



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

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

AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	WEDNESDAY, 23 NOVEMBER 2022, 10.00 AM
Venue	COMMITTEE ROOM 4, MULTI LOCATION MEETING
Membership	Councillor Michael (Chair) Councillors Gibson and Gunter

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 **Application for the Variation of a Premises Licence - Zerodegrees, Westgate Street** (*Pages 3 - 22*)

3 **Application for the Grant of a Premises Licence - Flaming Dragon, St Mary Street** (*Pages 23 - 36*)

4 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Thursday, 17 November 2022

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 23 November 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 078304

Name of Premises: Zerodegrees, 27 Westgate Street, Cardiff, CF10 1DD

Ward: Cathays

1. Application

1.1 An application to vary a Premises Licence has been received from Forthglen Investments Limited in respect of Zerodegrees, 27 Westgate Street, Cardiff, CF10 1DD.

1.2 The applicant has applied for the following:

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

"The proposed variation is to seek approval of the plans submitted with the application to make the following alterations:

Ground Floor - change of dining area location, removal of area labels.

First Floor - Addition of small bar, addition of fixed seating booth.

To extend the permitted hours for regulated entertainment (to include recorded music) and the sale of alcohol on & off the premises from the current hours of Monday to Sunday 12:00 to Midnight to the proposed hours of Monday to Sunday 10:00 to 01:00 the following morning.

To extend the permitted hours for Late Night Refreshment from the current hours of Monday to Sunday 23:00 to Midnight to the proposed hours of Monday to Sunday 23:00 to 01:00 the following morning.

The opening hours of the premises will be Monday to Sunday 09:00 to 01:30 the following morning.

To remove Condition 2 of Annex 2 which currently states "The premises licence will only remain in force as long as the primary use of the premises is that of a restaurant."

To amend Condition 5 of Annex 2 which currently reads "Persons under the age of 18 years shall be allowed into or to remain on the premises after 22:00 if attending privately booked functions" to read "Persons under the age of 18 shall be allowed into or to remain on the premises when accompanied by an adult."

To amend Condition 6 of Annex 2 which currently reads "(1) the dining areas on the ground floor and mezzanine shall be used for pre-booked functions and dining only. (2) alcohol in the above area shall not be supplied or sold otherwise to persons taking table meals and for the consumption by such persons as ancillary to his/her meal" to read "the dining areas on the ground floor and mezzanine will be waiter/waitress service, there will be no requirement for a table meal to be ordered in order for the consumption of alcohol to take place."

To remove Condition 11 of Annex 2 this currently stating “capacity limited to 75 persons in the bar area at any one time.

- (3) 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: 12:00 to 00:30
New Year’s Eve: 12:00 02:30

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

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

Monday to Sunday: 12:00 to 00:00
New Year’s Eve: 12:00 02:00

- (ii) The provision of regulated entertainment in the form of recorded music (indoors):

Monday to Sunday: 12:00 to 00:00
New Year’s Eve: 12:00 02:00

- (iii) The provision of late night refreshment (indoors):

Monday to Sunday: 23:00 to 00:00
New Year’s Eve: 23:00 02:00

- 1.3 A site map showing the premises along with the proposed plan of the 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 the Senior Licensing Enforcement Officer. A copy of the representation can be found attached as **Appendix D**.

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

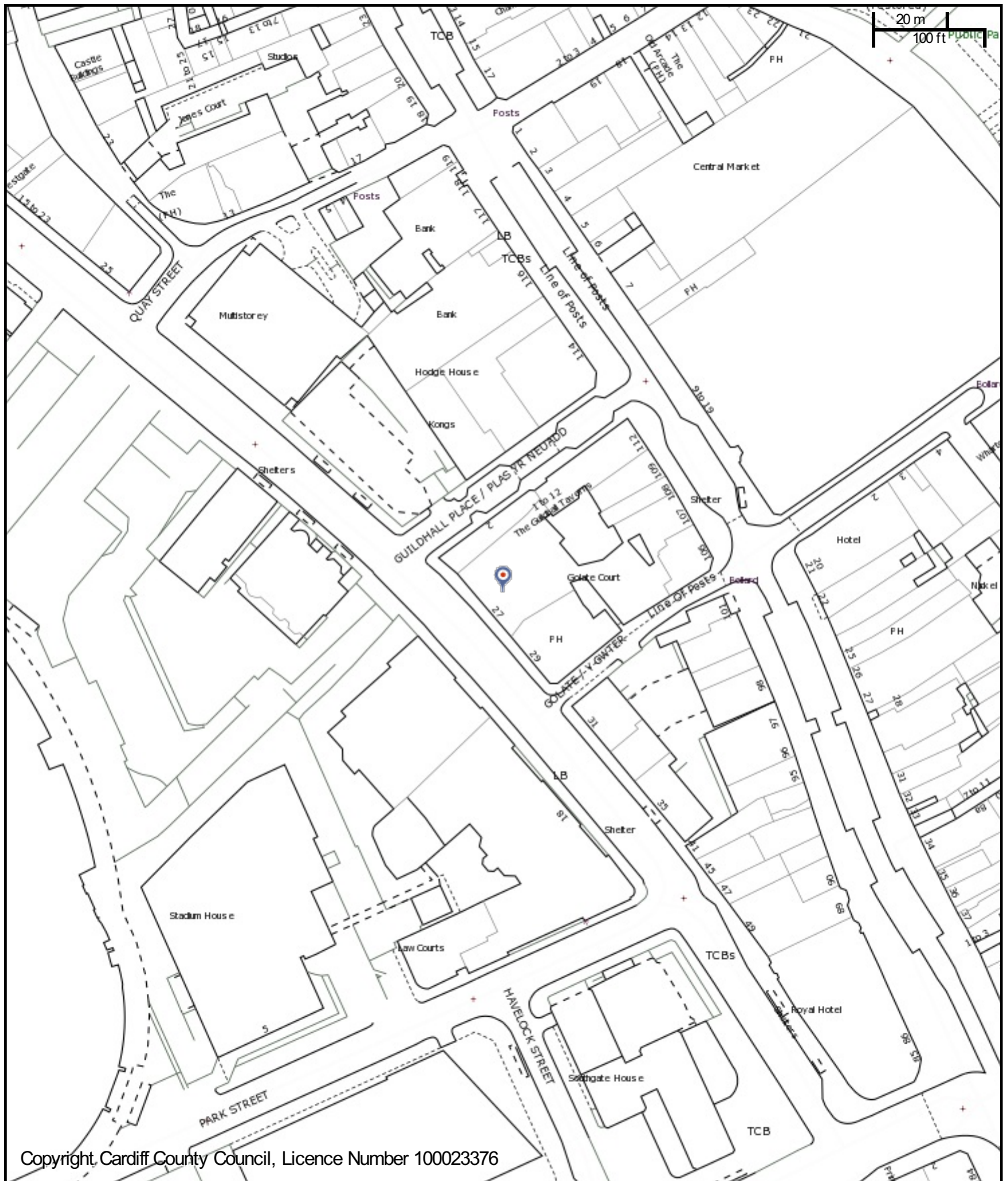
- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

