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Cardiff
CF10 4UW
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AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	WEDNESDAY, 2 AUGUST 2023, 10.00 AM
Venue	COMMITTEE ROOM 4, COUNTY HALL
Membership	Councillor Michael (Chair) Councillors Gunter and Palmer

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 Grant of a Premises Licence - Local Express, Crwys Road** *(Pages 3 - 14)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services

Date: Thursday, 27 July 2023

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

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LICENSING SUB-COMMITTEE: 2 August 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 087220

Name of Premises: Local Express, 94 Crwys Road, Cathays, Cardiff CF24 4NQ

Ward: Cathays

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Local Express 94 Ltd in respect of Local Express, 94 Crwys Road, Cathays, Cardiff CF24 4NQ.

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):

“The property is on the ground floor with entrance and exit to Crwys Road. They intend to operate as an off licence as the primary business with a small selection of general grocery. There will be no alcohol consumed on the premises.”

(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: 08:00 to 23:00 hours

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

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

Monday to Sunday: 08:00 to 23:00 hours

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 conditions proposed by the applicant for the promotion of the licensing objectives are attached to the report and can be found in **Appendix B**.

3. Relevant Representations

- 3.1 Two representations have been received from local residents. A copy of these representations is attached as ***Appendix C***.

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

14 July 2023

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



94 Crwys Road CF24 4NQ

Scale: 1:708

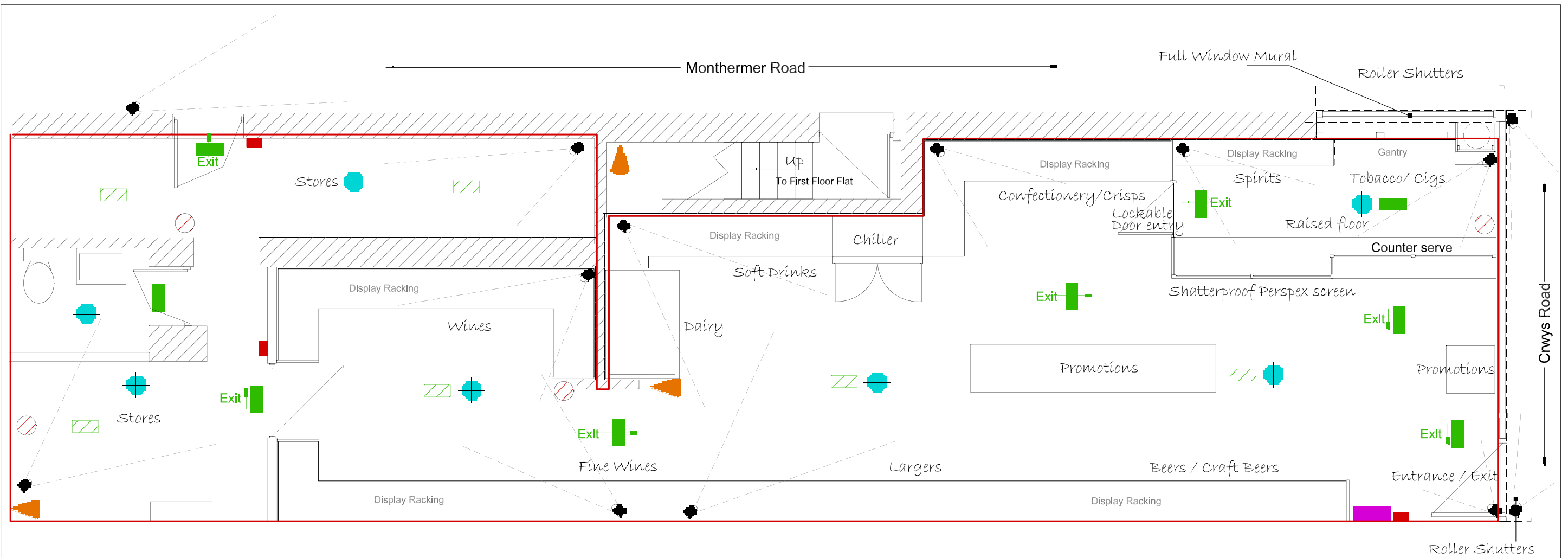
Date: 14/7/2023 at 17:31 PM

Coordinates:

