

## LICENSING SUB COMMITTEE

28 JUNE 2023

Present: Councillor Michael(Chairperson)  
Councillors Driscoll and Palmer

### 1 : DECLARATIONS OF INTEREST

No declarations of interest.

### 2 : APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - GREEK VILLAGE, CAROLINE STREET

#### Present

Applicants: Represented by Mohammad Rahman

Responsible Authorities: PC Will Tapper, South Wales Police  
Tony Bowley, South Wales Police  
Tomos Jenkins, Pollution Control  
Rhys Morgan, Licensing

#### The Application

An application to vary a Premises Licence was received from Greek Village 1 Limited in respect of Greek Village, 21 Caroline Street, Cardiff

The applicant 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.

#### Applicant Representation

Mr Rahman presented the application. Members were advised that the application sought to vary the existing licence. Mr Rahman considered that Section 16 to 18 of the application form, as detailed in the report, set out how the applicant would support and maintain the licensing objectives.

Following receipt of an email from South Wales Police the applicant has indicated that they would agreed to curtailing the hours of operation from 0400 hours to 0200 hours.

Mr Rahman stated that the business faced challenges due to the current economic climate and the additional hours would support them financially. From 2300 hours the business would provide a take-away service only and no customers would be permitted inside the premises to stay and eat food. Members were advised that there are currently around 15 to 20 customers per hour between 2100 hours and 2300 hours.

The applicant offered to provide SIA training to two members of staff and a company director in order to manage customers queuing at the premises.

Responding to questions from the Sub Committee, Mr Rahman considered that the service offered by the premises was exceptional because it offered food that was different to any other offering in the area. The applicants were very experienced in the trade and they operate another premises in another part of the city without incident.

#### Responsible Authority Representations

PC Will Tapper of South Wales Police addressed the Sub Committee. PC Tapper explained his role and stated that he was first made aware of the application on 12 May 2023. He subsequently met with the applicants at the premises and he explained to them that the premises was located within the cumulative impact policy area and, as a hot food take away, that it fell within the 'red' category. The applicants were advised of the concerns of South Wales Police as the area is saturated with revellers and the queue was a likely flashpoint for crime and disorder to occur.

PC Tapper emailed the applicants on 6 June 2023 and he received a reply to a number of questions. He emailed again on 15 June 2023 with further questions and that email has not received a reply to date.

PC Tapper considered that the premises was located in a volatile area and, were the application to be allowed, it would negatively add to the cumulative impact of an area saturated with licensed premises. The measures put forward by the applications to uphold the licensing objectives were deemed to be inadequate.

Members were advised that since opening approximately 8 months ago there were not reported incidents directly linked to the premises. However, there are high levels of crime and disorder in the area. The Sub Committee was asked to view a number of CCTV footage clips that highlighted the types of incidents that occur. These include assaults, disorder and an individual armed with a knife at take away premises in the City Centre. Members were asked to note that SIA training staff were sometimes present when these incidents occur.

The Sub Committee was requested to consider wholly rejecting the application.

Mr Rahman asked PC Tapper whether he could provide evidence of incidents occurring during the daytime.

Responding to the question from Mr Rahman, PC Tapper stated that no evidence was presented regarding incidents occurring in the area during the day because the application sought to vary the licence to sell hot food between 2300 and 0400 and therefore incidents during the day were not relevant to the application.

PC Tapper considered that SIA staff may intervene on occasions and prevent crime and disorder from occurring. Nevertheless, whilst SIA trained staff are helpful, they are unable to prevent every incident.

Tomos Jenkins of Pollution Control addressed the Sub Committee. Members were advised that the application has been considered under the public nuisance licensing objective. Pollution Control consider noise from customers would lead to an intensification of noise nuisance in the vicinity. There are a number of residences that are within earshot of the premises.. Tomas Jenkins stated that the cumulative impact area policy applies and the application fails to address public nuisance concerns.

Members heard that a site visit was made to the premises. Customers are permitted to enter the premises, order food at the counter and then leave. The application stated that the customers would not be allowed on the premises after 2300 hours but Tomos Jenkins considered that the intention was to not allow customers to remain on the premises to consume food.

Pollution Control would still object to any variation to the licence that permitted the premises to operate until 0200 hours. As a minimum, a sufficient management plan setting out how the queue would be managed would be expected to be in place. A management plan did not form part of the application.

Members asked whether Pollution Control would object to the application if a management plan was in place. Tomos Jenkins stated that whilst a management plan would assist staff to manage the premises and provide officers with an assessment, the application would lead to an intensification of public nuisance and Pollution Control object to the variation of the licence.

Rhys Morgan of the Cardiff Licensing Team stated that the application was assessed on the basis that the premises was a fast-food take-away located within the cumulative impact policy area. The premises falls within the 'red' rated category and therefore the rebuttal presumption that the application to vary the licence would be refused should be applied in full.

Rhys Morgan stated that Caroline Street is densely populated between 2300 hours and 0400 hours. Large numbers of often intoxicated people frequent the area and this is known to lead to crime and disorder and public nuisance problems occurring. It was therefore naive for the applicant to suggest that as numbers of customers in the premises are low then there would not be any negative impact on the licensing objectives. Queue management would be vital to overcoming potential problems.

Rhys Morgan considered that the application did not meet the exceptional standard and details of any policies and procedures to be applied to uphold the licensing objectives were lacking. The application should therefore be refused.

### Summing Up

PC Tapper reiterated that South Wales Police held an outright objection to the granting of the variation as it would add to crime and disorder and undermine the licensing objectives.

