUPERVISOR WILL BE IN DAY TO DAY CONTROL OF THE PREMISES , AND WILL PROVIDE PROPER TRAINING FOR STAFF ON THE PROVISIONS OF THE LICENSING ACT

A CCTV SYSTEM IS INSTALLED BOTH INSIDE AND OUTSIDE THE PREMISES

AS A LICENSED PREMISES THE STAFF ARE WELL AWARE OF THE NEED TO CARRY OUT ITS FUNCTIONS AND OPERATE THE BUSINESS WITH THE PURPOSE OF PROMOTING THESE OBJECTIVES. THE APPLICANT PROMISES TO SUPPORT THESE OBJECTIVES THROUGH THEIR OPERATING SCHEDULES AND OTHER MEASURES (INCLUDING STAFF TRAINING AND QUALIFICATIONS, POLICIES AND STRATEGIC PARTNERSHIPS WITH OTHER AGENICIES)

b) The prevention of crime and disorder

CCTV IS INSTALLED BOTH INSIDE AND OUTSIDE THE PREMISES IN ORDER TO ADDRESS THE PREVENTION OF CRIME OBJECTIVE

A CLEAR AND LEGIBLE NOTICE OUTSIDE THE PREMISES INDICATING THE NORMAL HOURS UNDER THE TERMS OF THE PREMISES LICENCE DURING WHICH LICENSABLE ACTIVITIES ARE PERMITTED

PREVENTION AND VIGILANCE ON ILLEGAL DRUG USE AT THE PREMISES AREA

STAFF WILL BE WELL TRAINED TO ENSURE THAT CUSTOMERS USE THE PREMISES IN AN ORDERLY AND RESPECTFUL MANNER AND PREVENT DRINKING ALCOHOL IN THE VICINITY OF THE PREMISES

c) Public safety

INTERNAL AND EXTERIOR LIGHTING FIXED TO PROMOTE THE PUBLIC SAFETY OBJECTIVE

WELL TRAINED STAFF ADHERENCE TO ENVIRONMENTAL HEALTH REQUIREMENTS

A LOG BOOK OR RECORDING SYSTEM SHALL BE KEPT ON THE PREMISES IN WHICH SHALL BE ENTERED PARTICULARS OF INSPECTIONS MADE;THOSE REQUIRED TO BE MADE BY STATUTE;AND INFORMATION COMILED TO COMPLY WITH ANY PUBLIC SAFETY CONDITION ATTACHED TO THE PREMISES LICENSE THAT REQUIRES RECORDINBG OF SUCH INFRMATION.

THE LOG BOOK SHALL BE KEPT AVAILABLE FOR INSPECTION WHEN REQUIRED BY PERSONS AUTHORISED BY THE LICENSING ACT 2003 OR ASSOCIATED LEGISLATION.

ALL PARTS OF THE PREMISES INCLUDING LIGHTING, ELECTRICAL AND OTHER INSTALLATIONS WILL BE MAINTAINED AT ALL TIMES IN GOOD ORDER AND SAFE CONDITION

d) The prevention of public nuisance

NOISE REDUCTION MEASURES TO ADDRESS THE PUBLIC NUISANCE OBJECTIVE

PROMINENT CLEAR AND LEGIBLE NOTICE WILL BE DISPLAYED REQUESTING CUSTOMERS TO RESEPECT THE NEEDS OF NEARBY RESIDENTS AND TO LEAVE THE AREA QUIETLY

DELIVERIES OF GOODS NECESSARY FOR THE OPERATION OF THE BUSINESS WILL BE CARRIES OUT AT SUCH TIMES AND IN

Continued from previous page...