**Helen Picton
Regulatory Services**

31st October 2022

APPENDIX A

Site Map & Plan



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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: 1:1417

Date: 31/10/2022 at 13:16 PM

Coordinates:

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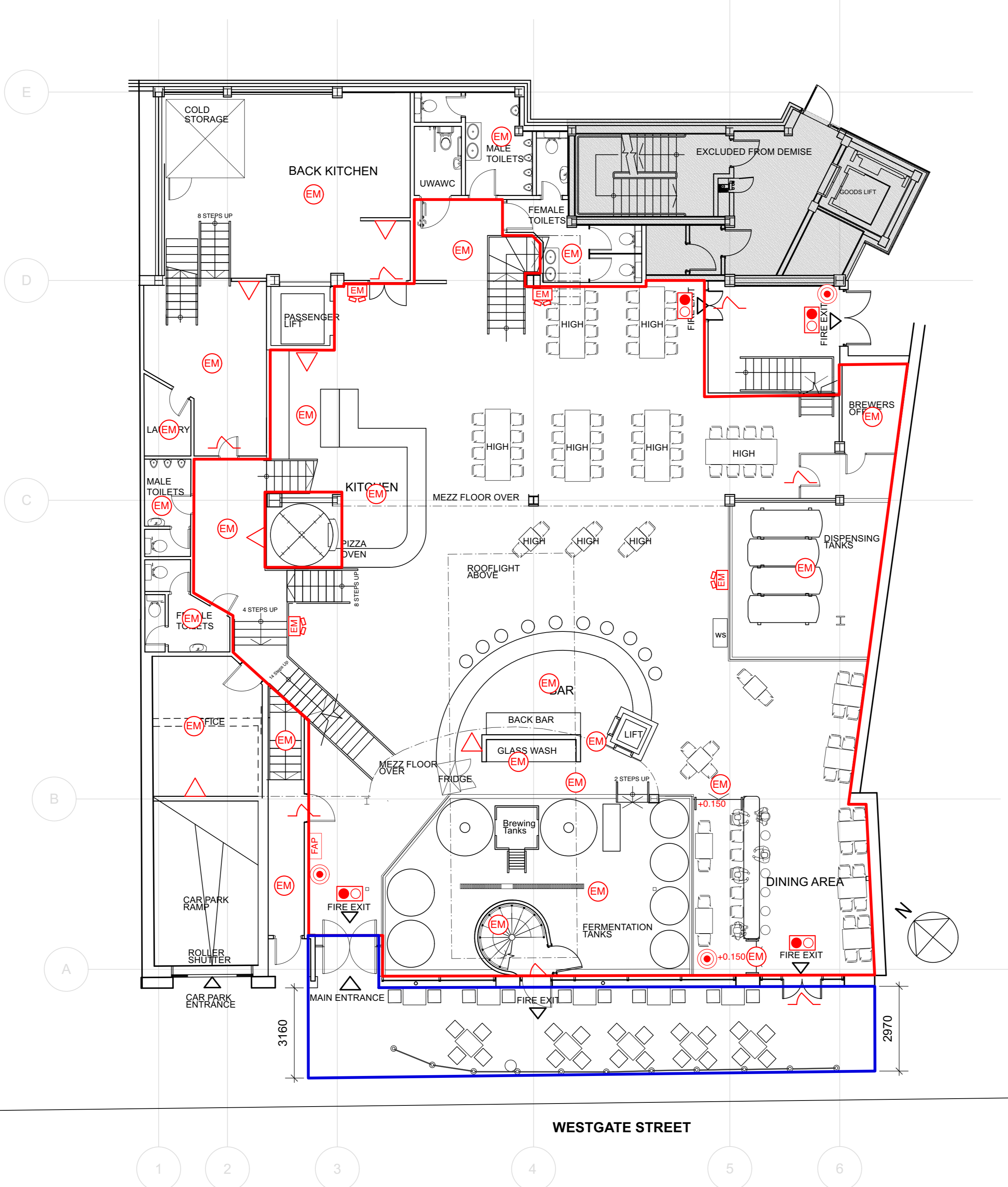
This copy is produced specifically to supply County Council information NO further copies may be made.

