

LICENSING SUB-COMMITTEE: 17th January 2020

Report of the Head of Regulatory Services

Application to vary Premises Licence CCCP02099

Application No: 045316

Premises: Convenience Store, 46 Tudor Street, Cardiff, CF11 6AJ

Ward: Riverside

1. **Application**

1.1 An application has been received from Zaeka Limited to vary the Premises Licence in respect of 46 Tudor Street, Cardiff, CF11 6AJ.

1.2 The current licence permits the following:

The supply of alcohol for consumption off the premises

Monday to Sunday: 08:00 to 23:00

1.3 The application requests the following:

The supply of alcohol for consumption off the premises

24 hours a day, 7 days a week

1.4 A site plan of the premises can be found attached as **Appendix A**.

1.5 A location map showing the premises can be found attached as **Appendix B**.

2. **Promotion of Licensing Objectives.**

2.1 The additional conditions proposed by the applicant to meet the licensing objectives are attached as **Appendix C**.

3. **Relevant Representations**

3.1 A representation has been submitted by South Wales Police, a copy of which is attached as **Appendix D**.

- 3.2 A representation has been submitted by the Noise Pollution team of Shared Regulatory Services, a copy of which is attached as **Appendix E**.
- 3.1 A representation has been submitted by the Cardiff & Vale Public Health Team, a copy of which is attached as **Appendix F**.

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 need to be discussed.

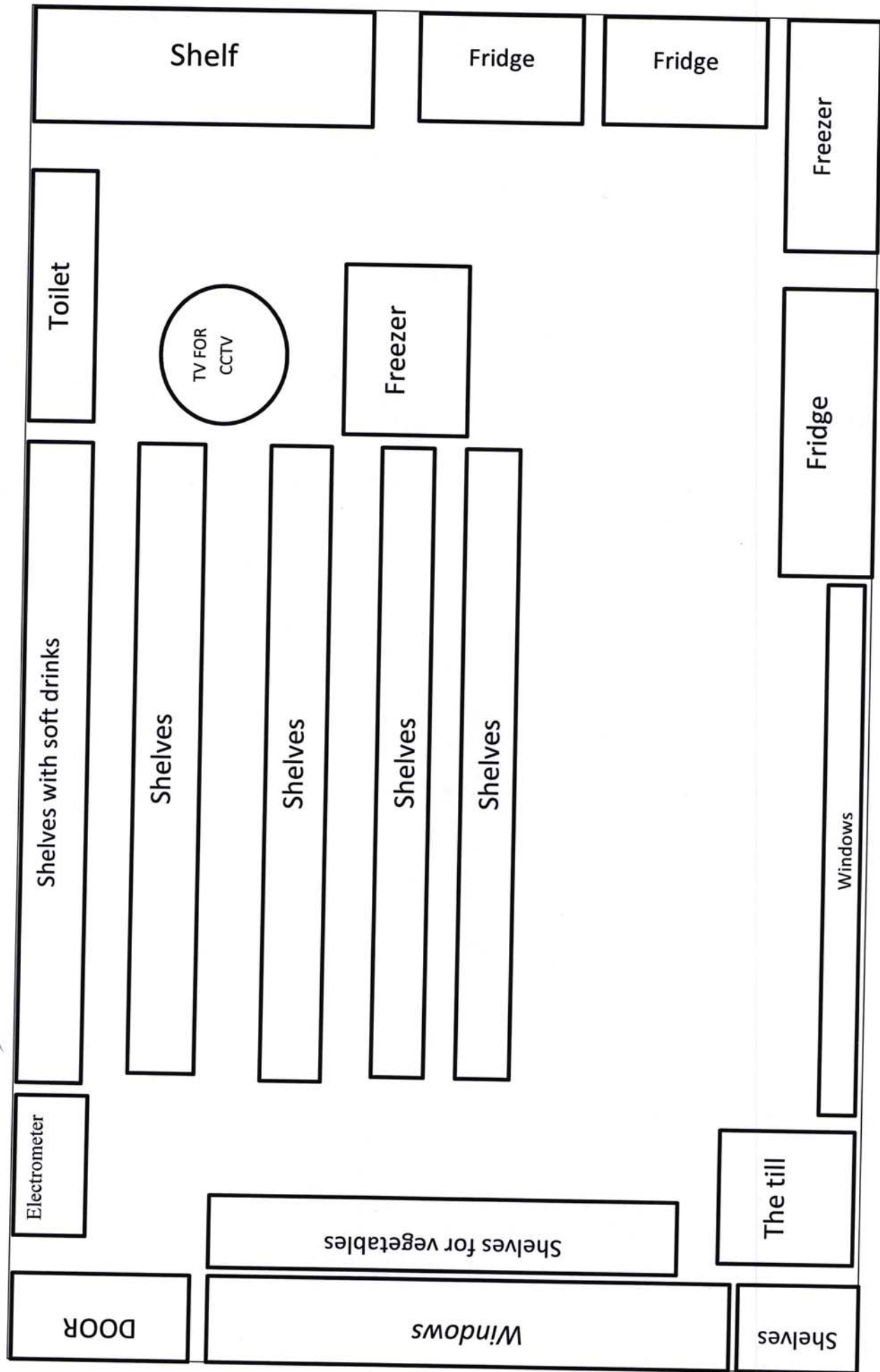
Dave Holland
Regulatory & Supporting Services

