

**LICENSING SUB-COMMITTEE: 31 January 2020**

**Report of the Head of Regulatory Services**

**Application for Premises Licence - Grant**

**Application No: 047016**

**Name of Premises: Chilli Flames, 95 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 TN Ventures Limited in respect of Chilli Flames, 95 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):

“Restaurant and takeaway premises on ground floor and basement”

(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 map showing the premises and a plan of that premises can be found in *Appendix A*.

**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*.

#### **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.

**Dave Holland**  
**Regulatory Services**

**16 January 2020**



LOCATION PLAN 1:250

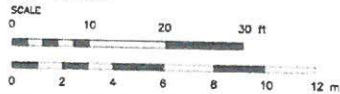


SITE PLAN 1:500

NOTES

- 1 The contents of this drawing are copyright.
- 2 Do not scale. Figure dimensions only to be used.
- 3 Dimensions must verify all dimensions and report any discrepancies before setting out. It is not to be used for making any shop drawings.

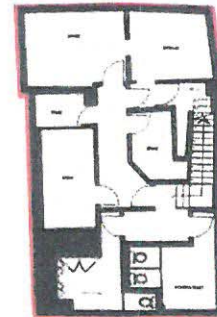
IF PRINTED CORRECTLY, THIS MEASURES 12M  
AT 1:200



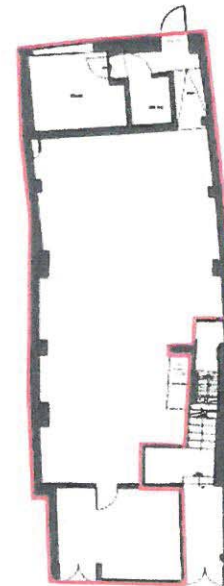
**WE CERTIFY THIS TO BE A TRUE COPY**

TAKEN FROM THE VENTURE LTD LEASE  
**OF THE ORIGINAL DOCUMENT.**

*Guys Jones R*  
*M. P. [Signature]*  
*18/12/19*



BASEMENT PLAN 1:200



GROUND FLOOR PLAN 1:200

**WATTS HOLT**

95 COMMERCIAL ROAD  
ASHLEY CROSS POOLE  
DORSET, BH14 6JD  
W: www.wattholt.com  
T: (01202) 481888

Revision

Project:  
95 St Mary Street,  
Cardiff,  
CF10 1DX

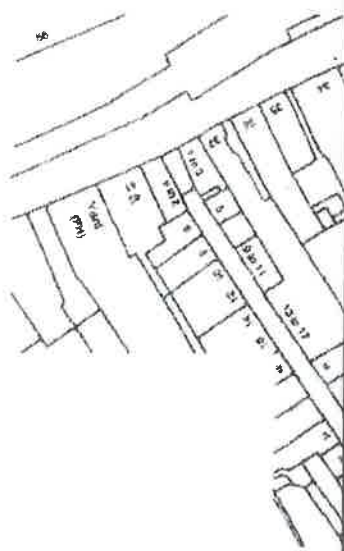
Client / Brand:  
**Pearl Restaurants Ltd**  
via **Rococos cocktail bar**

Drawing Title:  
**Basement and Ground Floor**  
**LEASE PLAN DRAWINGS**

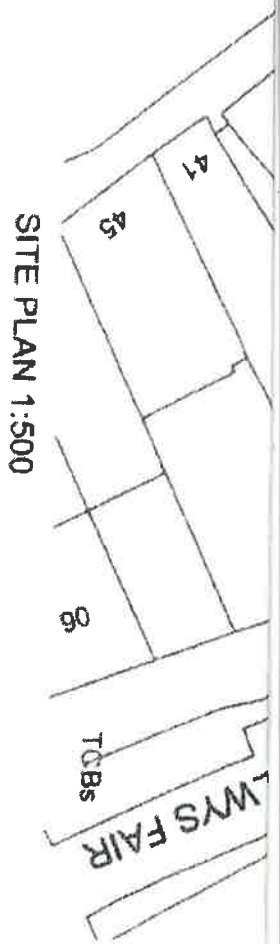
Scale: 1:200 @ A3	checked
Date: 27/09/2017	drawn

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PLAN OF PREMISES



PLAN 1:250



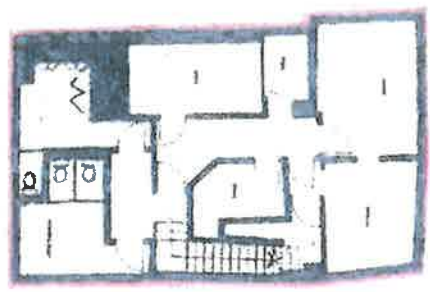
SITE PLAN 1:500

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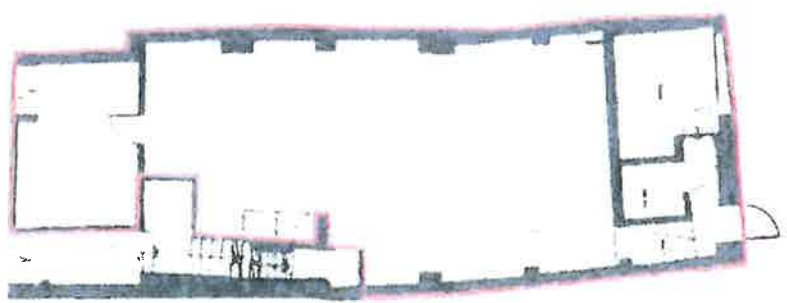
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BASEMENT PLAN 1:200