Ordnance Survey 100023376 (2014).

LICENSING KEY

- EXTERNAL AREA FOR CONSUMPTION OF ALCOHOL ONLY. —
- DENOTES THE AREA FOR LICENSABLE ACTIVITIES. —
- FIRE EXTINGUISHER ▲
- FIRE DOOR ⌋
- FIRE ALARM PANEL FAP
- FIRE ALARM CALL POINT ●
- EMERGENCY FLOOD LIGHTING EM
- EMERGENCY LIGHTING EM
- ILLUMINATED EXIT SIGN (OR NON ILLUMINATED RUNNING MAN SIGN ILLUMINATED BY SECONDARY SOURCE) ◻
- CHANGE IN LOCAL FLOOR LEVEL (METERS) +0.150

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS PRESENT/PLANNED. THIS MAY BE VARIED AT TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.



GROUND FLOOR PLAN
SCALE 1:100

REVISION	DATE	DESCRIPTION
A	06-09-2022	ADJUSTED AS SOLICITOR SUGGESTED.
B	07-09-2022	ADJUSTED AS SOLICITOR SUGGESTED.
C	12-09-2022	ADD EXTERNAL AREA

DESIGN AT SOURCE
INTERIOR DESIGN & ARCHITECTURE

Tel: +44 (0) 138 676 0044 E-mail: hello@designatsource.com
Design At Source Ltd, 2-4 High Street, Evesham, Worcestershire, WR11 4HJ

CLIENT:	Forthglan Investments Ltd
JOB TITLE:	Zerodegrees - Cardiff
DRAWING TITLE:	Proposed Ground Floor Licensing Plan
JOB NO:	2186
DRAWING NO:	04
SCALE:	1:100
REVISION:	C
DATE:	August 2022
DRAWN BY:	ANJ
CHECKED BY:	SET

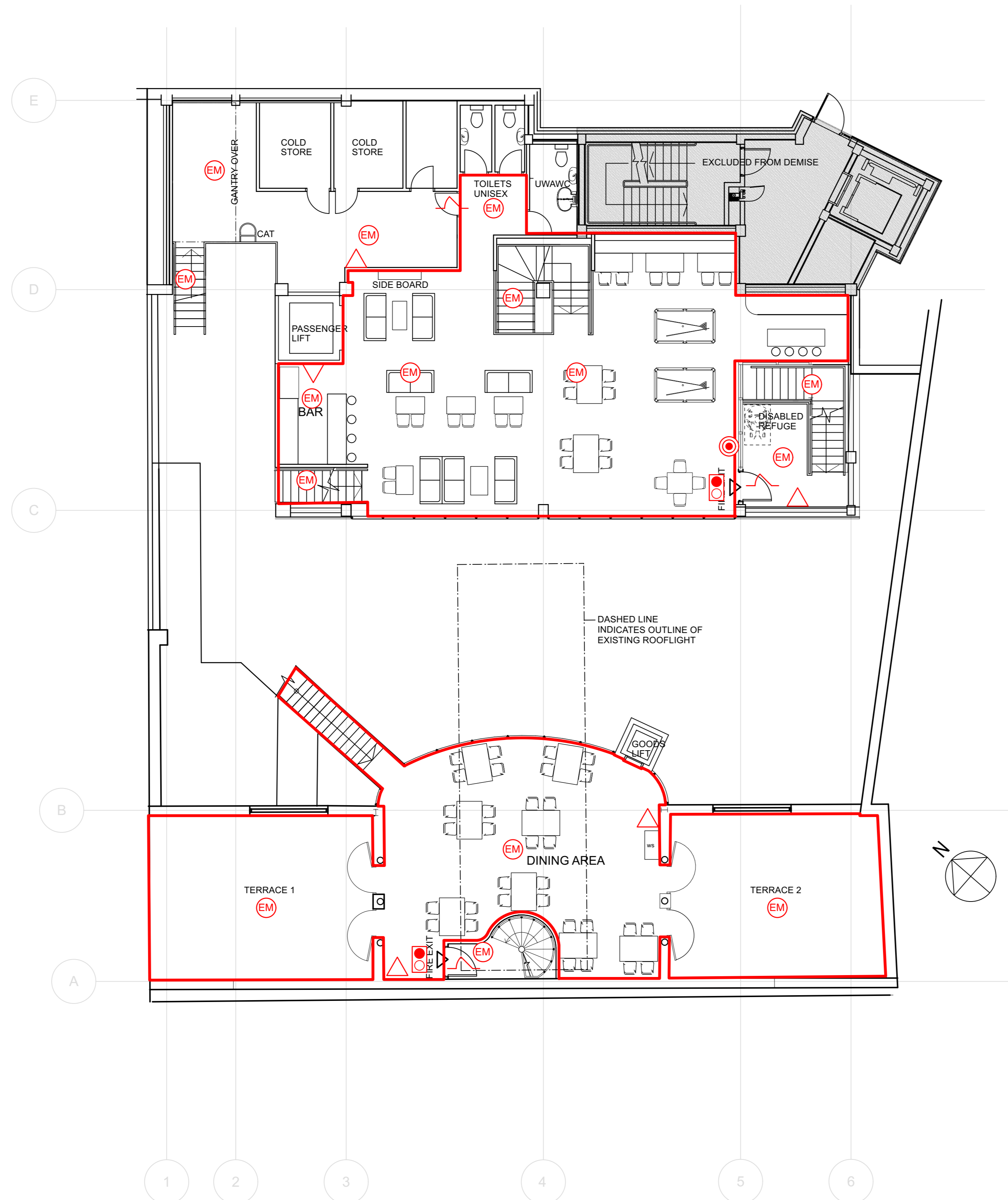
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LICENSING KEY

