

LICENSING SUB-COMMITTEE: 11 June 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 061438

Name of Premises: Taco Bell, 92 St Mary Street, Cardiff, CF10 1DX

Ward: Cathays

1. **Application**

1.1 An application for the variation of a Premises Licence has been received from Campana Ltd in respect of Taco Bell, 92 St Mary Street, Cardiff, CF10 1DX.

1.2 The Premises Licence currently in force permits the following:

i) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 10:00 to 00:00 hours

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

Monday to Sunday: 23:00 to 03:00 hours

1.3 Nature of proposed variation (as stated by applicant):

"We would like to extend our hours of operation to close at 5am instead of the current 3am'. This is to provide hot food along the same basis that we currently provide it from 2300- 0300 on a daily basis. We do not serve alcohol during these times and play only background, unamplified music as we currently do in line with our current license. All outdoor furniture will be removed by the start of licensable hours"

1.4 Hours for late night refreshment to be extended as follows:

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

1.5 A site map showing the 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, can be found in **Appendix B**.

3. **Relevant Representations**

3.1 A representation has been received from the Noise Pollution team. A copy of the representation is attached as **Appendix C**.

#### **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**

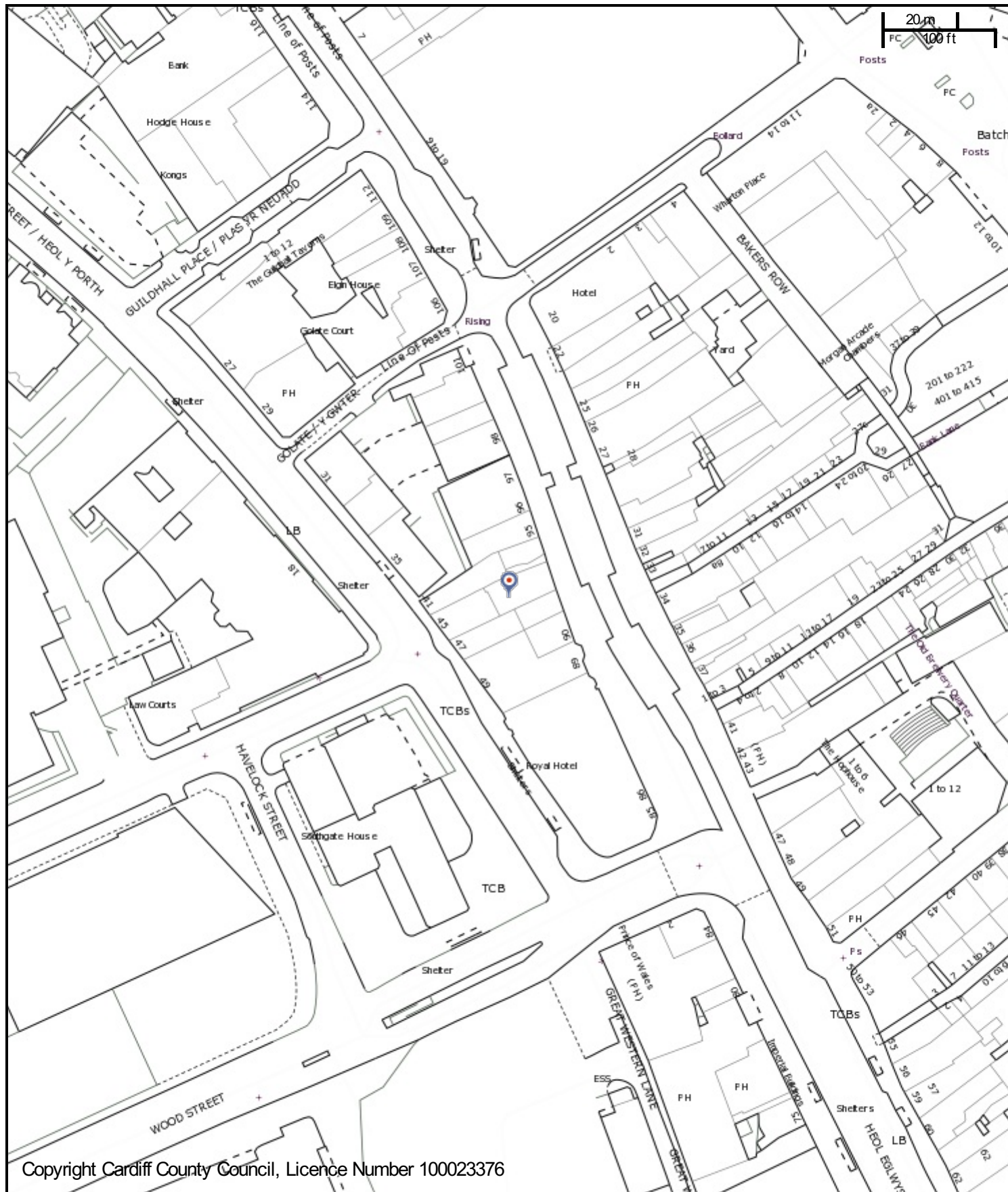
- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

