



County Hall
Cardiff
CF10 4UW
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Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 13 MARCH 2020, 10.00 AM
Venue	ROOM 136 AND 137, CITY HALL
Membership	Councillor Mackie (Chair) Councillors Ford and Goddard

1 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

2 **Heron Foods, Bishopston Road, Caerau** *(Pages 3 - 16)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services
Date: Monday, 9 March 2020
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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LICENSING SUB-COMMITTEE: 13 March 2020

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 048463

Name of Premises: Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ

Ward: Caerau

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Heron Foods Limited in respect of Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ

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 off the premises.

(2) Description of Premises (as stated by applicant):

“Heron Foods is a convenience store selling frozen and convenience store goods”

(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 Saturday: 08:00 to 20:00

Sunday: 10:00 to 16:00

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

a) The sale by retail of alcohol for consumption off the premises.

Monday to Saturday: 08:00 to 20:00

Sunday: 10:00 to 16:00

1.3 A site map showing the premises is attached as *Appendix A* and a plan of the premises can be found attached as *Appendix B*.

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 attached as *Appendix C*.

2.2 Conditions have been agreed with South Wales Police and these can be found attached as *Appendix D*.

3. Relevant Representations

- 3.1 A representation has been received from South Wales Police in respect of this application. A copy of the Police representation can be found attached as *Appendix E*.
- 3.2 Representations have been received in respect of the application. These representations can be found attached as *Appendix F*.

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.

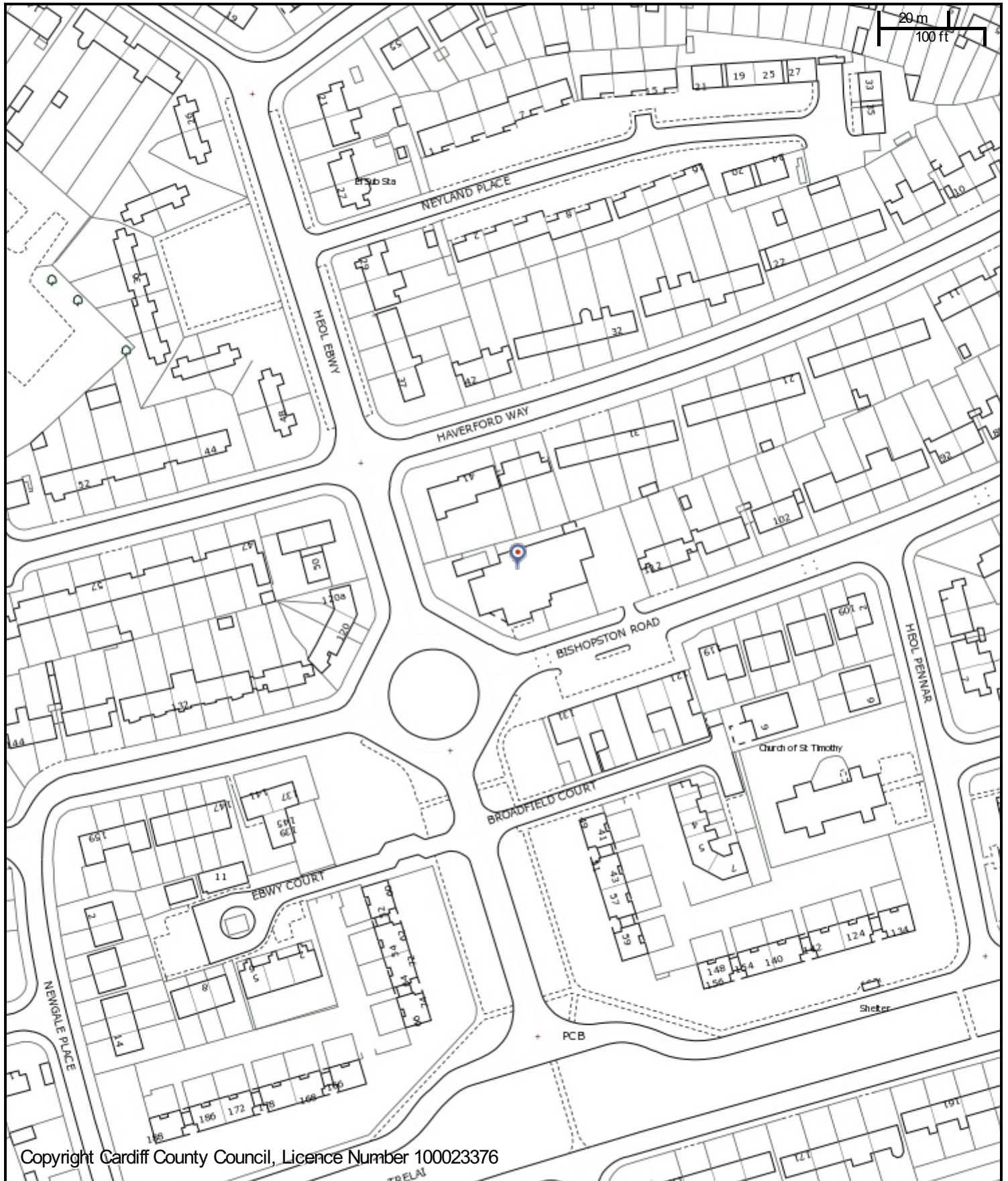
- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations;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

