

**LICENSING SUB-COMMITTEE: 31 MAY 2019**

**Report of the Head of Regulatory Services**

**Application for Variation of a Premises Licence**

**Application No: 035721**

**Name of Premises: MRH Cardiff, 145 Newport Road, Roath, Cardiff CF24 1AG**

**Ward: Plasnewydd**

**1. Application**

1.1 An application for a variation of a premises licence has been received from Malthurst Retail Limited in respect of; MRH Cardiff, 145 Newport Road, Roath, Cardiff CF24 1AG.

1.2 The premises licence currently permits the following:

- (i) The sale by retail of alcohol for consumption off the premises:  
Monday to Sunday: 07:00 to 23:00 hours
- (ii) The provision of late night refreshment (indoors & outdoors)  
Monday to Sunday: 23:00 to 05:00 hours

1.3 The applicant has applied to vary the premises licence as follows:

- (i) To extend the sale of alcohol for consumption off the premises to:  
24 hours a day, 7 days a week
- (ii) To remove all conditions in Annex 2 of the premises licence and replace them with conditions outlined in the operating schedule.

A copy of the Annex 2 conditions currently attached to the premises licence can be found in **Appendix A**.

A copy of the newly proposed conditions set out in the applicant's operating schedule can be found in **Appendix B**.

1.4 A site plan of the premises can be found in **Appendix C**.

**2. Promotion of Licensing Objectives.**

- 2.1 The additional conditions proposed by the applicant to meet the licensing objectives are found in the applicant's operating schedule which can be found in *Appendix B*.

**3. Relevant Representations**

A representation has been received from a local ward Councillor. A copy of this representation can be found in *Appendix D*.

**4. Legal Considerations.**

- 4.1 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 eg. 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 appropriateness of the hours of operation and conditions on the licence needs to be discussed.

Licensing Act 2003

**Premises Licence**

**CCCP01975**

**ANNEXES: CONDITIONS**

**Annex 1 Mandatory Conditions**

**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Annex 2 - Conditions consistent with the operating schedule**

1. A CCTV system shall be installed to a standard agreed with South Wales Police. It will be maintained and operated at all times the premises are open and carrying out licensable activities. The system shall cover all areas to which the public have access (excluding toilets) including public entrances and exits and external areas used by customers. Images shall be kept for a minimum of 31 days. Subject to compliance with Data Protection legislation, the images shall be produced to a Police employee or authorised Officer of Cardiff Council Licensing in a readily playable format within 24 hours of request. There will be sufficient staff training to facilitate the above.

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

Details of the time and date the refusal was made;  
The identity of the staff member refusing the sale;  
Details of the alcohol the person attempted to purchase.

This book/register will be available for inspection by a police officer or other authorised officer on request

3. An incident book/register shall be maintained to record:

All incidents of crime and disorder occurring at the premises  
Details of occasions when the police are called to the premises

This book/register will be available for inspection by a police officer or other authorised officer on request.

4. The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

5. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

6. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

7. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

Induction training which must be completed and documented prior to the sale of alcohol by the staff member.  
Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Proposed Conditions – Applicant’s 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.

The amended premises licence has not been received following notification of the licence holders change of registered address.

**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.

b) The prevention of crime and disorder

1. A CCTV system shall be installed and shall comply with the reasonable requirements of South Wales Police as notified by South Wales Police to the licence holder. It will be maintained and operated at all times the premises are open to the public. The system will cover all internal areas including the night pay window where the public have access (excluding toilets) including the store entrance and the forecourt of the premises. The images shall be kept for a minimum of 31 days. Subject to compliance with Data Protection Legislation the images shall be produced to an authorised police employee in a readily playable format as soon as practicable. There will be sufficiently trained staff to comply with this condition.

2. An incident book/register shall be kept at the premises and maintained on site for a period of 12 months. It shall be made available on request to a police officer or authorised officer of the licensing authority. The book/register will record the following:

- All crimes reported to the premises
- Any complaints received (of a criminal or licensing nature)
- Any incidents of disorder at the premises
- Any refusals of the sale of alcohol
- Any visit by a representative of a responsible authority or a member of the emergency services
- Any material failures of the CCTV system.

3. There will be no sales/supplies of beers, ales, lagers, ciders or spirit mixtures with an ABV over 5.5%.

4. There shall be no self-service of spirits except for spirit mixtures.

5. The licence holder will monitor the primary use of the premises and if transaction data demonstrates that the premises are excluded premises pursuant to S.176 of the Licensing Act 2003 the sale of alcohol will cease until such time as the data demonstrates that the premises are not so excluded. Such data will be maintained on a 6 monthly basis and will be available on request to the police and the licensing authority. This condition will fall away in the event that S.176 is repealed.

c) Public safety

1. There will be no alcohol displayed within 3 metres of the store entrance.

2. The entrance door to the shop will be closed to customers between the hours of 2300 and 0500. Any sales between

*Proposed Conditions – Applicant’s Operating Schedule – Continued*

*Continued from previous page...*

these hours will be made through the night pay window.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.


Training records will be available for inspection by a police officer or other authorised officer on request.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

Site Plan – MRH Cardiff, 145 Newport Road, Cardiff CF24 1AG



<p>CHIEF EXECUTIVE</p> <p>Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW Tel: 029 20872088</p> <p>County Hall, Atlantic Wharf CARDIFF CF10 4UW Tel: 029 20872087</p>	<p><b>Cyngor Caerdydd</b></p> <p><b>Cardiff Council</b></p> 		<p>MRH Cardiff, 145 Newport Road, Cardiff CF24 1AG</p> <p>Scale: 1:1000 Date: 14/5/2019 at 10:33 AM Coordinates © Crown copyright and database rights (2014). This copy is produced specifically to supply County Council information NO further copies may be made. Ordnance Survey 100023376 (2014).</p>
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Representation from local ward Councillor

**Evans, Kirsty**

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**From:** Wong, Peter (Cllr)  
**Sent:** 12 April 2019 10:45  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:** [REDACTED]  
**Subject:** RE: Licensing Act 2003: Variation Application: MRH Cardiff, 145 Newport Road, Roath, CF24 1AG.

I'd like to object to this application on the following grounds:

- 1) The existing licence arrangements are appropriate and adequate
- 2) The extension to a 24hr alcohol license will be detrimental to the local community and increase anti-social behaviour
- 3) There is nothing listed in box a of section 16
- 4) The measures in Section 16, box b (The prevention of crime and disorder), box c (Public safety), and box d (The prevention of public nuisance) are not remotely adequate, as it amounts to having CCTV on the premises and some more bins – making alcohol accessible 24hrs a day in this location will impact a significant wider area than the premises.

Many thanks

Pete Wong  
Labour Councillor for Plasnewydd  
[REDACTED]