

LICENSING SUB-COMMITTEE: 6th November 2020

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 055317

Name of Premises: Chilli Flames

Ward: Plasnewydd

1. Application

1.1 An application for the grant of a Premises Licence has been received from Evita Ventures Limited in respect of Chilli Flames, 216 City Road, Roth, Cardiff, CF24 3JH.

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 and outdoors)

(2) Description of Premises (as stated by applicant):

“Takeaway mainly, but does have seating for roughly 24”

(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: 11:00 to 05:00

(4) To provide licensable activities during the following hours:

a) The provision of late night refreshment (indoors and outdoors):

Monday to Sunday: 23:00 to 05:00 hours

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

1.4 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 to the report and can be found in **Appendix C**.

3. Relevant Representations

- 3.1 A representation has been received from South Wales Police in respect of this application. The conditions suggested by the Police have been agreed and the objection has therefore been withdrawn. A copy of the Police representation and the agreement can be found in ***Appendix D.***
- 3.2 A number of representations have been received from local residents in respect of this application. Copies of the representations 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

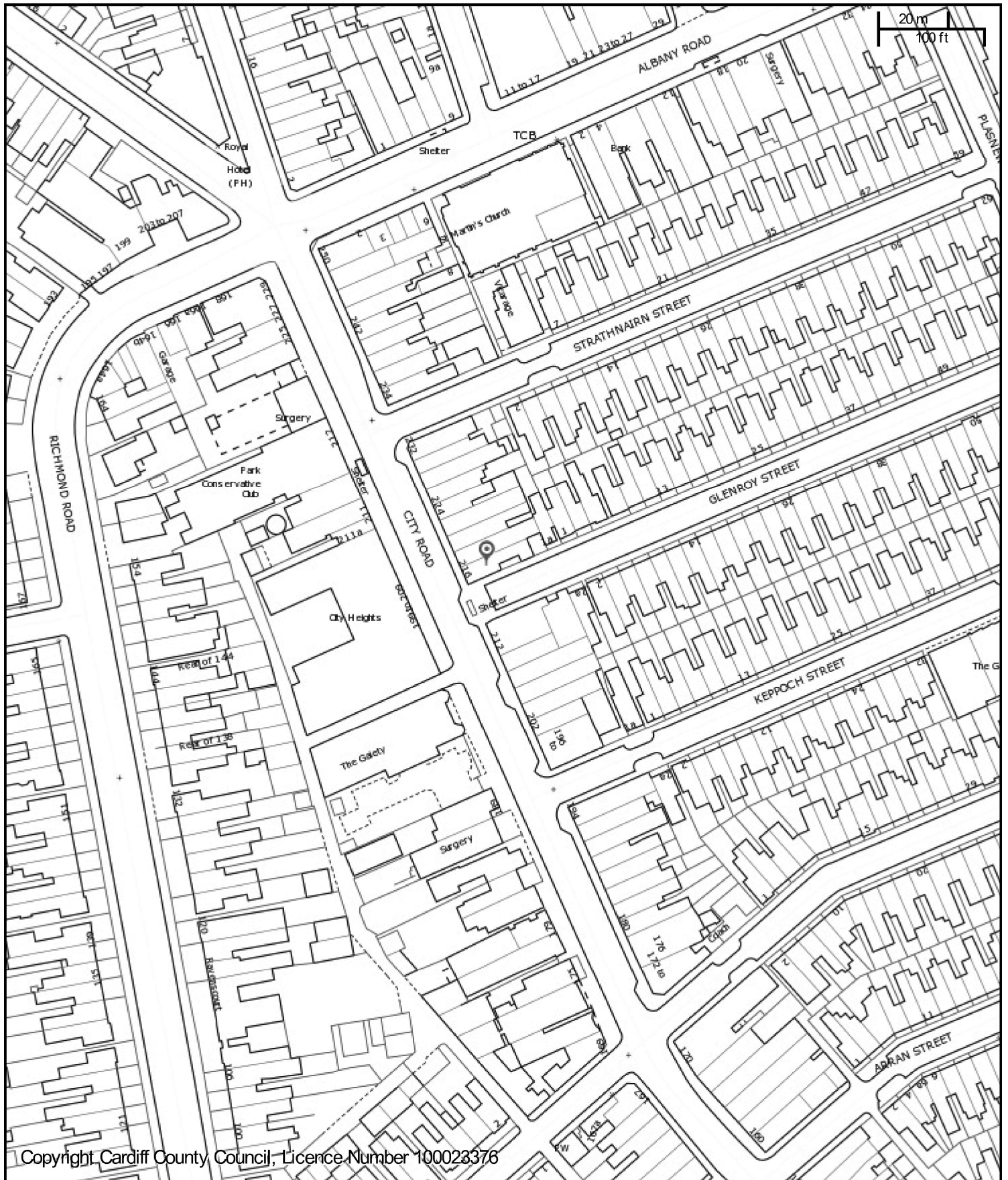
- 4.2 In each case the Sub-Committee may make the following determination

- 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.



