

LICENSING SUB-COMMITTEE: 26 June 2020

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 050002

Name of Premises: Burger King, 57-59 St Mary Street, Cardiff, CF10 1FE

Ward: Cathays

1. Application

- 1.1 An application for the Grant of a Premises Licence has been received from Unionburger Limited in respect of Burger King, 57-59 St Mary Street, Cardiff, CF10 1FE.
- 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):

“This application is to operate a Burger King restaurant from 8am until 5am. The current design will be for 52 covers on the first floor and 12 on the ground floor. At 8-9pm it is our intention to close access to upstairs and remove the seating from the ground floor thus making the restaurant take away only. As we already operate existing late night restaurants throughout Cardiff, we are fully aware of the measures we need to take to take”.
 - (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 Saturday: 08:00 to 05:00 hours
Sunday: 10:00 to 00:00 hours
 - (4) To provide licensable activities during the following hours:
 - a) The provision of late night refreshment:

Monday to Saturday: 23:00 to 05:00 hours
Sunday: 23:00 to 00:00 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**.
- 3.3 A representation has been received from a local ward Councillor in respect of this application. A copy of this 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.



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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



Title

Scale: 1:1417

Date: 19/3/2020 at 11:08 AM

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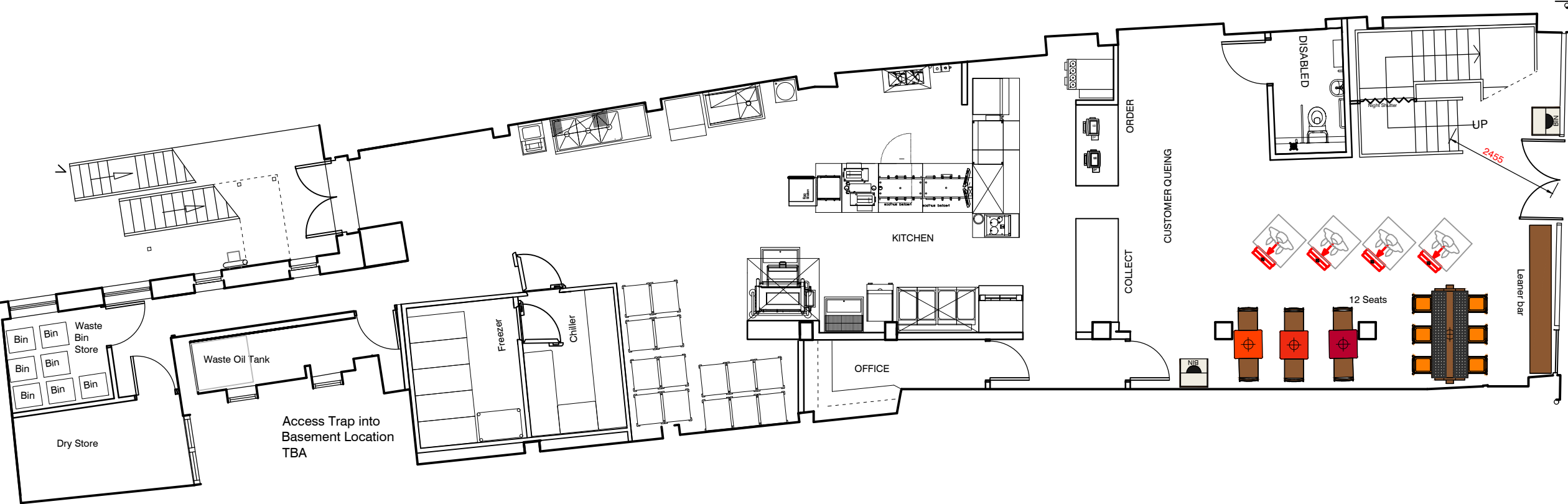
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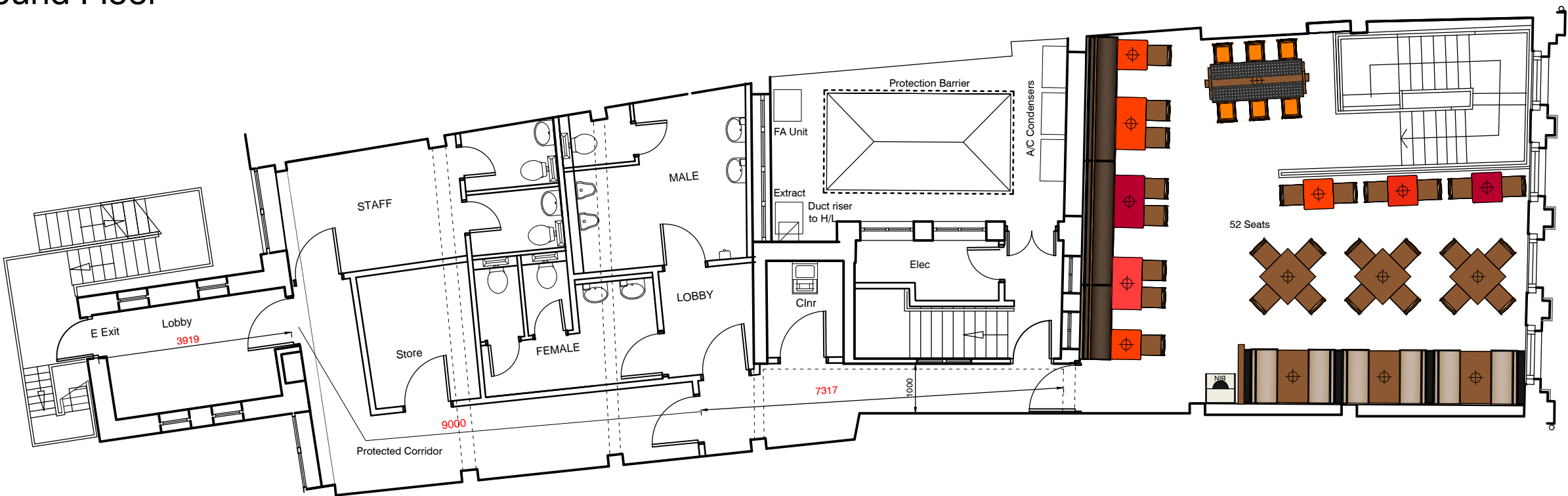
LAYOUT