Dave Holland
Regulatory Services

24 February 2020



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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: 1:1500

Date: 24/2/2020 at 15:51 PM

Coordinates:

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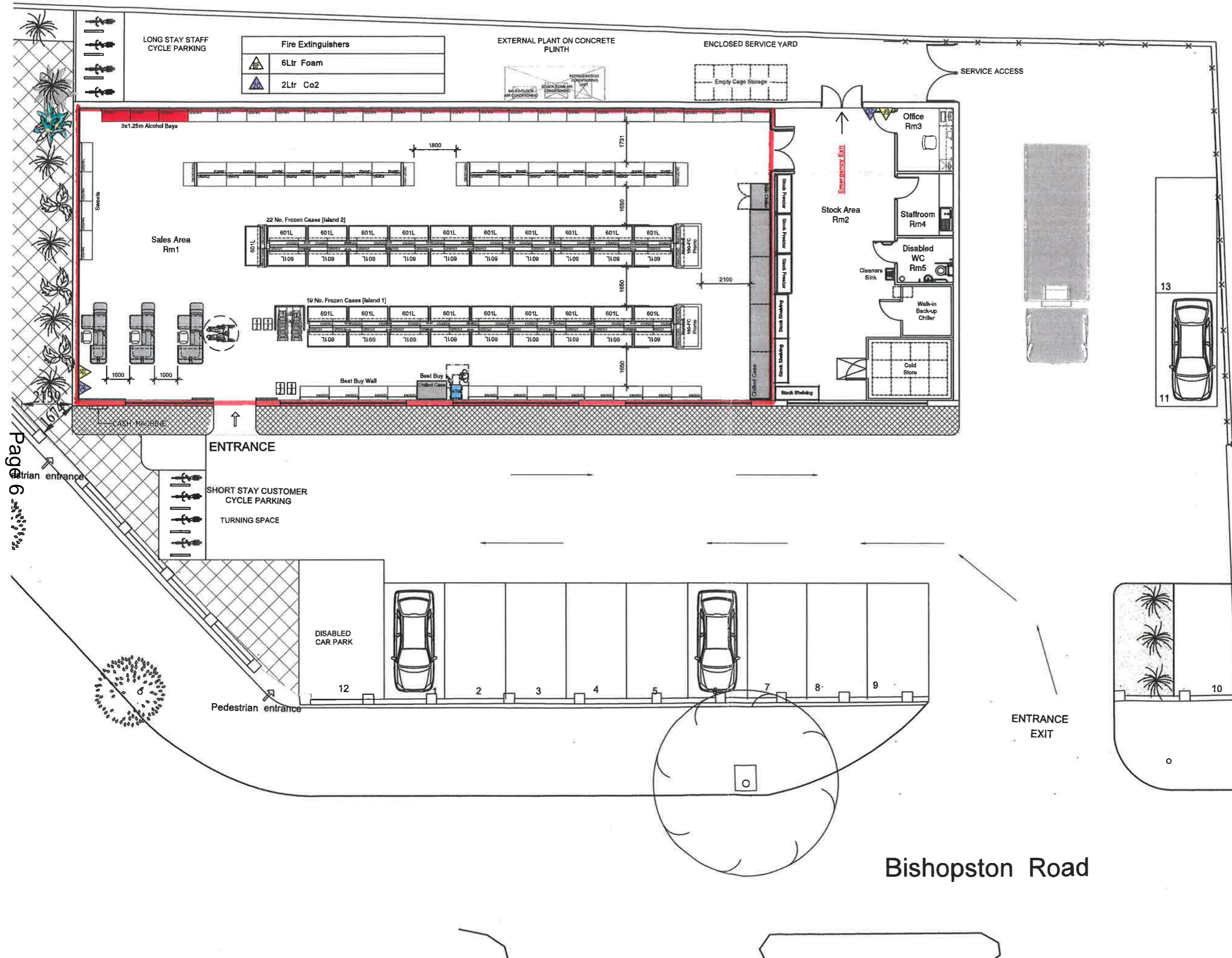
Ordnance Survey 100023376 (2014).

APPENDIX B

DO NOT SCALE OFF THIS DRAWING

NOTES

☐ Total Nett Sales Area = 4009ft²



Page 6

© Heron Foods Limited. All Rights Reserved. This Drawing is the Property of Heron Foods Limited. It is not to be reproduced without the prior written permission of Heron Foods Limited.