31 December 2019

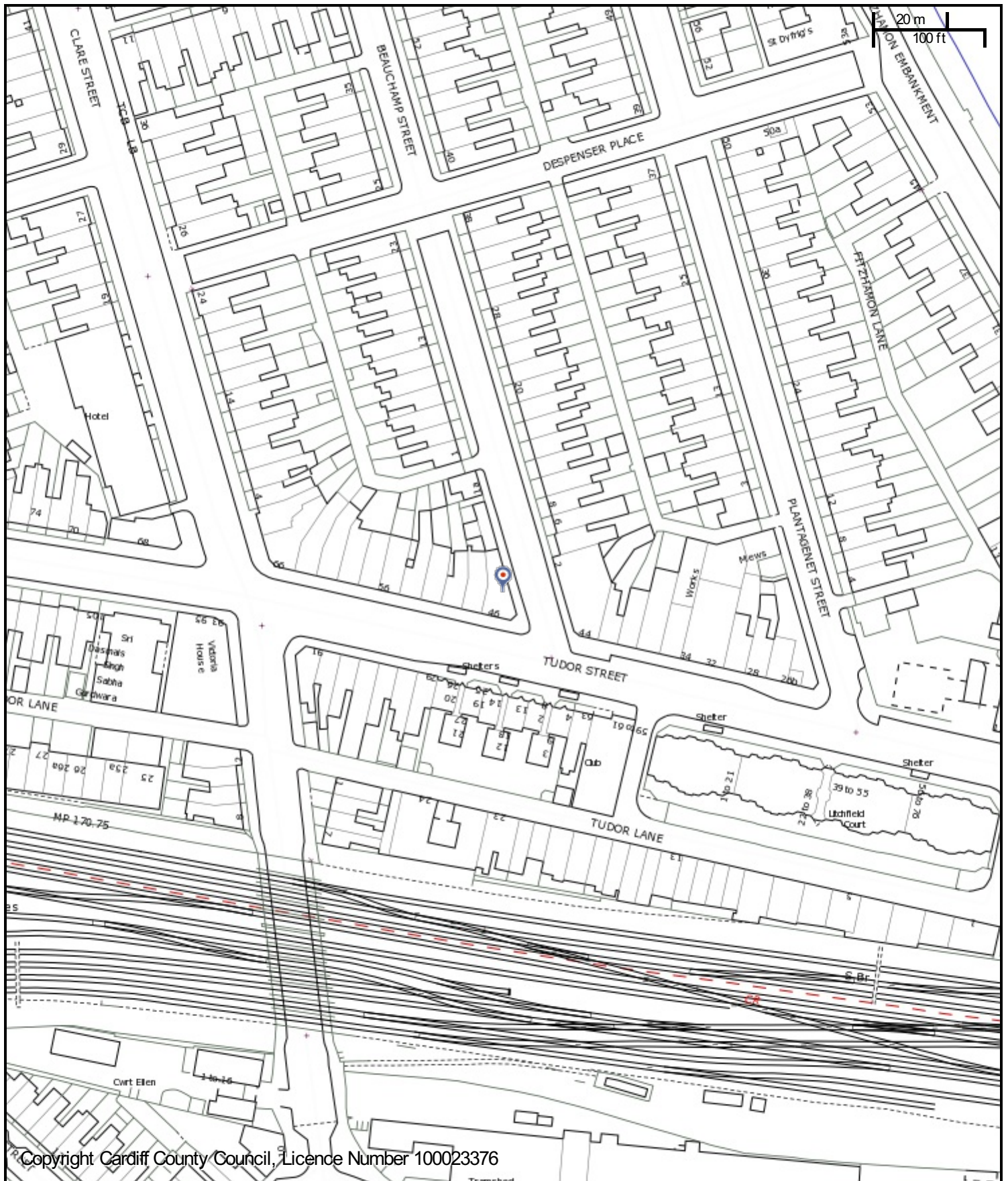
APPENDIX A

46 TUDOR STREET, CARDIFF, CF11 6AJ

ZAEKA LTD, CONVIENCE STORE



APPENDIX B



Copyright Cardiff County Council, Licence Number 100023376

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: 31/12/2019 at 12:15 PM

Coordinates:

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Ordnance Survey 100023376 (2014).

APPENDIX C

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

- * CCTV system
- * Safe capacity limits
- * Crime prevention notice
- * Proof of age scheme

b) The prevention of crime and disorder

* In the premises will be installed a CCTV system will be able to record for 30 days. There will be an incident book with full information about refused alcohol sales and disorder.

c) Public safety

All safety certificates and inspection reports will be kept. The license holder or people authorised by them will be checking the premises before it opens to the public.

d) The prevention of public nuisance

The license holder will ensure that the volume of the music or noise are appropriate and is not disturbing anyone.

e) The protection of children from harm

A challenge 25 will be placed in couple of places in the premises.

APPENDIX D

From:

Cc: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Subject: objection letter prem vary 46 Tudor St.
Date: 13 December 2019 14:31:51
Attachments: [objection letter prem vary 46 Tudor St..doc.doc](#)

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Dear Ms. Ivanova,

Please find attached the police objection regarding the application to vary the premises licence.

Regards

Tony


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.

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

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.

Unauthorised use or disclosure of this email may be unlawful. View our confidentiality statement at <https://www.south-wales.police.uk/en/email-confidentiality-statement/>

Gallai defnyddio neu ddatgelu  neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <https://www.south-wales.police.uk/cy/datganiad-cyfrinachedd-e-bost/>

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

12th December 2019

Yordanka IVANOVA,
50a Tudor Street, Cardiff CF11 6AJ.

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

“CONVENIENCE STORE, 46 TUDOR STREET, CARDIFF CF11 6AJ.

I, Chief Inspector MILES of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application for a variation of a premises licence for “CONVENIENCE STORE, 46 TUDOR STREET, CARDIFF.

This objection is made under the Licensing Objectives of;

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

(The premises are near the city centre cumulative impact zone.
There is a high proportion of alcohol related anti-social behaviour in Tudor Street.
The sale of alcohol throughout the night will exasperate these problems.
There are occupied dwellings in the very near vicinity of the store.)

Should you have any queries regarding the above objection, please contact Licensing Officer Tony BOWLEY at the Licensing Department, Cardiff Bay Police Station. Telephone

Yours faithfully,

R. MILES
CHIEF INSPECTOR.

APPENDIX E

From: [Jenkins, Tomos](#)
To: [Barker, Kirstie](#)
Subject: Licensing Act 2003 - Premises Licence Variation: 46a Tudor Street
Date: 25 November 2019 16:06:36
Attachments: [image001.png](#)
[725988_SRSEP031-CardiffCouncilRepresentationFormWORD_20191121115512.pdf](#)

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Hi Kirstie

Further to your email dated 21/11, find attached amended representations with no reference to recorded music.

Trust this is of assistance.

Tom.