- DENOTES THE AREA FOR LICENSABLE ACTIVITIES ———
- FIRE EXTINGUISHER ▲
- FIRE DOOR ⌋
- FIRE ALARM PANEL FAP
- FIRE ALARM CALL POINT ⊙
- EMERGENCY FLOOD LIGHTING EM
- EMERGENCY LIGHTING EM
- ILLUMINATED EXIT SIGN
(OR NON ILLUMINATED RUNNING MAN SIGN
ILLUMINATED BY SECONDARY SOURCE) ⊙
- CHANGE IN LOCAL FLOOR LEVEL (METERS) +0.150

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS PRESENT/PLANNED. THIS MAY BE VARIED AT TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.

THIS DRAWING HAS BEEN PREPARED FROM EXISTING SURVEY INFORMATION.



MEZZ FLOOR PLAN
SCALE 1:100

REVISION	DATE	DESCRIPTION
A	06-09-2022	ADJUSTED AS SOLICITOR SUGGESTED.

DESIGN AT SOURCE
INTERIOR DESIGN & ARCHITECTURE
Tel: +44 (0) 138 676 0044 E-mail: hello@designatsource.com
Design At Source Ltd, 2-4 High Street, Evesham, Worcestershire, WR11 4JH

CLIENT:	Forthglan Investments Ltd
JOB TITLE:	Zerodegrees - Cardiff
DRAWING TITLE:	Proposed Mezz Floor Licensing Plan
JOB NO:	2186
DRAWING NO:	05
SCALE:	1:100
REVISION:	A
DATE:	August 2022
DRAWN BY:	ANJ
CHECKED BY:	SET

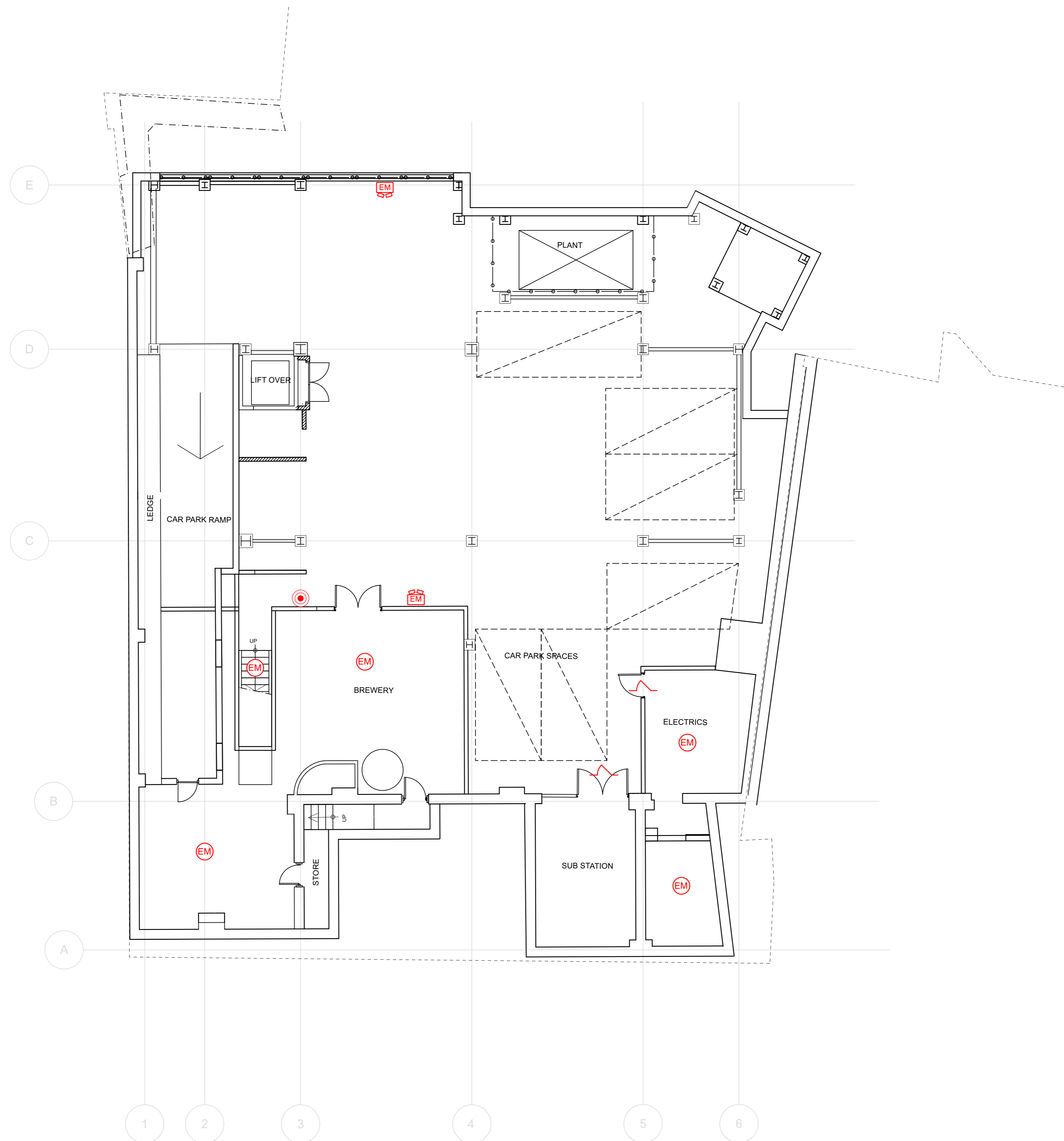
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LICENSING KEY

