

LICENSING SUB COMMITTEE

25 MAY 2018

Present: Councillor (Chairperson)
Councillors Goddard, Jacobsen and Lancaster

13 : DECLARATIONS OF INTEREST

No declarations of interest were received/

14 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - NEW YORK CITY PIZZA, CRWYS ROAD

Present:

Applicants: represented by Cameron Paterson
Mr Juan Tish
Mark McDonald

Interested Party: Councillor Norma Mackie

The Application

An application for the grant of a Premises Licence was been received from Mr Juan Hassan Tish in respect of New York Pizza, 104 Crwys Road, Cathays, Cardiff.

The applicant 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

At the commencement of the hearing, Members were advised that the applicant has accepted the conditions suggested by South Wales Police in their written representation. The application was therefore amended to include the following conditions:

1. A CCTV system shall be installed to a standard agreed by 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 reasonably practicably. 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.

Interested Party Representations

Councillor Norma Mackie addressed the Sub Committee on behalf of her ward colleagues and local residents. Councillor Mackie objected to the application based on the four licensing objectives. The Councillor considered that a 0500 hours opening time was likely to increase crime and disorder in the area. The premises are located on a main thoroughfare and on a route used by people leaving the City Centre. There are approximately 30 crimes reported in the area per month and it was therefore difficult to see how granting the application would not have a detrimental impact on the level of crime and antisocial behaviour. Furthermore, the 0500 terminal hour was likely to draw higher number of intoxicated people into the area.

Concerns were expressed that there was likely to be an increase in public nuisance from customers using the premises and from cars arriving at and leaving the premises. An application to extend opening hours at these premises was refused previously due to concerns regarding the detrimental impact the operation would have on noise and litter.

A Member asked whether there are any similar establishments in the area that are trading to 0500 hours. Officers advised that two establishments are trading until 0500 hours and a number of others are trading to various times beyond 2300 hours. Councillor Mackie stated that one of the premises referred to was the source of regular complaints regarding noise disturbance litter and delivery lorries.

Mr Patterson, the applicant's representative, asked Councillor Mackie to confirm that the other premises referred to only offer a takeaway service and that there was not provision for dining on the premises. Councillor Mackie confirmed that this was the case.

Applicants Representations

Mr Cameron Patterson presented the application. Members were advised that the application included Late Night Refreshment indoors but, in error, it omitted to include a take away service. Officers advised that the Sub Committee has discussed this matter and that Members had agreed to proceed with the application.

Mr Patterson stated that Cardiff is a thriving 24-hour city and Crwys Road is an important arterial road. The Council's own Statement of Licensing Policy seeks to extend the variety and diversity of services provided. The premises were family friendly and they sought to provide a visual experience for customers.

Members were advised that no alcohol would be provided on the premises and the applicant is prepared to be flexible in terms of the opening hours. The operating schedule submitted with the application demonstrated that the licensing objectives were considered. Mr Patterson summarised how each licensing objectives have been addressed by the applicants.

Mr Patterson stated that the applicants should not be held accountable for problems caused at other premises, such as litter nuisance or for problems caused at the premises prior to the applicant's association with the premises. The concerns of local residents were acknowledged but the applicants have been responsible for the premises since 1 February 2018 and therefore any representations referring to incidents prior to this and they are clearly not related to the applicant. Members were invited to grant the application.

Councillor Mackie asked whether any consideration has been given to the residents living in the adjoining property and in particular to concerns re access to the rear of the premises and steps to mitigate noise nuisance. Mr Patterson stated that the first floor above the premises is void and it is used for storage. The nearest resident resides on the other side of the Uncle Sams Fried Chicken takeaway and they do not adjoin their premises.

RESOLVED: That the Sub-Committee, having considered all the information; and in accordance with the requirements of the Licensing Act 2003, the Section 182 Guidance and the Licensing Authority's own Statement of Licensing Policy, the Sub Committee granted the application.

The meeting terminated at Time Not Specified