Mr Tomos Jenkins
Neighbourhood Services Officer / Swyddog Gwasanaethau Cymdogaeth
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir
Bridgend, Cardiff and the Vale of Glamorgan
Pen-y-bont ar Ogwr, Caerdydd a Bro Morgannwg
e-mail / e-bost:

Representation Submission Form

Licensing Act 2003 - Representation in respect of Premises Licence Applications

Details of person or body making representation

Your Name:	Tomos Jenkins
Your Address:	City of Cardiff Council, City Hall, Cathays Park, Cardiff CF10 3ND
Phone Number:	
E-mail:	

Details of premises representation is about

Name and Address of Premises:	46A Tudor Street, Riverside, Cardiff, CF11 6AJ
Application Number: <i>(if known)</i>	725988

Please tick one or more of the licensing objectives that your representation relates to:

Prevention of crime and disorder	<input type="checkbox"/>	Yes
Public Safety	<input type="checkbox"/>	Yes
Prevention of public nuisance	<input checked="" type="checkbox"/>	Yes
Protection of children from harm	<input type="checkbox"/>	Yes

Please summarise your concerns about this application:

I wish to object to this application.

I have concerns regarding the application on the grounds that it does not promote the licensing objective of the "Prevention of Public Nuisance" and also that the application is not in line with the Cardiff Council Statement of Licensing specifically in regards to Licensing Hours as set out in 7.3, the Off-Sales of Alcohol and 7.4c Prevention of Public Nuisance.

The application seeks to extend the opening hours of the store to 24/7 with the prime aim of selling alcohol in these hours, the current closing time being 2300 hours. It is worth noting at this juncture that the World Health Organisation (WHO) consider the hours between 2300 and 0700, night time. I am particularly concerned about noise Night time noise from 3 aspects.

- Patrons entering and exiting the premises throughout the night to purchase alcohol and staying within the vicinity, congregating to consume said alcohol whilst creating noise . This will result in disturbing sleep to the residents who live directly above the dwelling, and in the vicinity where almost all other units have residential above their units. Environmental Health Practitioners are unable to deal with noise complaints of people in the street, but receive complaints nonetheless; it should therefore be considered strongly at licensing stage to prevent Public Nuisance occurring;
- There are no other premises of this kind in the immediate vicinity therefore likely to attract a significant number of people from the surrounding streets.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives:

In summary, the applicant has not adequately outlined how the above measures would be mitigated and as such failed to demonstrate that they are promoting the licence objective.

The authority deals with all representations received in an open and transparent manner. By law the authority must provide the details of any representation to the applicant. The authority will also provide full details to the Licensing Committee to ensure that members have the full information when determining any application at a hearing. Details of any hearing must be made publically available and will be available on the Council website.

By submitting this form you are giving permission for the authority to make the information supplied publically available.

Return your completed form to:

By Post:

Licensing Section, City of Cardiff Council, Room 203 City Hall, Cardiff CF10 3ND

By E-mail:

licensing@cardiff.gov.uk

APPENDIX F

From:
To: [Licensing \(Licensing Regulatory\) / Trwyddedu \(Rheoleiddio Trwyddedu\)](#)
Subject: Response to application for licence variation for 36 Tudor Street.
Date: 18 December 2019 17:20:32
Attachments: [Response letter to 46 tudor Street from Health Board.pdf](#)

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Dear Miss Claire Hartrey,

Please find attached a response from the Health Board regarding the application for 46 Tudor Street 24 hour opening.

Please can you let me know you have received it ok, and confirm when the hearing will be planned for?

Kind regards,

Lauren

Lauren Idowu

Prif Arbenigwr Hyrwyddiad Iechyd
Iechyd Cyhoeddus Cymru, Tim Iechyd Cyhoeddus Caerdydd a'r Fro, Ty Coetir, Heol
Maes-Y-Coed, Llanishen, Caerdydd, CF14 4HH

Principal Health Promotion Specialist
Public Health Wales, Cardiff and Vale Public Health Team, Woodland House, Maes-Y-
Coed Road, Llanishen, Cardiff, CF14 4HH

Ebost/Email: I
Rhyngwrwyd/Internet: www.iechydscyhoedduscymru.wales.nhs.uk /
www.publichealthwales.org
Mewnwrwyd/Intranet: <http://www.publichealthwales.nhs.uk>

Please note my working days are Monday to Thursday.



GIG
CYMRU
NHS
WALES

Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
Cardiff and Vale
University Health Board

Executive Headquarters / Pencadlys Gweithredol

Woodland House
Maes-y-Coed Road
Cardiff
CF14 4TT

Ty Coedtir
Ffordd Maes-y-Coed
Caerdyd
CF14 4TT

Eich cyf/Your ref:
Ein cvf/Our ref:

Fiona Kinghorn- Executive Director of Public Health

Miss Claire Hartrey
Team Manager
Shared Regulatory Services
Bridgend, Cardiff and the Vale of Glamorgan
City Hall,
Cardiff, CF10 3ND

17th December 2019

Dear Miss Hartrey,

In accordance with the Health Board's role as a responsible authority, I can confirm we have received the following application for a premises license variation for: - 46 Tudor Street, Riverside, Cardiff, CF11 6AJ.