- DENOTES THE AREA FOR LICENSABLE ACTIVITIES —
- FIRE EXTINGUISHER ▲
- FIRE DOOR ⌋
- FIRE ALARM PANEL FAP
- FIRE ALARM CALL POINT ●
- EMERGENCY FLOOD LIGHTING EM
- EMERGENCY LIGHTING EM
- ILLUMINATED EXIT SIGN
(OR NON ILLUMINATED RUNNING MAN SIGN
ILLUMINATED BY SECONDARY SOURCE) ◻
- CHANGE IN LOCAL FLOOR LEVEL (METERS) +0.150

THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS PRESENT/PLANNED. THIS MAY BE VARIED AT TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT.

THIS DRAWING HAS BEEN PREPARED FROM EXISTING SURVEY INFORMATION.



BASEMENT PLAN
SCALE 1:100

REVISION	DATE	DESCRIPTION
A	06-09-2022	ADJUSTED AS SOLICITOR SUGGESTED.

DESIGN AT SOURCE
INTERIOR DESIGN & ARCHITECTURE
Tel: +44 (0) 138 676 0044 E-mail: hello@designatsource.com
Design At Source Ltd, 2-4 High Street, Evesham, Worcestershire, WR11 4HJ

CLIENT:	Forthglan Investments Ltd
JOB TITLE:	Zerodegrees - Cardiff
DRAWING TITLE:	Proposed Basement Licensing Plan
JOB NO:	2186
DRAWING NO:	06
SCALE:	A1 - 1:100
REVISION:	A
DATE:	August 2022
DRAWN BY:	CHECKED BY:

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APPENDIX B

Operating Schedule

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of 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.

Please see amendments to conditions in the description. All other conditions to remain unchanged and will be complied with. The premises offer a high-end product and seek to allow more flexibility and therefore this variation will not impact on the licensing objectives.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

APPENDIX C

South Wales Police representation

Barker, Kirstie

From:
Sent: 18 October 2022 15:14
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: Variation application Zerodegrees
Attachments: Zerodegrees 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 afternoon,

Please find attached variation application for Zerodegrees. Any issues please do not hesitate to contact me.

Many thanks
Mike



Michael Stone

Cwnstabl 4813 | Constable 4813

Adran Drwyddedu | Licensing Department

Gorsaf Yr Heddlu Bae Caerdydd | Cardiff Bay Police Station

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.**

17th October 2022

**Zerodegrees,
27 Westgate Street,
Cardiff,
CF10 1DD.**

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

"ZERODEGREES, 27 WESTGATE STREET, CARDIFF. CF10 1DD"

I have caused enquiries to be carried out into this variation application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

The premises is situated within the Westgate Street area of Cardiff City Centre, opposite the Principality Stadium. The premises is a Bar / Microbrewery Restaurant with an open plan kitchen. It has two small terraces and two mezzanine levels with views of the working kitchen and working brewery.

As the applicant you have applied for a variation to an already existing premises licence;

1. To amend the plan attached to the licence.
2. To extend the permitted hours for regulated entertainment (to include recorded music) Monday to Sunday 10:00 – 01:00.



3. To extend the sale of alcohol on & off as follows: Monday to Sunday 10:00 to 01:00 hours.
- 4.. To extend the permitted hours for late night refreshment as follows: Monday to Sunday 23:00 – 01:00 hours.
5. To extend the opening hours as follows: Monday to Sunday 09:00 to 01:30 hours.
6. To remove condition (2). Which reads - (2) The premises Licence will only remain in force as long as the primary use of the premises is that of a restaurant.
7. To remove condition (11). – Which reads - (11) Capacity limited to 75 persons in the bar area at any one time.
8. To amend condition (5) – Which reads – (5) Persons under the age of 18 years shall be allowed into or to remain on the premises after 22:00 hours, if attending privately booked functions.

Amend to:

Persons under the age of 18 shall be allowed into or to remain on premises when accompanied by an adult.

9. To amend condition (6). Which reads - (6) The dining areas on the ground floor and mezzanines shall be used for pre-booked functions and dining only, alcohol in the above areas shall not be supplied or sold otherwise than to persons taking table meals and for the consumption by such persons as ancillary to his/her meal.

Amend to:

The dining areas on the ground floor and mezzanine will be waiter/waitress service, there will be no requirement for a table meal to be ordered in order for the consumption of alcohol to take place.

The proposed variation is to seek approval of the plans submitted with the application to make the following alterations:

Ground floor – change of dining area location, removal of area labels.