Project
CAERAU STORE
 Bishopston Road
 Caerau
 Cardiff

Title
GENERAL ARRANGEMENT
 Licence Plan

Scale: 1:150@A3 Date: 05.02.18
 Drawn: PS Checked

Drawing Number
CAER-A-2001 A

Heron Foods Limited
 Jackson Way
 Melton
 East Yorkshire
 HU14 3HJ
 t. 0845 603 7300
 f. 01482 632520

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APPENDIX C

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)

Please see b), d) and e) below.

b) The prevention of crime and disorder

1. Suitable close circuit television system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises.
2. The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities.
3. The CCTV system will have sufficient storage, retention and capacity for a minimum of 28 days continuous footage which will be of good quality.
4. A designated member of staff will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the licensing authority or a responsible authority, any CCTV footage as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied on request to an authorised officer of the licensing authority or a responsible authority.
5. An incident report register will be maintained on the premises to record incidents such as anti-social behaviour, admissions, refusal and ejections from the premises.
6. The incident report register will be produced for inspection immediately on the request of an authorised officer.
7. All staff will receive training on the Licensing Act 2003 and training will be refreshed at regular intervals.

c) Public safety

See b), d) and e) above and below.

d) The prevention of public nuisance

1. Notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

<ol style="list-style-type: none"> 1. Challenge 25 will be in operation at the premises. 2. Signage will be displayed in the premises informing both staff and customers of the Challenge 25 policy.
--

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I
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APPENDIX D

From:

Subject: RE: Application for a new premises licence-Heron Foods.
Date: 17 February 2020 13:04:35
Attachments: i

***** 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. ***

Dear Sir

Further to your email and telephone call, we have consulted with our client and we confirm the conditions detailed in your letter are agreed.

We should be grateful if you would confirm the police objection is withdrawn.

Kind regards

Carole Collingwood

From:

Sent: Monday, February 17, 2020 12:08
To: licensing@cardiff.gov.uk; Carole Collingwood <carole@woodswhur.co.uk>
Subject: Application for a new premises licence-Heron Foods.

To whom it may concern,

Please find attached representations made by South Wales Police in respect of the above application. The position of South Wales Police is that we object to the application under the following licensing objectives;

The Prevention of Crime and Disorder.

Public Safety.

However, should the applicant confirm their agreement with the representations made, then any such objection will be withdrawn by South Wales Police.

Yours sincerely,



Rob Gunstone 

Cwnstabl yr Heddlu 3487 / Police Constable 3487.
Adran Drwyddedu / Licensing Department

Heddlu De Cymru / South Wales Police

URS y Dwyrain / Eastern BCU

Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station

Stryd James / James Street

Bae Caerdydd / Cardiff Bay

CF10 5EW

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.

Do you need to speak to police but don't require an emergency response? Call 101? The number can be used to report a non-emergency to any force in Wales and England. 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.

South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <https://www.south-wales.police.uk/en/email-confidentiality-statement/>

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/>



SWYDDOGOL – OFFICIAL

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

14th February 2020

Heron Foods Limited.
The Caerau.
Bishopston Road.
Cardiff.
CF5 5DZ

**APPLICATION FOR A NEW PREMISES LICENCE. LICENSING ACT 2003.
HERON FOODS LTD. THE CAERAU, BISHOPSTON ROAD, CARDIFF. CF5 5DZ.**

To whom it may concern,

I have caused enquiries to be made into this application. The premises is located within a residential area and sits opposite an established retail area at Bishopston Road, Ely, Cardiff. The premises occupies the site previously occupied by The Caerau Public House. The applicant seeks to conduct the sale of alcohol for consumption off the premises between the following hours;

Monday to Saturday. 08:00hrs to 20:00hrs.
Sunday. 10:00hrs to 16:00hrs.

At this time, South Wales Police object to the granting of the application under the following licensing objectives;

The Prevention of Crime and Disorder

Public Safety.

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.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding
in Welsh will not lead to a delay in responding.

However, should the applicant confirm their agreement with the below proposed representations, deemed to be appropriate and proportionate to promoting and upholding the licencing objectives, then any such objection will be withdrawn.

POLICE REPRESENTATIONS.