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

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Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Mon	11:00	05:00	
Tue	11:00	05:00	
Wed	11:00	05:00	
Thur	11:00	05:00	
Fri	11:00	05:00	
Sat	11:00	05:00	
Sun	11:00	05:00	

M

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)

- Premises has 24 hour CCTV
- Panic button
- Screen on counter
- Landline for the premises should emergency services need to be called
- COVID 19 measures in place
- First aid kit
- Fire blanket
- Reinforced glass
- No children under the age of 18 to enter the premises after 11pm unless with an adult

b) The prevention of crime and disorder

- Premises has 24 hour CCTV
- Panic button
- Screen on counter
- Landline for the premises should emergency services need to be called
- COVID 19 measures in place

c) Public safety

- Premises has 24 hour CCTV
- Panic button
- Screen on counter
- Landline for the premises should emergency services need to be called
- COVID 19 measures in place
- First aid kit
- Fire blanket
- Reinforced glass

d) The prevention of public nuisance

- Premises has 24 hour CCTV
- Landline for the premises should emergency services need to be called

e) The protection of children from harm

- No children under the age of 18 to enter the premises after 11pm unless with an adult

Barker, Kirstie

From:
Sent: 23 September 2020 10:13
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: reps re CHILLI FLAMES
Attachments: reps re CHILLI FLAMES.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 fgythiadau, meddylwch cyn agor atodiadau gan anfonwyr nad ydych yn eu hadnabod. ***

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Please find attached the police representations regarding this application.

Should you have any questions, please email me or telephone me on

If you are agreeable to these conditions being placed on the premises licence, then please email me in the affirmative and copy in Cardiff Council Licensing.

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.

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

22nd September 2020

**Re APPLICATION FOR THE GRANT OF A PREMISES
LICENCE “CHILLIE FLAMES”, 216 CITY ROAD, CARDIFF,
CF24 3JH**

I have caused enquiries to be made into this application and make the following representation that I wish to be considered when deciding on the licensable activity and conditions for this licence.

We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

Should the applicants agree to comply with the representation made to meet the Licensing Objectives before a hearing then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Committee.

POLICE REPRESENTATION

1. The terminal hour for late night refreshment shall be 0400 each day.
2. A cctv system shall be installed to a standard agreed with South Wales Police. The system shall be maintained and operated at all times the premises are open to the public. The system shall cover all parts of the licensable areas to which the public have access (excluding toilets) and any outside areas, exits and entrances used by customers. Images shall be kept for a minimum of 31 days.

The images shall be produced to a Police employee immediately upon request when the premises are open and at all other times as soon as is reasonably practical. There will be sufficient staff training to facilitate the above.

3. The maximum number of customers consuming hot food inside the premises will be no more than twenty four at any one time. Customers must be seated while consuming food.

4. An incident log (whether in written or electronic format) will be provided and used to record details of any incidents that may be of interest to Police, e.g. incidents involving crime and/or disorder, matters where child and/or public safety is threatened and also where public nuisance may be/has been caused. The log will be made available to the Police or other responsible authority on request.

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder.

The protection of children from harm.

Additional evidence to support the notice of the objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information then please contact Police Licensing Officer Tony Bowley at the Cardiff Bay Police Station

Yours faithfully,

M. CONQUER
Chief Inspector.

Barker, Kirstie

From:
Sent: 23 September 2020 12:17
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: RE: reps re CHILLI FLAMES

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Laura and Council Licensing,

I can confirm that all is agreed between the police and the applicants in this

matter.

Regards

Tony

From:
Sent: 23 September 2020 11:09
To:
Subject: RE: reps re CHILLI FLAMES

Thanks Tony, no probs.

3 is agreed, with the covid social distancing restrictions at the moment there is reduced seating in the property to comply with this, once (when) the covid situation returns back to more normality the seating will be 24 max.