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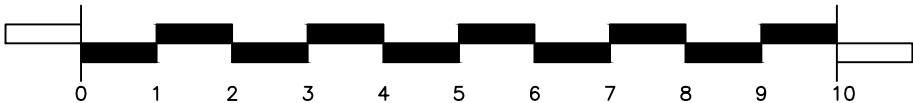


St Mary Street

Ground Floor



First Floor



BURGER KING - 57-59 ST MARY'S STREET CARDIFF CF10 1FE

REV.		
Client	UNIONBURGER Ltd.	
Project	BURGER KING 57 ST MARY STREET, CARDIFF CF10 1FE	
Drawing Title	LAYOUT GROUND & FIRST FLOORS	
Proj. No.	Dwg. No.	Revision
BD/ 1706/19	A3/SK7	
Drawn by	Scale 1:50 @ A1 1:100 @ A3	Date Dec18

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DESIGN

Continued from previous page...

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.

Section 18 of 21

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.

As experienced franchise operators with 11 sites around South Wales (soon to be 14) we are aware of our obligations in adhering to the four licensing objectives.
In Cardiff we already operate two locations until the early hours. We have always worked with the authorities to improve our late night operations.

b) The prevention of crime and disorder

Licensed security personnel will be employed at peak times and special event days. Security will be provided with a Pinnacle CCTV body cam and security radio.
The premises will be covered with a HD CCTV system with approximately 16 cameras with a 20-30 day recording capacity.

c) Public safety

All electrical systems will be checked regularly by an NICEIC electrician.
Gas kitchen equipment will be inspected on a six monthly basis and gas safety certificates obtained.
Fire safety systems will be checked on a regular basis and risk assessment completed.
Extract ductwork will receive a thorough clean every six months conducted to TR19 standards.
A pest control system will be in place with regular preventative visits undertaken.
Food standards agency hygiene certificate will be displayed at entrance.

d) The prevention of public nuisance

Our staff and managers will perform regular patrols of both the customer areas and external to check for litter.
Both internal & External refuse bins will be provided.
Daily litter collections will be arranged with an approved carrier (probably, Cardiff City Council).
Security personnel will monitor the behavior of patrons leaving the premises.

e) The protection of children from harm

As we are a family friendly restaurant chain our trading activities will not put children at risk e.g. we do not sell alcohol, distribute glass in any form or provide any entertainment of an adult nature.
We would however discourage groups of teenagers from congregating in the restaurant late at night.

APPENDIX C

Barker, Kirstie

From:
Sent: 11 March 2020 14:10
To: k
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
k
Subject: objection letter prem application BURGER KING
Attachments: objection letter prem application BURGER KING.doc

***** 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 Baker,

Please find attached the police objection to the application for a premises licence at 57-58 St. Mary Street.

I will telephone you later today.

In the meantime I am on 02920 or you can email me.

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.

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'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

5th March 2020

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

**“BURGER KING”, 57-58 St. MARY STREET, CARDIFF CF10
1FE**

I, Chief Inspector M. CONQUER of the South Wales Police for the district of Cardiff, hereby give notice that an objection shall be made to the application for the grant of a premises licence for “BURGER KING”, 57 St. Mary Street, Cardiff CF10 1FE.

This objection is made under the licensing objectives of;
The prevention of crime and disorder,
Public safety.

The prevention of public nuisance.

The protection of children from harm.

(The premises are in a saturation policy zone, there is a disproportionate amount of crime, disorder and public nuisance in the area.)

p.t.o.

Should the committee be minded to grant this application South Wales Police ask that the below conditions be attached to the licence.

