

LICENSING SUB COMMITTEE

4 OCTOBER 2019

Present: Councillor Mackie(Chairperson)
Councillors Jacobsen and Sattar

11 : DECLARATIONS OF INTEREST

No declarations of interest were received.

12 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - TACO BELL, ST MARY STREET

Applicants: Harvey Brown represented by John Wilton

Responsible Authorities: Tony Bowley, South Wales Police
John Marchant, South Wales Police
Rhys Morgan, Shared Regulatory Services

The Application

An application for the Grant of a Premises Licence has been received from Campana Ltd in respect of Taco Bell, 92 St Mary Street, Cardiff.

The applicant has applied for the following:

- (1) In respect of the following licensable activities:
 - (i) The provision of late night refreshment (indoors and outdoors)
 - (ii) The sale by retail of alcohol for consumption on and off the premises
- (2) Description of Premises (as stated by applicant):

“Restaurant/casual dining & takeaway.”
- (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: 07:00 to 03:00 hours
- (4) To provide licensable activities during the following hours:
 - a) The provision of late night refreshment (indoors and outdoors):

Monday to Sunday: 23:00 to 03:00 hours
 - b) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 10:00 to 00:00

Responsible Authority Representations

Mr Tony Bowley addressed the Sub Committee. Members were advised that the application related to a premises on St Mary Street that was located within the cumulative impact zone. The premises formerly operated as the Wok to Walk take away which was not licenced. There was no history of any crime, disorder or public nuisance associated with the former operation.

The applicants were seeking to offer sale of alcohol until midnight and late night refreshment from 2300 hours to 0300 hours. Mr Bowley noted that the applicants have agreed to accept a number of conditions should the Sub Committee be minded to grant the application.

Mr Bowley advised that South Wales Police were objecting to the application under the Councils Cumulative Impact Policy, and the Licensing Objectives of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. There was an over-concentration of licenced premises in the City Centre and South Wales Police believe that another licenced premises would negatively impact on crime and disorder. The availability of alcohol and late night refreshment was said to contribute to crime and disorder problems.

South Wales Police welcomed that all their suggested conditions were accepted by the applicants, most notably the conditions requiring alcohol to be sold as ancillary to a table meal. This should go some way to mitigating any problems. However, it still remained for the applicant to demonstrate that there would be no negative impact on the licensing objectives.

Responding to a questions from the applicant's representative, Mr Bowley stated that it was difficult to say whether the premises would not have any crime and disorder problems, given its hours of operation. The condition requiring SIA approved door staff was welcomed and went some way to reassuring South Wales Police, but it also suggested that the applicants were aware that they will be problems.

Rhys Morgan addressed the Sub Committee. Members were advised that sections 7.5 and Chapter 8 of the authority's Statement of Licencing Policy apply to this application. There was a rebuttable presumption that all new applications would be refused unless the applicant were able to demonstrate that there would be no negative impact upon the licensing objectives. It was the view of the Licensing Authority that granting a premises licence would have a negative impact.

The premises offered a take away service with an element of casual dining and therefore it fell within the 'red' category in Table 1 of Chapter 8 of the Policy. The operating schedule was significant. However, the applicants would still need to demonstrate that this was an exceptional premises in order to override the rebuttable presumption. That a premises is well managed is the minimum requirement.

Applicants Representations

Harvey Brown addressed the Sub Committee. Members were provided with details of the applicant's business model. The premises offered Mexican themed casual dining – tacos and burritos – which was the equivalent of a sandwich. The business was food led and looked to offer something different to their competitors.

There would be 70 covers at this location with take-away and deliveries as an option also. There would be a limited alcohol offering, primarily beers.

John Wilton addressed the Sub Committee. Mr Wilton stated that he lives in Brighton where food-led establishments are encouraged as they reduce the numbers of people on the street in the late evenings. The brand was popular with students and this would be the first outlet for the brand in Wales.

Mr Wilton suggested that the premises would have a positive impact on the crime and disorder licensing objective. There would also be an additional SIA approved member of door staff. No entry to the premises would be permitted beyond 0255 hours.

Summing Up

Tony Bowley requested that the Sub Committee consider adding additional conditions requiring the applicants to use a radio network, provide a body camera CCTV for doorstaff and having no drinks promotions.

Rhys Morgan stated that the premises was in the Cumulative Impact Area and was in the red category within the Statement of Licensing Policy. He asked Members to consider whether the conditions offered were enough to overcome the rebuttable presumption that applications for new licences are refused.

Mr Wilton advised that on major event days the applicants would provide two SIA approved door staff. All other South Wales Police conditions were accepted.

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, GRANTED the application, subject to the addition of the police conditions as set out at Appendix C of the report and a minimum of 2 SIA door staff to be employed on days designated as major event days by South Wales Police.

13 : URGENT ITEMS (IF ANY)

The meeting terminated at 12.00 pm