

LICENSING SUB-COMMITTEE: 20 September 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 040333

Name of Premises: Chicken Cottage, 108 St Mary Street, Cardiff, CF10 1DX

Ward: Cathays

1. Application

- 1.1 An application for the Grant of a Premises Licence has been received from Mohammad Ashraf in respect of Chicken Cottage, 108 St Mary Street, Cardiff, CF10 1DX.
- 1.2 The applicant has applied for the following:
 - (1) In respect of the following licensable activities:
 - (i) The provision of late night refreshment (indoors)
 - (2) Description of Premises (as stated by applicant):

“Ground floor shop serving hot food to eat in and takeaway.”
 - (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 04:00 hours
 - (4) To provide licensable activities during the following hours:
 - a) The provision of late night refreshment:

Monday to Sunday: 23:00 to 04:00 hours
- 1.3 A site plan of the premises can be found in ***Appendix A***.
- 1.4 The premises has previously benefited from a Premises Licence. This lapsed under Section 27 of the Licensing Act 2003 as a result of the licence holder (limited company) becoming insolvent.

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 in respect of this application. A copy of the Police representation can be found in *Appendix C*.
- 3.2 A representation has been received from Cardiff Council's Licensing Enforcement team in respect of this application. A copy of this representation can be found in *Appendix D*.
- 3.2 A representation has been received from a local ward Councillor. A copy of the representation can be found in *Appendix E*.

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

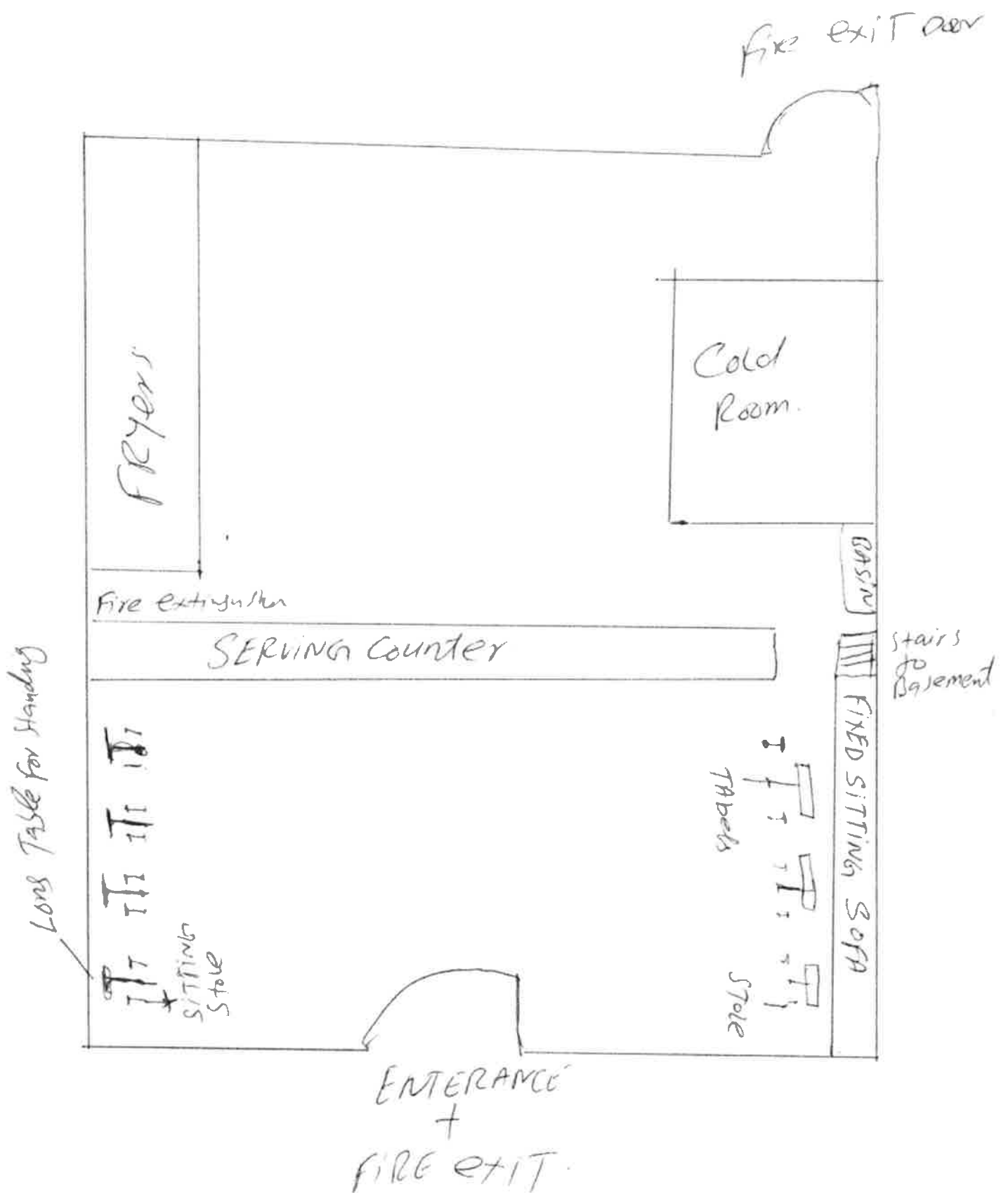
- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

- 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.