SUCH A MANNER PREVENT NUISANCE AND DISTURBANCE TO NEARBY RESIDENTS
THE APPLICANT WILL ENSURE STAFF ALSO CONDUCT THEMSELVES IN SUCH A MANNER AS TO AVOID CAUSING NOISE AND DISTURBANCE TO NEARBY RESIDENTS
CUSTOMERS WILL BE ASKED NOT TO LOITER TALKING IN THE STREET OUTSIDE THE PREMISES
CUSTOMERS WILL NOT BE ADMITTED TO THE PREMISES BETWEEN THE HOURS OF 11.00PM AND 04.00AM

e) The protection of children from harm

NO ALCOHOL IS BEING SERVED AFTER 11.00PM AND THE APPLICANT WILL ENSURE THAT ANY CHILD VISITING THE PREMISES FOR LATE NIGHT TAKEAWAY CAN ONLY DO SO IF ACCOMPANIES BY AN ADULT

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the



ANNEXES: CONDITIONS continued ...

permitted price.

5. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

6. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

1. A CCTV system shall 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 internal areas to which the public have access (excluding toilets), including entrances and exits. The images shall be kept for a minimum of 31 days and the images shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

2. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.



ANNEXES: CONDITIONS continued ...

3. An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to a police employee, and will record the following:
- All crimes reported to the venue
 - Any complaints received (of a Criminal or Licensing nature)
 - Any incidents of disorder
 - Any refusal of the sale of alcohol
 - Any visit by a representative of a relevant authority or a member of the emergency services.
 - Any failures of the CCTV system.
4. On days considered to be major events in the City Centre i.e. sporting events or pop concerts in the Principality Stadium, all drinks are to be dispensed in non-glass vessels.
5. Signs will be placed at the exit requesting customers to leave quietly due to the local proximity of residential accommodation within the area.
6. Alcohol will only be served to persons as an ancillary to food.
7. All off sales of alcohol will be served in non-glass vessels.
8. The sale of alcohol for consumption off the premises will be limited to an area agreed with the Cardiff Council's Highway department; this area to close by 21:00 hours each day.
9. If the premises operates beyond 23:00 hours then a minimum of One SIA door registered door staff will be employed on the premises from 23:00 hours to close. A record of door staff employed at the premises shall be kept. It shall keep a record of the name and SIA number of staff. It will detain the date and time each member of staff commenced their duty and the time they finished. The record will hold details for at least one year and be made available to authorised members of South Wales Police upon request.
10. No unaccompanied children will be permitted in the licensed restaurant area after 21:00hrs.
11. Alcohol may be delivered by a third party carrier when purchased with food. The licence holder will specify that all deliveries require an adult signature or copy of photographic evidence. The carrier will obtain the adult recipient's signature or copy of photographic evidence and provide the licence holder with a printed or electronic copy. Recipients must be at least 18 years of age.
12. All staff will be fully trained in their responsibilities with regard to the sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
13. The DPS will keep an up to date DPS Authorisation sheet which will show the list of staff members who have been given the authority to sell alcohol on the premises.
14. Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police
15. An on -site accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the store for a period of three years.
16. Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for any neighbouring residential properties, when leaving late in the evening.
17. Only photographic ID is accepted (passport, driving licence, proof of age card with PASS hologram, or military ID). Anyone who appears to be under the age of 25 is challenged to provide ID. If the customer is unable to provide identification then no sale is made. No ID no sale.
18. Challenge 25 POS will be on display in the store.
19. Any staff member who may be under the age of 18 must call a senior staff member to take over the sale and complete the transaction.
20. If it is known that a customer intends to purchase alcohol to provide to minors then that sale will be refused. All refused sales will be recorded in a refusals book, which will be made available for inspection by Police or Licensing Officers of the council on request.



Helen Picton
Shared Regulatory Services

12 August, 2020



APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 07 June 2023 07:23
To:
Cc:
Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Greek Village, 21 Caroline Street, Cardiff, CF10 1FG
Attachments: Variation- Greek Village 21 Caroline Street Cardiff CF10 1FG.pdf; Greek Village Variation.523.pdf; Greek Village Decision Notice.pdf

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

Good Morning,

Further to my below email yesterday, SWP will also be objecting under the Licensing Objectives; primarily the Prevention of Crime and Disorder and Public Safety. The premise in question is situated - and aims to operate within - an area which attracts a high level of late night revellers; the vast majority of which are under the influence of alcohol at the times in which this applicant seeks to operate. This unfortunately leads to a high number of incidents of violence and disorder and, as such, SWP do not feel that the measures put forward by the applicant are sufficient in upholding and promoting the above Licensing Objectives.