We understand that this premise wishes to extend sales of alcohol to 24 hours. The Cardiff Statement of Licencing Policy recognises the potential negative impact of increased availability of alcohol, stating "Off-licences that open later in the evening, or sell alcohol products attractive to street drinkers, are considered a higher risk of adversely affecting the licensing objectives". (Cardiff Statement of Licencing Policy 2018 - 2021)

This application will increase the availability of alcohol within the Riverside area of Cardiff, and we anticipate it will contribute to a maintenance or likely increase in the number of incidents of anti-social behaviour, nuisance noise, crime and alcohol related hospital admissions. Evidence shows us that:

- Opening hours and density of alcohol sales outlets influence alcohol consumption, drinking patterns and damage due to alcohol¹
- Reducing alcohol availability and access is key to preventing alcohol related problems in the community².
- Research into the patterns of alcohol availability and alcohol related harm over time in Wales found that changes leading to the increased availability of alcohol were related to an increase in alcohol-related harm, such as excessive alcohol consumption, hospital admissions and violent crimes³.

¹ Popova S et al (2009) Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol & Alcoholism*. 44, pp. 500 – 16.

² Gorman and Horel (2005) Drug 'hot-spots', alcohol availability and violence. *Drug and Alcohol Review*. 24, pp. 507 – 513. Available at: <http://onlinelibrary.wiley.com/doi/10.1080/09595230500292946/abstract> [Accessed 5th June 2013]

³ Fone D et al (2016) Change in alcohol outlet density and alcohol-related harm to population health (CHALICE): a comprehensive record-linked database study in Wales. *Public Health Research Volume: 4 Issue: 3* <http://www.journalslibrary.nihr.ac.uk/phr/volume-4/issue-3#plain-english-summary>



Data from the a report compiled by Cardiff Council into the Night Time Economy showed that between the hours of 18:00 and 06:00 in 2018/19 Riverside, where the premises is based,

had the second highest count of Violence against the Person in the City (appendix 1). The area of Riverside also has higher than average incidences of ASB (appendix 2). Health related dated shows that the premises is located in an area with high alcohol-specific admission rates as compared to the rest of the City (appendix 3).

We therefore wish to make representation under the licencing objectives of Prevention of Public Nuisance, Prevention of Crime and Disorder and Public Safety.

If there are any queries regarding this response, please contact us on 02921836497.