Kind regards



Barker, Kirstie

From:
Sent: 09 October 2020 11:24
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Evita ventures Limited /Chilli flames -216 city road CF243JH

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ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Officer,

I wish to express my anxieties regarding the extension of opening hours from till 5 am of Chilli Flames on 216 City road, Cardiff, CF24 3JH.

As a neighbour, we strongly request that permission not be granted to open another food outlet / takeaway until 5 am or indeed beyond its current time of 11:30pm.

I think this area is already saturated and drowning in late night takeaways and through traffic of people. On weekends the place has been full and noisy with people who take a taxi to this busy stretch and walk home from there (rather than taking a taxi directly), increasing the noise, sleep disturbance and anti-social behaviour which can reach unacceptable levels.

The noise / fumes generated from the takeaway extractor fans permeate our and neighbouring street's air quality leaving a permanent smell in the air.

Increasing the opening hours would mean a regular occurrence of such events.

With the outbreak of the Corona virus, we feel that takeaways should be restricted to opening until the normal hours stipulated by the government. Opening until the morning hours will be counterproductive for stopping the spread of this illness.

Please could you consider our strong objection and assist in this matter.

Thankyou

Barker, Kirstie

From:
Sent: 09 October 2020 10:59
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Evita Ventures Ltd- License application

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ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Licensing Officer,

I wish to convey our concern regarding the extension of opening hours from 11:30pm till 5 am of Chilli Flames on 216 City road, Cardiff, CF24 3JH.

As a resident living on _____ street, I live just behind this takeaway in the same block. We strongly request that permission not be granted to extend opening hours another food outlet / takeaway until 5 am.

I think this part of City road is already saturated and drowning in late night takeaways and through traffic of people. On weekends such places have been full and noisy with people from other takeaways who are attracted, thus increasing the noise, anti-social behaviour which regularly reach unacceptable levels late in the night.

This behaviour is contrary to the social distancing requirements necessary to be implemented during this Covid- 19 outbreak

The noise and odour generated from their fumes already permeate our residence air quality leaving a permanent smell lingering in the air.

Increasing the opening hours would mean a regular occurrence of such breaches.

Please could you consider our objection and help us in this matter.

Thankyou

Barker, Kirstie

From:
Sent: 09 October 2020 12:19
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Application for premises license- Evita Ventures LTD

EXTERNAL: This email originated from outside Cardiff Council, take care when clicking links.

ALLANOL: Daw'r e-bost hwn o'r tu allan i Gyngor Caerdydd, cymerwch ofal wrth glicio ar ddolenni.

Dear Planning Officer,

With regards to the application for Evita ventures LTD (Chilli Flames, 216 City rd, Cardiff, CF243JH) to extend closing hours from 11:30 pm till 5 am, we would like to convey our strong objection and strongly request that permission not be granted. I live directly opposite this takeaway and the surrounding restaurants and several kebab shops that open till 3 am. It is not just the late night opening times but also the extra people attracted to the area during these times that causes anti social behaviour/ noise/litter/ illegal parking. The owners of these properties apply for and are granted permission to operate late hours, yet live nowhere near any of their properties to put up with the disturbances caused. Increasing the current opening hours at Chilli Flames will have negative implications for the adjacent residential homes on strathnairn st and glenroy st, which are already suffering with a shortage of parking spaces and smells from their chimney.

Granting this License would be a unjust during these times of precaution and social distancing

I hope you will consider this plea from us.

Barker, Kirstie

From:
Sent: 09 October 2020 13:21
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: license application Chilli flames- 216 city rd, CF24 3JH

Dear Officer,

I wish to express my anxieties regarding the application for license and late opening of Chilli Flames on 216 City road, Cardiff, CF243JH.

As a nearby resident, since the corona virus lockdown, we have noticed that the opening times of many takeaways (Bennys / Chickies on Albany road) and (Abo Ali restaurant/Chunky chicken on City road) have been beyond 3am in the late hours, especially on Friday and Saturdays. This is contradictory to regulations

On weekends this area has been full and noisy with people from elsewhere who drive into this area, increasing the noise, sleep disturbance, anti-social behaviour and crime to unacceptable levels. We live downwind from Chilli flames and since its opening last month we have smells permeating this area. Parking is already scarce on glenroy street and the neighbouring roads adjacent to city road and albany road. With such new takeaways we have unbearable ongoing illegal parking and no social distancing being implemented.

Please could you investigate and assist in this matter. Thankyou

Yours