Kind regards,

From:

Sent: Tuesday, June 6, 2023 11:16 AM

To:

Cc:

Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Greek Village, 21 Caroline Street, Cardiff, CF10 1FG

Good Morning,

South Wales Police object to the grant of this Premise License Variation to extend the hours of Late Night Refreshment for the premise Greek Village on Caroline Street. The reasons for the objection are as follows:

- The location of this premise is situated in the 'Red Zone' within the CIP and in an area of already high saturation of late night takeaway premises.
- South Wales Police have met with the applicant and discussed the proposals – at no time did SWP feel that any licensing conditions offered would be sufficient in upholding and promoting the licensing objectives, nor did we feel that the application presented was of an 'exceptional standard' in order to circumvent the CIP.

I am in the process of preparing the evidential bundle that will be submitted to the committee should this matter go to a hearing and I will forward this on once completed.

Any questions/queries please get in touch.

Many thanks

From:
Sent: 08 June 2023 14:50
To:
Cc:
Subject: RE: Greek Village Caroline Street Variation

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 afternoon,

Apologies, my previous email should have read as follows:

A further point of clarification to my previous objection email; the applicant has verbally proposed a terminal hour of 0200hrs to other Responsible Authorities. Therefore, should this proposal be formally submitted by the applicant then South Wales Police would like to amend the below proposed condition to read as follows:

- *When customers are permitted to consume food on the premise past 23:00hrs, there will be a minimum of two SIA registered members of staff employed from 23:00hrs until the premise close.*

In addition, South Wales Police request that the operating hours submitted within the premise licence application are reduced by 2 hours, from a 04:00hr close, to a 02:00hr close to all members of the public.

Many thanks

From:
Sent: Thursday, June 8, 2023 2:07 PM
To:
Cc:

Subject: RE: Greek Village Caroline Street Variation

Good afternoon,

A further point of clarification to my previous objection email; the applicant has verbally proposed a terminal hour of 0200hrs to other Responsible Authorities. Therefore, should this proposal be formally submitted by the applicant then South Wales Police would like to amend the below proposed condition to read as follows:

- *When customers are permitted to consume food on the premise past 23:00hrs, there will be a minimum of two SIA registered members of staff employed from 23:00hrs until the premise closes at 02:00hrs.*

Many thanks,

From:

Sent: Thursday, June 8, 2023 11:25 AM

To:

Subject: Greek Village Caroline Street Variation

Good Morning,

Further to my last email, South Wales Police wish to amend our position due to the recent communications between the applicant, their solicitor and consultations between the Licensable Authorities.

As such, South Wales Police still object to the grant of this Premise Licence Variation under the Cumulative Impact Policy and the Licensing Objective – The Prevention of Crime and Disorder.

However, should the sub-committee deem it appropriate to grant the above licence variation, then South Wales Police request that the following condition be added to the Premise Licence:

- *When customers are permitted to consume food on the premise past 23:00hrs, there will be a minimum of two SIA registered members of staff employed from 23:00hrs until close.*

Kind regards,

APPENDIX D

Neighbourhood Services (Pollution) Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 08 June 2023 13:06
To:
Subject: FW: Licensing Act 2003: Application to vary a Premises Licence - Greek Village, 21 Caroline Street, Cardiff, CF10 1FG
Attachments: Variation- Greek Village 21 Caroline Street Cardiff CF10 1FG.pdf; Greek Village Variation.523.pdf

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

Good afternoon

The above application has been considered by this Responsible Authority for the Prevention of Public Nuisance, in essence the noise generated by customers accessing, queuing, consuming and leaving the premises during the requested varied hours 2300 – 0400 Friday – Sunday and this resulting in an intensification of noise impacts on residents living within the vicinity.

The premises is contained within the Cardiff Council Licensing Cumulative Impact Policy (CIP) area and considered a Red premises and certainly applies. The application as it stands is not exceptional as to rebut the presumption to refuse the application. The operating schedule fails to address to confidently address the noise generated from customers under the influence of alcohol queuing, entering, loitering and leaving the area well into the early hours of the morning, that being between 2300 – 0400 hours Friday – Saturday. The nature of this noise is notoriously difficult to regulate after the fact (once permitted) and so places more importance on the operators to Prevent the Public Nuisance with management, or not allowing the noise to be associated with their activity at all i.e not operating at those hours.