Yours sincerely

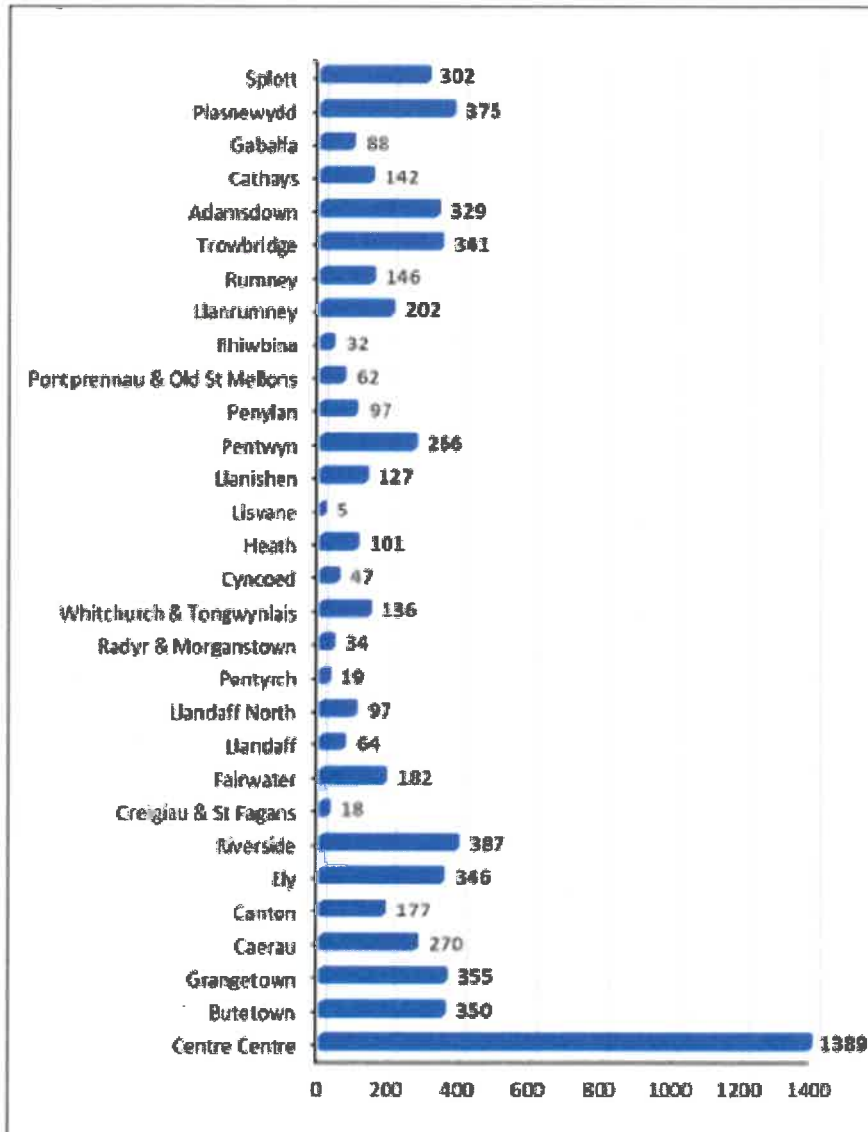


Fiona Kinghorn

Executive Director of Public Health

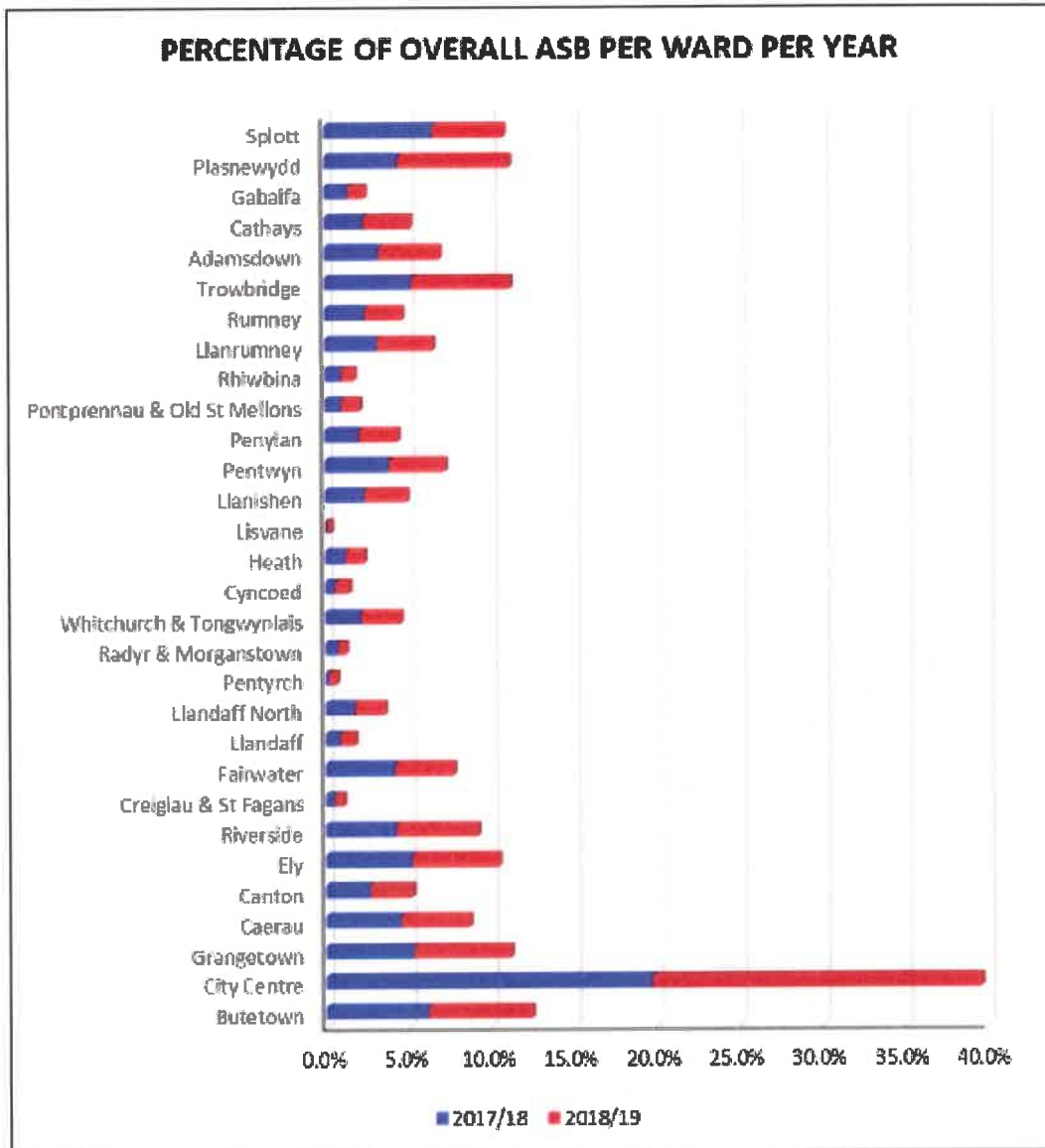
Appendix 1

Violence against the Person, which occurred between 18:00 and 06:00 hours. The following chart shows the total number of offences which occurred between 2018/19.