CHICKEN COTTAGE CARDIFF



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SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

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.

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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.

It is a Chicken fried shop with a few sitting area and mostly take away without alcohol. This shop is established for the last two decades with same type of activity. There was a licence in place and by surprise it has been revoked because the licence holder company is in liquidation and the Council did not inform to the applicant prior to their decision, otherwise the licence would have been transferred.

b) The prevention of crime and disorder

There is CCTV and the premises in a high street . There is a register to record any incident and will be notify to the related authorities.

c) Public safety

2- 5 staff all the time and it is only on the ground floor. There is ramp for disabled and CCTV is in operation. Fire alarm is in operation and check regularly to make sure the system is in order. All the staff have is aware of such safety procedures.

d) The prevention of public nuisance

It is a commercial ares filled with pubs and night clubs. There is no music in the premises and all the doors are kept close during business hours. All the adjacent properties are commercial and have never received a complaint for the last many

Continued from previous page...

years.

e) The protection of children from harm

There will be 2 to 5 staff all the time and do not serve the children a hot food unless accompanied with an adult

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

From:
Sent: 15 August 2019 12:40
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: CHICKEN COTTAGE 108 ST MARY STREET
Attachments: CI CHICKEN COTTAGE ST MARY ST SIGNED.pdf

***** 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 fgythyadau, meddyliwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

Good Afternoon,

Please find attached South Wales Police representations regarding the premise licence application submitted for Chicken Cottage, 108 St. Mary Street, Cardiff, CF10 1DX. Please confirm this by return email including Cardiff Council Licensing.

Yours sincerely,

Claire Dewhurst



Claire-Louise Dewhurst

**Swyddog Trwyddeduy Heddlu / Police Licensing Officer
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.

/SWPolice @SWPolice @SWPolice /SWPTV

**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.**

Do you need to speak to police but don't require

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.



Licensing Department,
Cardiff Bay Police Station,
James Street,
Cardiff
CF10 5EW

7th August 2019

Mr Shafiq Hassan
City Law Solicitors
12a Albany Road,
Cardiff
CF24 3RP

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
CHICKEN COTTAGE, 108 ST MARY STREET, CARDIFF CF10 1DX

Dear Mr Shafiq Hassan,

I have caused enquiries to be made into this application and make the following representation;

South Wales Police wish to object to the grant of this application under the Licensing Objectives;
Prevention of Crime and Disorder
Protection of Children from Harm, as well as the Cardiff City Council Cumulative Impact Policy 2016-2021.

Should the committee be of a mind to grant this application, we ask that conditions are attached to the premises licence as listed below;

CONDITIONS

Prevention of Crime and Disorder

1) A CCTV system will be installed to a standard agreed with South Wales Police. It shall be maintained and operated at all times the premises are open to the public. The system shall cover all areas to which the public have access (excluding toilets) including all public entrances and exits and the pavement directly outside. Images will be kept for a minimum of 31 days. The images shall be produced to an authorised Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as is reasonable practical. There will be sufficient staff training to facilitate the above.

2) One SIA registered door staff will be employed on the premises from 23:00 hours to close each day.
A record of door staff employed at the premises shall be kept. It shall keep a record of the name and SIA number of such staff. It will detain the date and time each member of staff commenced their duty and the time they finished. The record will hold details for at least one year and be made available to authorised members of South Wales Police upon request.

3) When SIA door staff are employed at the premises a body worn CCTV camera will be used by those staff to capture images and audio of any incidents of disorder. The device(s) used shall be capable of recording video (images) and sound. They shall be used whenever incidents involving conflict or confrontation occur, or are likely to occur.

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.

Prif Gwnstabl **Matt Jukes QPM, MA(Oxon)MSc.** Chief Constable

Images of any incidents/suspected offences recorded onto the body-worn cameras shall be stored for a minimum of 31 days and shall be produced to a police employee on the provision of satisfactory identification, or other responsible authority representative, 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.

4) There will be no use of any external dining area such as the pavement outside.