First floor – Addition of small bar, addition of fixed seating booth.

Measures offered by yourself as the applicant in support of the application:

You have stated that all other conditions to remain unchanged and will be complied with. The premises of a high-end product and seek to allow more flexibility and therefore this variation will not impact on the licensing objectives.



CONCLUSION

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

The Prevention of Crime and Disorder

The prevention of public nuisance

The protection of children from harm

In addition south wales police are objecting under the City of Cardiff Council Cumulative Impact Policy as the variation application seeks to extend the licensable hours from 00:00 – 01:00, 3 hours in the morning and 1 hour in the evening, totalling 4 hours. Also they are proposing to remove a number of conditions associate with their current business as a restaurant. Suggesting that the premise is looking at operating more of a wet led venue in the future, And the City of Cardiff Council Cumulative Impact Policy

There is a disproportionate amount of crime, disorder and nuisance associated with alcohol in the City Centre and surrounding areas, including that of local street drinkers.

South Wales Police object to the proposed amendment of condition (5) as it is felt that the 3 above licensing objectives will be undermined Condition (5) currently reads;

(5) Persons under the age of 18 years shall be allowed into or remain on the premises after 22:00 hours if attending privately booked functions.

In essence the applicant is proposing that under 18's will be permitted on the premise until close at 01:30 hours providing that they are accompanied by a person over 18 years.

This condition is to remain.

However, should the committee be satisfied that the application to vary the premise license is exceptional as per the City of Cardiff Council Cumulative Impact Policy, although it should be noted that the applicant has put forward no additional conditions to support their application to minimise the Cumulative Impact in the area.

South Wales Police have recommended that the below conditions are attached to the existing premise licence, should the committee grant the variation application.

Hours agreed for the sale of alcohol:

Monday to Sunday 10:00 – 01:00 hours



Permitted hours for regulated entertainment (to include recorded music)

Monday to Sunday 10:00 – 01:00 hours

Permitted hours for late night refreshment:

Monday to Sunday 23:00 – 01:00 hours

In summary South Wales Police are not objecting to the increased hours of licensable activity, removal of condition (2) and (11) or the amendment of condition (6) However South Wales Police are objecting to the amendment of condition (5).

South Wales Police request that the below conditions which we believe are relevant to the variation application and are appropriate and proportionate to promote the licensing objectives.

Following conditions to be added to premise licence;

- 1) The Premises License Holder will employ a minimum of three (3) SIA licensed door supervisors from 20:00 until premises closes on Thursday, Friday and Saturday nights and any Sunday before a Bank Holiday.
- 2) Outside the times outlined in condition (1) SIA registered door staff will be employed at the premises in accordance with a written risk assessment carried out by the premises. A copy of the risk assessment shall be kept on the premises and made available to the police and other responsible authorities on request
 - (b) The risk assessment shall be reviewed on a 6 monthly basis. In addition:
- 3) SIA registered door staff will ensure the dispersal of all patrons from the premises at the end of the trading day.
- 4) On those days designated by South Wales Police as major event days in the City Centre and Bay areas of Cardiff, no less than four (4) SIA registered door supervisors will be employed at the premises from either 16:00 that day or no less than two hours before the commencement of the event, whichever is earlier, until closure of the premises. (to replace condition (3) wording on current premise licence).
- 5) There shall be a minimum of one body worn camera device in use at the premises whenever SIA licensed door staff are on duty. The body worn devices shall be capable of recording video



(images) and sound. Recorded images shall be stored for a minimum of 31 days and shall be produced to a police employee on the provision of satisfactory identification, 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 possible subject to data protection legislation. There will be sufficient trained staff to facilitate the above.

6) SIA licensed door staff shall each carry an internal radio to allow communication between themselves and management.

7) A register of door supervisors shall be kept at the premises. The register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The register shall be kept by the DPS for a minimum of 6 months and will be made available to a Police employee on request.

8) At all times that the premises is operating under this licence, the Premises License Holder shall ensure that its staff operate a Challenge 25 Policy (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 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 shall be displayed in prominent places in the premises. The premises licence holder shall arrange staff training in relation to underage sales. (to replace condition (19) wording on current premise licence).

9) An incident book will be kept and maintained at the premises at all times.

This book will record the following:

- (i) All crimes reported at the venue
- (ii) Any ejections of patrons
- (iii) Any disorder on the premises
- (iv) Any visit by representatives of a relevant authority or emergency service
- (v) Any failure of the CCTV system

It shall be made available on request to a police officer.



Not Protectively Marked

- 10) There will be no dancefloor at the premises or any performances from live dj's.
- 11) No striptease, no nudity and all persons to be decently attired at all times.
- 12) On major event days there will be no Off sales.
- 13) All external doors and windows shall be closed from 22:00 hours until following start of business, daily, save for access and egress.
- 14) Any external music will be background music and this will cease at 22:00 hours

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

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.



APPENDIX D

Licensing Enforcement representation

Barker, Kirstie

From: Morgan, Rhys
Sent: 18 October 2022 17:35
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: RE: Licensing Act 2003: Application to vary a Premises Licence - Zero degrees, 27 Westgate Street, Cardiff, CF10 1DD

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 mixed use space nature of this premises as it has operated as a primary food premises with entertainment and alcohol offered. By current definition and condition this premises would fit directly into the restaurant specific category that the Cumulative impact assessment describes. Table1 of chapter 8 tries to identify broad premises definitions however it can sometimes difficult to capture the vast variety of options a vibrant city centre offers. Given the current arrangement it would be easily described as restaurant. However given the nature of variation application and the application to remove conditions this is seeking to clearly draw the premises out of the restaurant category and into the pub/bar/nightclub category. In doing so falling into the red category where the policy would now firmly apply. It could be considered that without the removal of condition 2 the hours extension does sit within the core hours for restaurant.