1. A CCTV system shall be installed to a standard as approved by South Wales Police and maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises where the public have access {excluding toilets} including all entrances and exits and any external areas associated with the premises. The images shall be kept for a minimum of 31 days and shall be produced to a Police employee in a readily playable format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

2. Members of the public shall not be permitted to consume food and drink or remain in any outside area under the control of Burger King St. Mary Street between the hours of 2300 and 0500 each day.

3. Security Industry Authority (SIA) Door Supervisors will be employed at the premises each day from 2300 hours to close. On major event days there will be a minimum of two SIA registered door supervisors from 2300 to close.

4. When SIA registered door supervisors are employed at the premises they will utilise at least one body worn video device. Any such device will be capable of recording both audio recordings and visual images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available format immediately upon request when the premises are open and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above.

5. A register of door supervisors shall be kept at the premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee on request.

6. An incident book will be kept and maintained at the premises at all times. It shall be made available on request to a Police employee. This book will record the following:

All crimes reported at the venue

Any ejections of patrons

Any disorder on the premises

Any visit by representatives of a relevant authority or emergency service

Any failure of the CCTV system.

7. Persons under the age of 16 years must not be permitted to enter or remain on the premises after 23:00 hours unless accompanied by a person over the age of 21 years. A notice to this effect must be prominently displayed at the entrance/exit to the premises.

8. The Premises Management must ensure that any WIFI System used at the premises can be switched off at times to prevent or defuse any anti-social behaviour or at the request of Police.

9. From 2300 hours each day only the ground floor area will be used by customers. All ground floor seating will be removed or made inaccessible to customers.

10. The premises shall operate a radio system which is monitored by the Local Authority and South Wales Police.

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,

M. CONQUER
CHIEF INSPECTOR.

COPY TO:-

Dan COOK
Operations Manager,
Licensing & Strategic Services
Cardiff County Council,
City Hall,
Cardiff.
CF10 3ND.

Anthony Bowley
Police Licensing Officer
Cardiff Bay Police Station

Barker, Kirstie

From: Morgan, Rhys
Sent: 06 March 2020 18:11
To: Barker, Kirstie
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, 57-58 St Mary Street, Cardiff, CF10 1FE

Good Afternoon Kirstie,

In regard to the above application for grant premises license, 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 minimal 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
Telephone |



Language Preference

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APPENDIX E

Barker, Kirstie

From: Mackie, Norma (Cllr)
Sent: 09 March 2020 16:30
To: Barker, Kirstie
Subject: Licensing Objection Burger King St Mary's Street 03.20
Attachments: Licensing Objection Burger King St Mary's Street 03.20.docx

Hi Kirstie,
Please find attached my objection on behalf of the Cathays Councillors in relation to the Burger King St Marys Street Application.
Regards
Norma

I write on behalf of myself and Cllrs Weaver, Ahmed and Merry, as councillors for Cathays, in relation to Unionburger Limited's License application for:

Burger King, 57-58 St Marys Street,
Cardiff, CF10 1FE

For the provision of late night refreshment (indoors):

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 04:00

We wish to object to the application on the basis that this application will not promote the following Licensing Objectives and comply with the Council's Cumulative Impact Policy:

Prevention of Crime and Disorder

Allowing this premises to opening until 5am every day except Sundays, when they want to open until 4am, is likely to increase the incidence of drunkenness and disorderly behaviour in the St Marys Street. This area already has problems with people leaving late night clubs and bars under the influence of alcohol or other drugs. Police records show that 43 crimes, in the last 3 months, were recorded in St Marys Street, with the majority being violence or sexual offenses, public order, anti-social behaviour or criminal damage. We are aware that violent incidents are occurring outside of take away restaurants in the City Centre taking limited police resources away from preventing other crime.

Public Safety

As already described, approving this licence will encourage an increase in the number of intoxicated people coming to the street to use the premises increasing the risk of anti-social and violent behaviour and another premises for the police to have to deal with.

Burger King also provide a delivery service and meals are normally delivered by cyclists. To increase the number of cyclists on St Marys Street can only create a greater hazard to public safety especially when this area is known for large numbers of intoxicated people being on the street late at night.

Prevention of Public Nuisance

Opening until 4am and 5am will increase the noise from customers adding to the disruption to residents who live in the flats very close to the premises.

Cumulative Impact Policy

St Marys Street comes under Cardiff Council's Cumulative Impact Policy which covers the licensing of fast food and take away premises. The Policy presumes that the application for new licenses in that area will be refused unless the applicants can

show exceptional circumstances in the way they will promote the Licensing Objectives.

It is difficult to see how a Burger King open until 5am, in a volatile area, will be exceptional in promoting the Licensing Objectives in St Marys Street.

We would ask you to reject this application.

Regards

Norma Mackie

Cllr Norma Mackie and on behalf of Cllrs Chris Weaver, Ali Ahmed and Sarah Merry