It is acknowledged that the applicant has put forward certain measures as part of their application. They are as follows ;

Prevention of Crime and Disorder;

- 1.Suitable close circuit television system will be operational at the premises at all times when licensable activities are being carried out and at any other times where members of the public are present on the premises*.
- 2.The CCTV system will be of satisfactory resolution quality which will enable the identification of persons and activities*.
- 3.The CCTV system will have sufficient storage, retention and capacity for a minimum of 28days continuous footage which will be of good quality*.
- 4.A designated member of staff will be authorised to access the CCTV footage and be conversant with operating the CCTV system. At the request of an authorised officer of the licensing authority or a responsible authority , any CCTV footage as requested will be downloaded immediately or secured to prevent any overwriting. The CCTV footage material will be supplied on request of an authorised officer*.
- 5.An incident report register will be maintained on the premises to record incidents such as anti-social behaviour, admissions, refusal and ejections from the premises**.
- 6.The incident report register will be produced for inspection immediately on the request of an authorised officer**.
- 7.All staff will receive training on the Licensing Act 2003 and training will be refreshed at regular intervals.

The Prevention of Public Nuisance.

- 1.Notices shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The Protection of Children from Harm.

- 1.Challenge 25 will be in operation at the premises.
- 2.Signage will be displayed in the premises informing both staff and customers of the Challenge 25 policy.

South Wales Police would propose the following 'model' conditions based on those offered above.

***Amend the offered CCTV conditions 1 to 4 to the following single condition.**

1.A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access {excluding any toilets} including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

****Amend the offered Incident Book conditions, 5&6 to the following single condition;**

2.An incident book will be kept and maintained at the premises at all times. It shall be made available on request to a Police employee. This book will record the following:

All crimes reported at the venue

All refusals of sales of alcohol

Any ejections of patrons

Any disorder on the premises

Any visit by representatives of a relevant authority or emergency service

Any failure of the CCTV system.

3.No alcohol shall be displayed for sale within a 3 metre radius of the public entrance/exit to the premises.

4.No super-strength beer, lagers,ciders or spirit mixtures of 5.5% { alcohol by volume}or above shall be sold at the premises.

5.There will be no sale of single cans of beer, lager or cider from the premises.

Yours faithfully,



M.Conquer.

Ch/Insp.

COPY TO:

Dan Cooke.
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall,
Cardiff.
CF10 3ND

APPENDIX E

From: [Bradbury, Peter \(Cllr\)](#)
To: [Barker, Kirstie](#); [Simmons, Elaine \(Cllr\)](#)
Cc: [Cook, Daniel](#); [Griffiths, Paul \(PPE\)](#); [Mackie, Norma \(Cllr\)](#)
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ
Date: 23 January 2020 13:52:50
Attachments: [image001.png](#)

To whom it may concern

We are concerned and oppose this new application for a licence for Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ, which is at the site of the old Caerau Public House.

Our Licensing Objectives have been outlined in our Statement of Licensing Policy are;

- The prevention of crime and disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of children from harm

The area where this application has been put forward has seen significant anti-social behaviour issues. The police have had issues with off road biking and the old public house in this area had difficulties with alcohol related anti-social behaviour.

We would also argue against this application on Saturation Grounds. Shad's stores across the road already offer alcohol. We do not need or want any more licences being granted to stores that could contribute to further public nuisance and public safety issues.

We believe that this application would be bad for our area and would potentially cause public disorder and we are opposed to it.

Yours

Cllrs Bradbury and Simmons

Councillor Peter Bradbury
City and County Councillor for Caerau
07973179577
02920591735
Peter.Bradbury@cardiff.gov.uk
Follow me on Twitter @PEBradbury
I'm on Facebook at www.facebook.com/peter.bradbury1

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Subject: Heron Frozen Foods Store License Applicatio
Date: 23 January 2020 16:54:35

To whom it may concern

We are concerned and oppose this new application for a licence for Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ, which is at the site of the old Caerau Public

The area where this application has been put forward has seen significant anti-social behaviour issues. The police have had issues with off road biking and the old public house in this area had difficulties with alcohol related anti-social behaviour.

We would also argue against this application on Saturation Grounds. Shad's stores across the road already offer alcohol. We do not need or want any more licences being granted to stores that could contribute to further public nuisance and public safety issues.

We believe that this application would be bad for our area and would potentially cause public disorder and we are opposed to it.

From:
To: [Barker, Kirstie](#)
Subject: RE: Licinsing Act 2003: Application for the grant of a premises Licence - Heron Foods, The Caerau, Bishopston Road, Caerau, Cardiff CF5 5DZ
Date: 19 February 2020 23:24:48

To Whom it may Concern

I wish to strongly oppose this new application for a license for Heron foods, The Caerau, Bishopston Road, Caerau, Cardiff, CF5 5DZ which is sited at the old site of the Public House formally known as The Caerau on the grounds that I believe the area is WELL served with retail establishments providing alcoholic beverages and the addition to adding another site may increase anti-social behavior and contribute to a saturation which in due course could lead to driving prices down meaning the availability of cheaper Alcoholic beverages.

The addition of another Retail Store is already saturating the Retail Businesses in the area and adding a Liquor Licence would not help in the idea of keeping our streets clear of anti-social behavior.

Yours