It is unclear from the application the extent of the proposals will have on the current business operations at the site. It is noted Leisure and entertainment activities have become an accepted part of modern life. They are vital to a thriving and successful society however, anti-social behaviour problems experienced within the City are linked to the late night element of the industry which can contribute significantly to the fear of crime, economic deprivation and a loss of pride in the local area. The Licensing Committee must be mindful of these factors and seek to ensure that a fair balance is struck between the provision of facilities and the possibility of nuisance being caused. As it is unclear of the operational change on the site more appropriate conditions to replace those being removed are not yet clear.

It should also be noted that the planning consent does include a condition limiting the premises use class to that of A3 and for no other purpose.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy and have specific due regard to the additional measures within the table 1.

Kind regards

Rhys Morgan

CARDIFF COUNCIL
CYNGOR CAERDYDD

Agenda Item CO.

LICENSING SUB-COMMITTEE: 23 November 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 078866

Name of Premises: Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB

Ward: Cathays

1. **Application**

1.1 An application for the Grant of a Premises Licence has been received from Mr Ashish Aravindakshan in respect of Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB.

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 and off the premises.
- (ii) The provision of late night refreshment (indoors and outdoors).

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

“Restaurant, takeaway and delivery serving Indian and Chinese food and kebabs. Serving alcohol on the premises and off the premises with takeaway/delivery food and at outside tables. Food will be displayed and selected at display counters along the side of the premises. Food is paid for and collected at the end of the display counters. Alcohol can be ordered within set times at the payment point. Customers can choose to eat inside the premises, outside the premises or take away”.

(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 05:00

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

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

Monday to Sunday: 11:00 to 22:30

(iii) The provision of late night refreshment (indoors and outdoors).

Monday to Sunday: 23:00 to 05:00

- 1.3 A site map showing the premises and the plan of the premises submitted with the application 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 the Senior Licensing Enforcement Officer. A copy of the representation can be found attached as **Appendix D**.

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 & 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: 1:1417

Date: 4/11/2022 at 8:31 AM

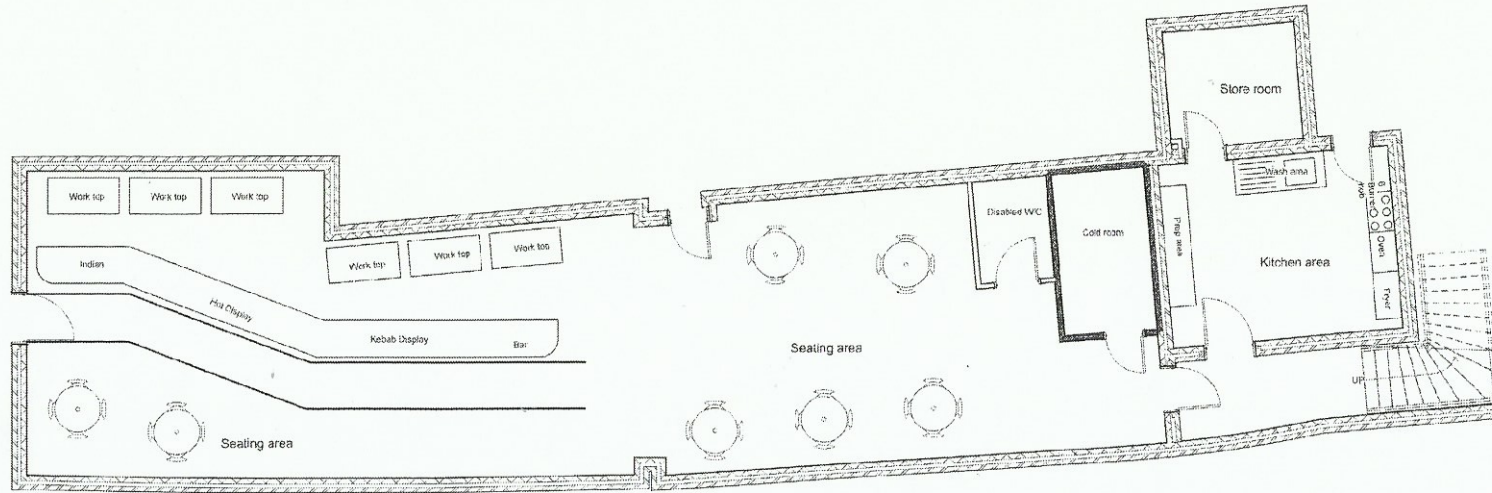
Coordinates:

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Ordnance Survey 100023376 (2014).

St Mary Street



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Rev	Description	Date

CODE	SUITABILITY DESCRIPTION
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STATUS	PURPOSE OF ISSUE
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PROJECT
Floor Plan

TITLE
Floor Plan Edit

CLIENT
30 St Mary Street

DRAWN BY M.Hakem	CHECKED BY M.Hakem	DATE 27/09/22
SCALE (A1) 1:50	PROJECT NUMBER	

DRAWING NUMBER A100	REV
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APPENDIX B

Operating Schedule

Continued from previous page...