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

**27 May 2021**

# APPENDIX A

## Site Map



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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: 27/5/2021 at 10:56 AM

Coordinates:

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**Ordnance Survey 100023376 (2014).**

# **APPENDIX B**

## **Operating Schedule**

**Continued from previous page...**

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 18

### 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.

Consideration of the City of Cardiff Council Licensing policy and pre-consultation with police licensing have been carried out to ensure the promotion of the four licensing objectives with particular regard to the cumulative impact policy. Substantial food & beverages, other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied. The Designated Premises Supervisor & Licence Holder shall be a participating member of the Cardiff Licensing Forum.

b) The prevention of crime and disorder

A CCTV system is in place covering all public areas of the premises enabling frontal identification of every person entering. The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum of 31 days and can be accessed and downloaded immediately when requested by the police or other authorised officer. There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV.

1 SIA registered door staff will be employed at the Premises from 23:00 daily until close

A minimum of 1 body worn video device will be in operation in the outside area, when SIA registered door staff are on duty,

this will be in audio and video format. The images will be kept for a period of 31 days and the images will be produced to police employees in a readily playable format, upon request, when the premises is open to the public.

A duty register will be maintained of all persons engaged as door & security staff, to include name and SIA number, time & date of duty commenced/finished, with a signed acknowledgment by that person and the company employed by or through

whom the services of that person are engaged. The register shall be kept & available for immediate inspection when requested by the Police or an authorised officer of the Council. The register shall be kept by the DPS for a minimum of 12 months.

2 SIA door staff will be employed at the premises, on the days designated as major event days, by South Wales Police, in the City Centre of Cardiff. On these days, 2 SIA registered door staff will be employed at the premises from no later than 21:00 hours until close.

At all times when open to the public, the premises operates a radio system which is monitored by South Wales Police.

Since opening over 12 months ago the site has had no incidents reportable to the police and has adhered to all conditions attached to the license.

c) Public safety

The premises will be maintained in a safe manner at all times.

All exits will be kept unobstructed, easy to open and clearly signed.

On days considered to be major event days in Cardiff, such as major sporting events or music concerts at the Millennium Stadium, all drinks will be dispensed in plastic vessels.

No customers carrying any form of alcoholic drink, open, will be admitted to the premises at any time.

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The premises' operators will accept any & all training provided by South Wales Police in regards to Vulnerability Training for staff members.

During the past 12 months, the site has adhered to all Covid 19 regulations, and on inspection from the local authorities we have implemented all regulation changes prior to inspection

**d) The prevention of public nuisance**

Sales of alcohol for consumption off the premises is only to be supplied with a take-away meal.

All refuse is disposed of in the appropriate manner. Staff are instructed to maintain all external areas in a clean and presentable manner at all times.

No glass or drinking vessels shall be left in public areas at the end of each service session and regular glass/container collection shall occur during all service periods to ensure no redundant drinking vessels are left out.

All doors & windows will be kept closed from 23:00 hours except for entrances & exits, to allow entry & egress, and during the current Covid 19 legislation the front door is an extra way of ventilation.

**e) The protection of children from harm**

Challenge 25 proof of age scheme is operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving license, passport or proof of age card with the PASS hologram.

The premises operates a "No ID, No Sale" policy at all times for persons who look under 25.

Staff are trained in the understanding of this policy and training records maintained on the learning platform for inspection if requested by the police or any other responsible authority.

A record shall be kept detailing all refused sales of alcohol. The record includes the date & time of the refused sale and the name of the member of staff who refused the sale. The record is available for immediate inspection when requested by the Police or authorised officer of the Council.

Children are not be permitted onto the premises after 23:00HRS.

Team members who are under the age of 18 are not permitted to work after 23:00.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

# **APPENDIX C**

## **Noise Pollution Representation**



## Barker, Kirstie

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**From:** Jenkins, Tomos  
**Sent:** 19 May 2021 13:40  
**To:** Evans, Kirsty  
**Cc:**  
**Subject:** RE: Licensing Act 2003 - Variation Application Taco Bell

**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.

Kirstie

Apologies for the delay in response.

Be advised this Responsible Authority objects to this variation on the grounds it does not promote the objective of Prevention of Public Nuisance.

Most critical in this case is the lack of information on the impact the extended hours may have on the residents directly above the premises from the running of plant machinery (extractions system for cooking) the operations premises internally at 0500 hours. I am aware that an Acoustic Assessment was undertaken as part of the planning regime but it does not detail what Noise impact, if any, there will be 0300 hours as this was originally intended hours.

I would recommend until such time that assessment can be reviewed and reference made to the extended hours that the variation should not be granted. To permit the extension without due consideration is disproportionate to the needs of the residents directly above and so likely to cause a Public Nuisance.

Trust this is of assistance and welcome any correspondence from the applicant on the appropriate standard to be achieved.



**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:](#)