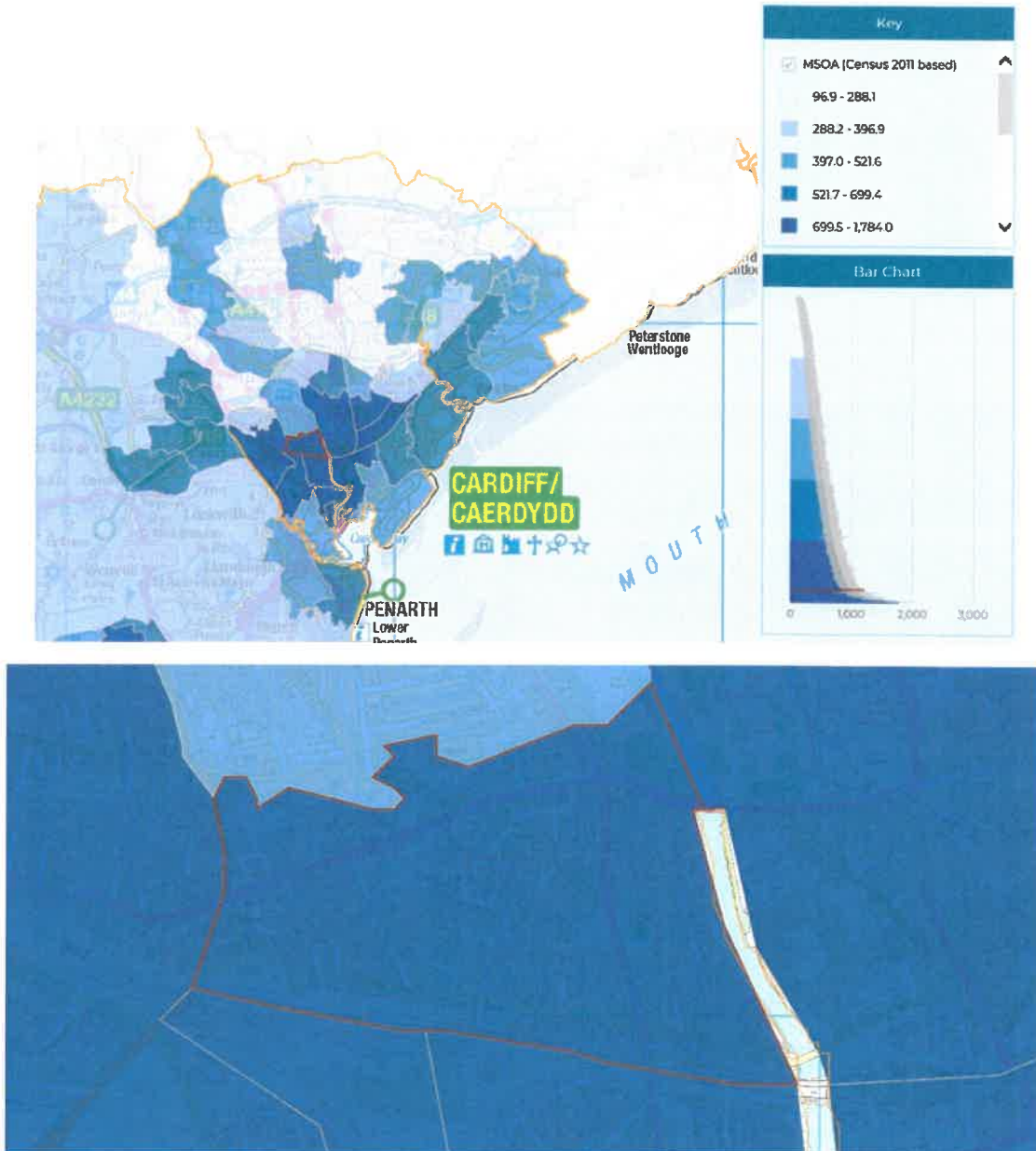
Appendix 2

Comparison of the percentage of overall ASB incidents 17/18 – 18/19 with each ward accounting against the Cardiff total for the last two years.



Appendix 3

alcohol-specific: Admission Rates (Age-Standardised) per 100K pop - 2 Yr avg (FY 16/17 - 17/18)



Alcohol Specific Admission Rate 17/18

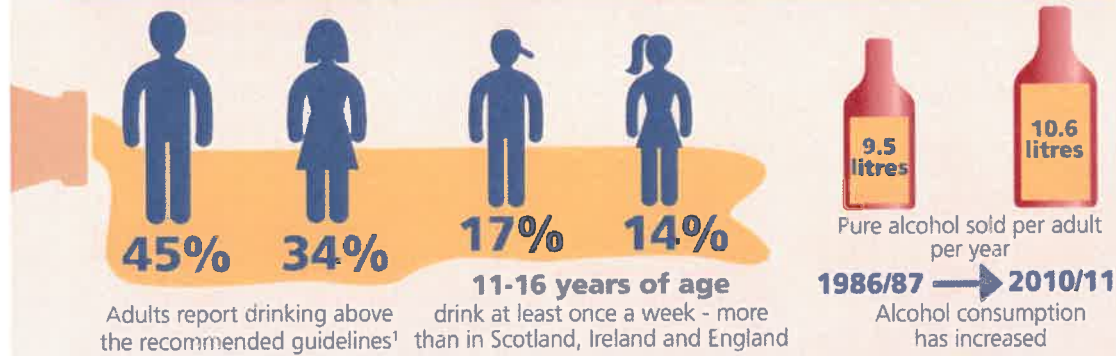
Area	Alcohol Specific Admission Rate 17/18
MSOA 42 (shown in red above)	997.9
Cardiff and Vale UHB	431

Data from NHS Wales Data Informatics:

<https://www.healthmapswales.wales.nhs.uk/IAS/dataviews/report/multiple?reportId=60&viewId=147&geoTypeId=107,108,109,110>

Addressing Alcohol Misuse in Wales

Alcohol remains a major threat to public health in Wales



Alcohol remains a major cause of death and ill health with high costs to the individual, the health system, the society and economy in Wales

Health impact

Alcohol is associated with

- more than **200** types of **chronic disease, accidents and injuries**
- 1,500** deaths per year = **1 in 20** of all deaths
- Alcohol hurts the poorest the most**

Cost to overall economy

Heavy drinking increases the **risk of unemployment and absences** from work

- 800,000** working days per year lost due to absences
- 1 million** working days lost due to **job loss or reduced employment opportunities**

Societal impact for Wales

Alcohol is associated with

- more than **6000** cases of domestic violence each year
- more than **£1 billion** cost of harm to society each year

Cost to NHS Wales

- £70 - £73 million** in 2008/09
- £35 - £37 million** emergency department attendances in 2008/09

¹ Accurate as per latest data collection 2015 (Welsh Health Survey 2016) using 1995 alcohol guidelines (proposed new guidelines in 2016). Measured as men drinking more than 4 units and women drinking more than 3 units on at least one day in the past week