The operating schedule under Prevention of Public Nuisance highlights that members of the public will not access the premises during the licensable hours – following a site visit on 7 6 2023 we know that not be the case – what I believe is meant here is that they are not intended to remain of the premises for the consumption of food, customers will very much enter the premises though a single door, queue internally and collect before leaving. The seating area to the rear of the premises is to be blocked for access for members of the public to avoid them sitting and loitering.

It must be considered as the CIP that there are no recent complaints in the vicinity of Caroline Street associated with people noise; this metric alone does not support permitting the application. The concern remains that an

intensification of people queuing, entering, loitering and leaving the area the area without sufficient management does not promote the Licensing Objective of Prevention of Public Nuisance.

It is on the above grounds that I object to application to vary the premises license for late night refreshment between 2300 – 0400 Friday – Sunday under the ground of Prevention of Public Nuisance and that is Red Premises on the CIP.

During consultation period on site, the applicant and operator were verbally advised that submitted a more detailed management plan would need to be submitted and considered that manages queues, crowds and customers leaving the immediate vicinity. The applicant also verbally advised they would consider a earlier terminal hour of 0200 hours which I agree is a more favourable position. These two matters if agreed would result in the withdrawal of my objections.

I trust this of assistance.

APPENDIX E

Licensing Enforcement representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 08 June 2023 15:52
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Greek Village, 21 Caroline Street, Cardiff, CF10 1FG

Good Afternoon,

In relation to the above application the Licensing Authority would wish to make the following representation.

In regard to the application to vary an existing premises licence, I wish to advise the licensing authority of Cardiff Council will be objecting to the application.

A Cumulative Impact Policy has been adopted for the City Centre area of Cardiff. The Licensing Authority has adopted the policy due to high levels of alcohol related crime and disorder, in the interests of public safety and the avoidance of nuisance. The Policy creates a presumption that applications for/Variations of premises Licences upon receipt of relevant representation will be refused unless the applicant can demonstrate the business will no longer have a negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the of the Cumulative Impact Zone and an objection is submitted in respect of the prevention of crime and disorder and prevention of public nuisance Licensing Objectives.

The Authority Appreciates the this premises has operated as a small part sit down food /Takeaway where alcohol is offered. However the current variation application is a significant deviation from its current trading hours in terms of late night refreshment. The Cumulative impact assessment sets out in Table1 of chapter 8 broad premises descriptors and categories. Given the detail in the application and current premises layout this premises provides some sit down covers however would not appear to meet the true expectation of a restaurant in terms of the measures detailed in the restaurant criteria of the policy. It is also implied that the sit down seated area will be sectioned off during the later hours. As such given the nature of the application and the proposed terminal hour the assumption is the trade will relate to Take away and delivery only. The hours specified in that application also represent that of late night take away where opening hours for the public would be until 04.00hrs. Under the table 1 definitions this application would fall within the Red category Takeaway/fast food restaurant, for which none of the additional measures from table 2 could be adopted.

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, which is densely populated with late night refreshment premises, one of the most densely populated streets being Caroline Street. Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. With this in mind the Policy expects *Applicants to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact experienced in the area..*

The street currently has a significant number of late night refreshment premises which in itself attracts significant numbers of people and with that associated crime and disorder and public nuisance. This and the increasing number of home delivery services have resulted in large congregations of delivery riders outside premises in the early hours of the morning. This individual premises is situated a close to residential units both on Caroline street and The Hayes apartment block. The intensification of a venue with 4am hours in this location along with an increase in delivery bikes and collections would likely result in significant increase in public nuisance in this vicinity. It is noted that some measures in the operating schedule have tried to mitigate this however they only relate to signage and staff requests. There appears to be little physical measures or management plans in order to sufficiently promote the licensing objectives and be considered an exceptional application under the policy.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy.

Kind regards