GROUND FLOOR PLAN 1:200

**WATTS | HOLT**

17 CONVALESCENT ROAD  
 ABERCROMBY CROSS, PLYMOUTH  
 CONTACT: 01752 414140  
 www.wattholt.com

Project:  
 95 St Mary Street,  
 Cardiff,  
 CF10 1DX

Client / Brand:  
 Pearl Restaurants Ltd  
 Via Rococo's cocktail bar

Basement and Ground Floor  
 LEASE PLAN DRAWINGS

Scale	1:200 @ A3	1 sheet
Date	27/09/2017	Sheet
14 150 - 020		

PLAN OF PERMITS

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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)

TN VENTURES LTD DELIVER A QUALITATIVE PRODUCT TO THE PUBLIC. OUR SENIOR STAFF ARE HIGHLY EXPERIENCED AND JUNIOR STAFF PROPERLY SUPERVISED

b) The prevention of crime and disorder

WE HAVE 16 CCTV CAMERAS STRATEGICALLY POSITIONED TO CAPTURE ALL TRADE BOTH INSIDE THE GROUND FLOOR AND BASEMENT AND EXTERNALLY. THE CCTV MONITOR IS MAINTAINED DURING OPENING HOURS BY MANAGEMENT AND RECORDING IS ON A 24/7 BASIS

c) Public safety

WE DO NOT SELL ANY ALCOHOL PRODUCTS. OUR CLIENTELE IS MATURE AND CHILDREN ATTEND WITH ADULTS. WE HAVE FIRST AID OFFICER AND ONE POINT OF ATTENDANCE SUPERVISION PER SHIFT TO COMMUNICATE WITH PARAMEDIC CREW IF REQUIRED

d) The prevention of public nuisance

THERE IS NO NOISE FROM THE PREMISES. BINS AT THE FRONT ARE EMPTIED REGULARLY AND WASTE PROPERLY STORED AT THE REAR OF PREMISES. WE HAVE NO ROYENT PROBLEMS NOR WILL WE BECAUSE OF STRICT HYGIENE

e) The protection of children from harm

OUR CLIENTELE IS ADULT DRIVEN. WE DO NOT SELL ALCOHOL. STAFF ARE MATURE AND CAPABLE.

From:

**Subject:** Objection CHILLI FLAMES 95 ST MARY STREET  
**Date:** 14 January 2020 13:39:22  
**Attachments:** [Objection CHILLI FLAMES 95 ST MARY STREET.doc](#)

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**\*\*\* 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 fygythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. \*\*\***

Dear Mr. Tahir,

attached is the police objection to the application for a premises licence.

Please could you acknowledge safe receipt.

Should you wish to have the signed original I can post it to you upon request.

Any questions you should have, please contact me by email or phone.

Regards

Tony Bowley

**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.**

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Gallai defnyddio neu ddatgelu'r 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

14<sup>th</sup> January 2020

Mr Tahir NADEEM  
"Chilli Flames"  
95 St. Mary Street,  
Cardiff  
CF10 1DX

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003  
CHILLI FLAMES 95 ST. MARY STREET, CARDIFF CF10 1DX

Dear Mr NADEEM,

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

South Wales Police object to the grant of this application under the Licensing Objectives;  
Prevention of Crime and Disorder  
Public safety.  
Protection of Children from Harm.

(The premises are in the saturation zone as per 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

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.

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.

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.

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.

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.

8) Licensable activity will be confined to the ground floor as per the plan submitted with the application dated 18/12/19. The public will not be allowed into the basement.

Additional evidence to support the notice of objection will be presented at any subsequent hearing before the Licensing sub Committee. If you require any further information please contact Police Licensing Officer Tony BOWLEY at Cardiff Bay police station, Licensing Department on \_\_\_\_\_ or by email

Yours sincerely

R. MILES  
Chief Inspector



**From:** [Morgan, Rhys](#)  
**To:** [Barker, Kirstie](#)  
**Subject:** RE: Licensing Act 2003: Application for the grant of a Premises Licence - Chilli Flames, 95 St Mary Street, Cardiff  
**Date:** 13 January 2020 13:02:43  
**Attachments:** [image001.png](#)

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Good Afternoon Kirstie,

I wish to advise that the Licensing Authority of Cardiff Council will be objecting to the above 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



**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/ [trwyddedu@caerdydd.gov.uk](mailto:trwyddedu@caerdydd.gov.uk) i nodi dewis iaith. Os na fyddwn yn derbyn eich dewis iaith, byddwn yn parhau i gyfathrebu â chi yn unol â'r weithdrefn bresennol. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

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