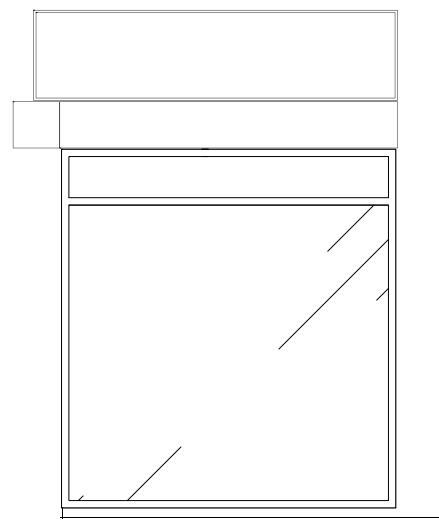
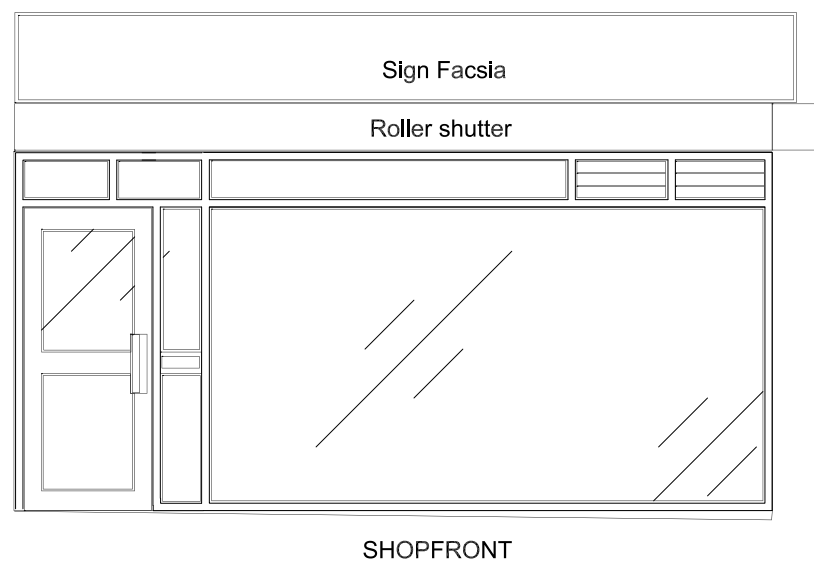
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Ordnance Survey AC0000816513 (2023).



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6.—(1) Where there is a material change of use of the whole of a building, such work, if any, shall be carried out as is necessary to ensure that the building complies with the applicable requirements of the following paragraphs of Schedule 1—
 (a) in all cases, B1 (means of warning and escape)
 B2 (internal fire spread—linings)
 B3 (internal fire spread—structure)
 B4(2) (external fire spread—roofs)
 B5 (access and facilities for the fire service)

- 2 Zone Fire Panel
- Breakglass
- Sounder
- Non Maintained emergency light
- Smoke Det
- Maintained emergency light
- CCTV Cameras
- Fire Ext

PR Design	
ARCHITECTURAL MATTERS prdesign46@yahoo.com Mobile : 07939 456326	
©Copyright Plans	
Client name: Local Express 94 Ltd	
Site address: 94 Crwys Road Cathays Cardiff	
Drawing No: PDR/606/70/60/2302/A	Scale: 1:50
Drawn by: Paul Rowlands	Date: 07/06/2023
Notes	

APPENDIX B

Operating Schedule

			column on the left, please list (please read guidance note 6) NONE
Fri	08.00	23.00	
Sat	08.00	23.00	
Sun	08.00	23.00	

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 10)

We will be responsible Licensees and operate a Challenge 21 age verification policy.
We will operate a daily litter sweep to make sure there are no cigarette ends outside the premises.