5) An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to a police employee, and will record the following:

All crimes reported to the venue

Any complaints received (of a Criminal or Licensing nature)

Any incidents of disorder

Any visit by a representative of a relevant authority or a member of the emergency services.

Any failures of the CCTV system.

Protection of children from harm

6) No customers under the age of 16 years shall be permitted on the premises after 23:00 hours unless accompanied by a responsible adult.

7) There should be a sign at the till point reminding staff of the prohibition on serving food and beverages to children under 16 after 23:00 hours unless accompanied by an adult.

Additional evidence to support the notice of objection will be presented at any subsequent hearing before the Licensing sub Committee. This evidence will be pertinent to the location of the premises and will consist of written, statistical or CCTV evidence. If you require any further information please contact Police Licensing Officer Claire Dewhurst at Cardiff Bay police station, Licensing Department on _____ or by email @ _____

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Redrup', with a date '28/11' written to the right of the signature.

J. Redrup
Chief Inspector

Barker, Kirstie

From: Morgan, Rhys
Sent: 20 August 2019 10:26
To: Barker, Kirstie
Subject: FW: Licensing Act 2003: Application for the grant of a Premises Licence - Chicken Cottage, 108 St Mary Street, Cardiff

Hi Kirstie,

Please find Licensing Authority representation in relation to the above application.

I wish to advise that 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 new applications for Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Zone and therefore an objection is submitted in respect to the following Licensing Objectives.

The prevention of crime and disorder.
The prevention of public nuisance.

The operating schedule contains sparse information on how the premises intend to promote the licensing objectives with little consideration to the potential cumulative impact. Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Statement of Licensing Policy and Cumulative Impact Policy. Reliance on operating without incident alone would ignore the purpose of cumulative impact policies, which are not intended to address individual problems at the premises themselves but problems in the wider area.

If representation is sufficient to overturn the rebuttable presumption. It will need to be demonstrated to the Licensing Sub-Committee that there will be no negative cumulative impact on one or more of the licensing objectives if the Premises Licence were to be granted.

Kind regards.

Rhys Morgan

Licensing Section / Adran Drwyddedu

Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg



Shared Regulatory Services
Gwasanaethau Rheoliadol a Rennir

Language Preference

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn yr iaith o'ch dewis, boed yn Saesneg, yn Gymraeg neu'n ddwyieithog cyhyd â'n bod yn ymwybodol o'ch dewis. Cysylltwch â 029 20871651/

Barker, Kirstie

From: Mackie, Norma (Cllr)
Sent: 23 July 2019 14:20
To: Barker, Kirstie
Subject: Representation re: Chicken Cottage 108 St Mary's Street
Attachments: Chicken Cottage 108 St Mary's Street Licensing Representation 23.07.19.docx

Hi Kirstie,
Please find attached me representation re the above.
Regards
Norma

Cllr Norma Mackie

Cynghorydd dros Cathays / Councillor for Cathays

Cadeirydd Trwvddedu a Diogelu'r Cyhoedd / Chair of Licensing and Public Protection

With reference to the application from Chicken Cottage, 108 St Mary's Street Cardiff, applying for a license to remain open from:

Monday and Tuesday: 23:00 to 05:00

Wednesday to Saturday: 23:00 to 03:00

Sunday 23:00 – 05:00

We as the Local Councillors are submitting the following objections to the application as follows, based on the Licensing Objectives:

Prevention of Crime and Disorder

The proposals are likely to increase the incidence of drunken behaviour in the area by attracting more people to the area of the City at that time of night.

Public Safety

There are already incidents of crime and disorder in the area, which will not be reduced by an increase of drunken people on the street for a longer length of time. There were 119 crimes reported in St Mary's Street and Clubs area from March 2019 to May 2019, with similar reported in the other months of the year. 45 of these were recorded as Anti-Social Behaviour, 2 Drugs related, 11 Public Order Offences and 38 for Violence and sexual offences. Most of these offences appear to be in the lower area of St Mary's Street but keeping the Chicken Cottage open later would attract more people to the High Street end and create more problems where there are more residents and a hotel.

Prevention of Public Nuisance

Extending the opening hours of the premises will increase the noise, litter and disruption to residents in the blocks of flats and other businesses, particularly hotels, in the area. We feel that extending the opening hours at this business is not conducive to the Licensing Objectives.

Cumulative Impact Policy

This premises falls within the Cumulative Impact Policy of Cardiff Council which assumes the application will be rejected unless it positively promotes the Licensing Objectives. As addressed above it is very difficult to see how they could achieve that presumption and therefore this application should be rejected.

Regards

Norma Mackie on behalf of the Cathays Councillors

Cllr N Mackie, Cllr S Merry, Cllr C Weaver, Cllr A Ahmed
Cathays Councillors