Tomas Jenkins considered that the cumulative impact policy applies and little was offered in terms of mitigation of concerns by the applicants in relation to public nuisance.

Rhys Morgan stated that the cumulative impact policy applies and there was insufficient detail offered to begin to consider departing from the policy.

Mr Rahman asked Members to refer to the conditions offered and how the applicants would uphold the licensing objectives.

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, REFUSED the application.

The Sub Committee considered that the application did not overcome the rebuttable presumption that the application should be refused and that the cumulative impact policy should be applied.

### 3 : APPLICATION FOR THE GRANT OF A PREMISES LICENCE - LYNDON SOCIAL CLUB, CLARE ROAD, GRANGETOWN

#### Present

Applicants: Miss Rachel Fitzgerald and Mr Patel represented by Cameron Paterson

Interested Other: Judit Molnar

#### The Application

An application for the Grant of a Premises Licence was received from Rachel L Fitzgerald in respect of The Lyndon Social Club & Institute, 109-111 Clare Road, Grangetown, Cardiff.

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 regulated entertainment in the form of films (indoors), live music (indoors), recorded music (indoors) and anything of a similar description (indoors)
- (iii) The provision of late night refreshment (indoors and outdoors).

(2) Description of Premises (as stated by applicant): "The club consists of: Two floors

Ground floor: Main entrance/exit onto Clare Road. An open plan room which consists of a bar, a catering kitchen with dumb waiter, with fixed and moveable seating along with folding wall mounted seating. It also benefits from a raised fixed seating area. Both male and female toilets. An outside smoking area. A side entrance/exit into Universal Street and an emergency exit at the rear into an accessible alleyway. There are 7 sets of emergency lighting and 4 fire extinguishers.

First floor:

Access is gained by way of a staircase leading from the ground floor. An open plan room which consists of a bar and dumb waiter, with fixed seating throughout. Both male and female toilets. There is an emergency exit leading to staircases to the ground floor smoking area and to the roof space. There are 3 sets of emergency lighting and 2 fire extinguishers. There is also a residential flat which is accessible from the first floor, which is not part of the application for a premises licence.

As the premises has the benefit of a catering kitchen the applicant intends being able to offer food from the opening hour up until 1 hour before the time for closure, should, as and when demand warrants.

(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:

Sunday to Thursday: 08:00 to 01:00 hours  
Friday and Saturday: 08:00 to 02:00 hours  
Maundy Thursday: 08:00 to 02:00 hours  
Sunday preceding Bank Holiday: 08:00 to 02:00 hours Christmas Eve: an additional hour  
New Years Eve: 08:00 until the start of permitted hours on New Year's Day

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

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

Sunday to Thursday: 08:00 to 00:30 hours  
Friday and Saturday: 08:00 to 01:30 hours  
Maundy Thursday: 08:00 to 01:30 hours  
Sunday preceding Bank Holiday: 08:00 to 01:30 hours  
Christmas Eve: an additional hour  
New Years Eve: 08:00 until the start of permitted hours on New Year's Day

(ii) The provision of regulated entertainment in the form of films (indoors), live music (indoors), recorded music (indoors) and anything of a similar description (indoors):

Sunday to Thursday: 08:00 to 00:30 hours

Friday and Saturday: 08:00 to 01:30 hours

Maundy Thursday: 08:00 to 01:30 hours

Sunday preceding Bank Holiday: 08:00 to 01:30 hours Christmas Eve: an additional hour

New Years Eve: 08:00 until the start of permitted hours on New Year's Day

(iii) The provision of regulated entertainment in the form of films (indoors) and anything of a similar description (indoors):

Sunday to Thursday: 23:00 to 00:30 hours

Friday and Saturday: 23:00 to 01:30 hours

Maundy Thursday: 23:00 to 01:30 hours

Sunday preceding Bank Holiday: 23:00 to 01:30 hours Christmas Eve: an additional hour

New Years Eve: 23:00 until the start of permitted hours on New Year's Day

(iv) The provision of late night refreshment (indoors).

Sunday to Thursday: 23:00 to 00:30 hours

Friday and Saturday: 23:00 to 01:30 hours

Maundy Thursday: 23:00 to 01:30 hours

Sunday preceding Bank Holiday: 23:00 to 01:30 hours

Christmas Eve: an additional hour

New Years Eve: 23:00 until the start of permitted hours on New Year's Day

### Applicants Representations

Cameron Paterson presented the application. Members were advised that extensive discussions have taken place with South Wales Police and Pollution Control. A number of conditions were volunteered and agreed and both the responsible authority had agreed to withdraw their representations as a result.

A representation was also received from a local residents. Cameron Paterson stated that he emailed the resident to explained the operation and the conditions agreed with the responsible authorities.

Mr Paterson briefly explained the purpose of the application, although explained that rather than repeating the application that was in the report, he was happy to answer any questions on it.

### Other Persons Representation

Mrs Molnar stated that she was concerned that the application was seeking the sale of alcohol from 0800 hours. Members were advised that she walks passed the premises when taking her children to school and from and she did not want them to see people consuming alcohol. Live music and recorded music was also a cause for concern.

Mr Paterson stated that he responded to the points made by Ms Molnar in his email. He explained that no drinking was permitted outside the premises at any time and this would be a condition of the licence if granted. An acoustic report was also required from Pollution Control which would need to satisfy their requirements.

Mrs Molnar stated that she was unaware of the email from Mr Paterson. Mrs Molnar said that she wished to to withdraw her representation.

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 agreed conditions with South Wales Police and Environmental Health Pollution Control

4 : URGENT ITEMS (IF ANY)

No urgent items.

The meeting terminated at 12.30 pm