b) The prevention of crime and disorder

We will operate CCTV on the premises and over the entrance and exit.
Recordings will be maintained on a secure file for 31 Days,
Acceptance of accredited 'proof of age' cards and /or 'new type driving licences with photographs, Passports, an official identity card issued by H M Forces.
Effective and responsible management of premises-at all times a duty manager is on site.
We provide training of staff
Adoption of best practice guidance (e.g. The National Alcoholic Harm Reduction Strategy Toolkit and our own codes of practice.

c) Public safety

Staff will be trained in fire dispersal/Evacuation policy and a record kept of training.
First aid kits will be kept on the premises and a duty first aider on hand .
Fresh drinking water will be supplied at all times
Public areas will be clear of clutter and shelf filling will be carried out after hours of trading.

d) The prevention of public nuisance

No alcoholic drinks will be permitted to be opened on the premises.
 The prevention of groups gathering around the entrance.
 To avoid a noise pollution whilst leaving the establishment.

e) The protection of children from harm

There will be no entry to the premises for adults under the age of 18 during trading hours.
 Unless accompanied by a responsible adult.
 We will have a written proof of age policy which staff will be trained
 Signs and legends to make customers aware

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 or my share code issued by the Home Office online right to work checking service (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 11)

APPENDIX C

Representations

Representations

From: [REDACTED] >
Sent: Friday, July 7, 2023 1:43 PM
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
<licensing@cardiff.gov.uk>
Cc: [REDACTED]
Subject: Re: FW: Objection to Premises Licence (under section 17) for Local Express 94 Ltd

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.

Dear Kirstie

I'm a resident of Cathays living at [REDACTED], Cathays Cardiff CF24 4PF. I'm also currently the Chair of Keep Cathays Tidy and I am happy for it to be put on the record that the bins left permanently on the pavement of Monthermer road and belonging to 94 Crwys Road are in my opinion a public nuisance and the granting of a licence in my opinion does undermine the 3rd objective - **the prevention of public nuisance**

We already had a problem with bottles and pint glasses being left on top of the BT exchange boxes outside the side of 94 Crwys Road but this has now been made worse since the two commercial bins belonging to the business have been permanently based on the pavement.

As the top of the bins have curved tops; bottles left on top of them easily roll off and break if the bins are bumped or if it's windy. The Council cleaning teams do a great / if thankless job of keeping Monthermer Road clean but small pieces of broken glass can be seen here this morning even after their clean up.

I have in the past suggested that Council bins be placed on this junction; as the pavement has a high footfall of students coming home from clubs and pubs or going to the recreation ground on Ninian Road "The Recc".

Yours sincerely

[REDACTED]

From: [REDACTED] >
Sent: Friday, July 7, 2023 12:56 PM
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
<licensing@cardiff.gov.uk>
Subject: RE: Objection to Premises Licence (under section 17) for Local Express 94 Ltd

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.

Hi Kristie,

Thank you for your email

Regarding, a representation is relevant under the Act if it relates to the likely effect of granting the licence on the promotion of at least one of the four licensing objective

I would like to make a representation that the granting of a licence undermines the 3rd objective - **the prevention of public nuisance**

- [the prevention of crime and disorder](#)
- [public safety](#)
- [the prevention of public nuisance](#)
- [the protection of children from harm.](#)

The applicant does not have a rear yard / facility to store refuse bins for the collection of commercial general waste or commercial recycling waste created by the sale of alcohol and currently general waste bins and recycling bins are left on the pavement outside the shop 24 hours a days 7days a week - see further photograph taken today

Leaving commercial bins on the public pavement 24/7 is one issue causing a public nuisance

The second issue causing a public nuisance is that customers who have been purchasing products from 94 Crwys Road and consuming them in the street are then leaving their empties either on top of the bins which fall off or left on the floor next to them where they accidentally get kicked/broken when it's dark. As this is a main route / busy junction for students returning from town late at night a lot of bottles and cans are regularly being left on this corner of Crwys Road/Monthermer Road.

Again I believe the four councillors can testify to this problem if asked

Kind regards

[REDACTED]