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Section 18 of 21

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.

Please see all measures listed below

b) The prevention of crime and disorder

Provision and maintenance of CCTV in accordance with police requirements. Staff will be trained in the operation of this equipment

Provision of qualified door staff when major events take place in Cardiff in line with police requirements

Challenge 25 Policy - only photographic id will be accepted. All staff will receive training with this policy

Use of plastic drinking glasses at all times

No alcohol to be supplied after 22.30 except with food deliveries

Implement and maintain appropriate record keeping e.g. incident log and refusals log

c) Public safety

In addition the the measures outlined in B

Provision of bins both inside and outside premises for litter

Regular inspection outside premises to clear litter

d) The prevention of public nuisance

In addition to measures outlined in B&C

Appropriate signage to be prominently displayed

Compliance with delivery and waste collection schedule

No loud music to be played , background music only

e) The protection of children from harm

Challenge 25 Policy - only photographic id will be accepted. All staff will receive training with this policy

Implement and maintain appropriate record keeping e.g. incident log and refusals log

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 28 October 2022 07:11
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003: Application for the grant of a Premises Licence - Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB
Attachments: CI Draft Letter Flaming Dragon Letter Headed Paper No Con.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 fgythiadau, 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 Team,

Please find attached South Wales Police response in relation to the above application.

Kindest Regards



Jason Jones

Cwnstabl 6882 | Constable 6882

Licensing Officer
Cardiff Bay Police Station

☎: 101 |

 /SWPolice  @SWPolice  @SWPolice  /SWPTV

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.

Do you need to speak to the police but don't require an emergency response? You can make a report via our website <https://www.south-wales.police.uk>, send us a private message via an official South Wales Police Facebook or Twitter account, or call 101. 101 can be used to report a non-emergency to any force in Wales and England. In an emergency always dial 999.

URhS Caerdydd a'r Fro
Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Telffon: 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

28th October 2022

Flaming Dragon,
30 St Mary Street,
Cardiff,
CF10 1AB

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT
2003 – FLAMING DRAGON, 30 ST MARY STREET, CARDIFF, CF10 1AB

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within 30 St Mary Street, Cardiff, CF10 1AB will be a late night takeaway facility offering various food options (namely Indian, Chinese and Kebab). The opening hours proposed as follows:

Mon- Sun 1100-0500

The application seeks the following licensable activity;

Late Night Refreshment

Mon- Sun 2300-0500

Supply of Alcohol (for consumption on & off premises);

Mon- Sun 1100-2230

The applicant has been spoken to and the application has been discussed. As a result of this consultation, I now make the following representations on behalf of South Wales Police.



At this time, South Wales Police object to the grant of a new premises licence as applied for under Cardiff Council's Cumulative Impact Assessment (2020-2023). There is a requirement under the cumulative impact assessment policy for the applicant to demonstrate that their application is exceptional and will not adversely impact the licensing objectives. The applicant has offered very little to reassure South Wales Police that they will not add to the cumulative impact within the local community area.

During initial consultation South Wales Police put forward a number of conditions to the applicant including a reduction of hours, which was refused. After 2300hrs there is a disproportionate amount of crime, disorder and nuisance associated with alcohol in the city centre, and surrounding areas, including that of local street drinkers.

In addition to the above South Wales Police wish to further object based on the following licensing objectives, namely those of;

The Prevention of Crime and Disorder,
Public Nuisance,
Public Safety
Protection of Children from Harm

The applicant is proposing to set up a late-night takeaway (until 05:00hrs) providing varying international cuisines with an inside and outside seated area and the added offering of alcoholic beverage up to the hours of 22:30hrs. The location of the premise is proposed to be located between McDonalds and the Spar on St Marys Street, Cardiff. The area is currently of particular concern due to the high demand of policing the area requires and the high amount of crime and disorder that the area is currently experiencing specifically during the late night hours. As a result of the above South Wales Police have series concerns regarding an additional premise adding to the demand on policing in an already saturated area of late-night premises.

South Wales Police in relation to the concerns raised above will provide evidence ahead of any potential hearing.

If you require any further information then please contact Police Licensing Officer Jason Jones at Cardiff Bay Police Station

Yours Faithfully

R Haines CI 4705

PS 2027 Justin Hardwick
Licensing Sergeant

Chief Inspector 4705 Richard Haines
Community Safety Department

COPY TO:
Dan Cook

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.



APPENDIX D

Licensing Enforcement Representation

Barker, Kirstie

From: Morgan, Rhys
Sent: 31 October 2022 15:32
To: Barker, Kirstie
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB

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 coffee shop where alcohol was alcohol offered in the past. However the current Grant application is a significant deviation from this use. The Cumulative impact assessment describes sets out in Table1 of chapter 8 broad premises. Given the detail in the application and following a meeting with the applicant that this premises provides some sit down covers however not of sufficient quantity to meet the true expectation of a restaurant and as such would result in a significant proportion of its trade being as Take away. The hours specified in that application also represent that of late night take away where opening hours for the public would effectively be until 05.00hrs. 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. 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..*

It should also be noted that the planning consent does include a condition limiting the premises opening hours, however it is understood an application to amend this would follow the licensing application to reflect any additional hours granted in the licence application.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy and have specific due regard to the additional measures within the table 1.

Kind regards

Rhys Morgan
Licensing Section / Adran Drwyddedu
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir

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