

LICENSING SUB-COMMITTEE: 30th July 2021

Report of the Head of Regulatory Services

Application to vary to a Premises Licence

Application No: 062658

Name of Premises: KFC, 112 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 Demipower (2017) Ltd in respect of KFC, 112 St Mary Street, Cardiff, CF10 1DX.

1.2 The applicant has applied for the following:

(1) Details of variation (as stated by applicant):

“This is an application to extend the permission for late night refreshment, as follows;

Monday to Sunday from 23:00h until 03:00h the following morning (current permission from 23:00h until 00:30h the following morning).

The opening hours of the premises to be extended from 10:00h until 03:00h the following morning every day.

To add the following conditions to the operating schedule;

- Customers shall not be allowed to bring their own alcohol for consumption on the premises.
- Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.
- All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
- The manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.
- The Premises Licence Holder will use all reasonable endeavours to keep the highway and public spaces in the vicinity of the premises kept free of litter from the premises, to the satisfaction of the Council.
- The Premises Licence Holder shall request all persons associated with the handling, transportation and delivery of food shall employ due care and attention at all times to ensure: a. There shall be no obstruction of the public highway whilst deliveries are taking place; b. Drivers/couriers shall be instructed that they do not engage in loud talking/shouting/door slamming or emit loud music from their vehicle whilst on or off the premises; c. All goods and waste to be handled carefully whilst being transported into and out of the premises and to the clients' address to prevent/minimise noise disturbance to residents within the vicinity.

All other hours, activities and conditions are to remain unchanged by this application”.

- (2) The opening hours permitted by the licence are currently as follows:

Monday to Sunday: 10:00 to 00:30 hours

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

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

Monday to Sunday: 23:00 to 00:30 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. A copy of the representation and subsequent withdrawal following agreement to conditions are attached as **Appendix C**.
- 3.2 A representation has been received from Licensing Enforcement. A copy of the representation is attached as **Appendix D**.
- 3.3 An objection to the application has been received from local ward Councillors. This is attached as **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.

**Dave Holland
Regulatory Services**

7th July 2021

APPENDIX A

Site Map & Plan



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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








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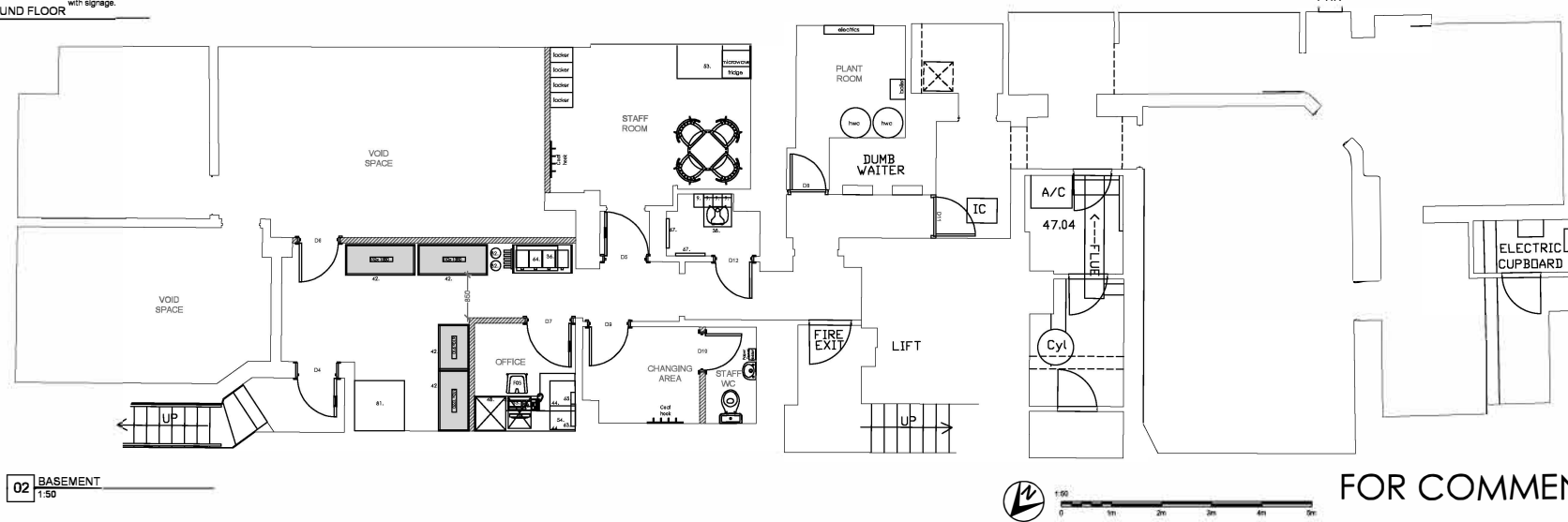
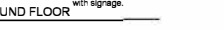
Ordnance Survey 100023376 (2014).

MIDDLE HOUSE MONITOR KEY			
	burger station pack screen		under ready
	pack screen		beverage
	chicken pack screen		off the top expedite
	under counter expedite screen - paper panel is counter top with screen under		

RACKING SCHEDULE		
LOCATION:	ENTERED LINE#	PROPOSED LINE#
Chicken Order	-	4 FIVE/SEAS
Veg Order	-	185
Freezers	-	54
On Storage	-	1057

FURNITURE SCHEDULE		
Waiting no. of seats	-	Proposed no. of seats 38
Waiting no. of tables	-	Proposed no. of tables 9
Waiting no. of chairs	-	Proposed no. of chairs 7

**AW ARCHITECTURAL
DESIGN**
Wilsons 1, Mill Farm Courtyard, Bechampton
Milton Keynes, Buckinghamshire, MK19 6DS
T: 01252 845900
E: admin@aw-architectural.co.uk
W: www.aw-architectural.co.uk



FOR COMMENT

APPENDIX B

Operating Schedule

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)

As per current licence, save for those added by this application.

Customers shall not be allowed to bring their own alcohol for consumption on the premises.

b) The prevention of crime and disorder

c) Public safety

Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.

All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

The manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

d) The prevention of public nuisance

The Premises Licence Holder will use all reasonable endeavours to keep the highway and public spaces in the vicinity of the premises kept free of litter from the premises, to the satisfaction of the Council.

The Premises Licence Holder shall request all persons associated with the handling, transportation and delivery of food shall employ due care and attention at all times to ensure:

- a. There shall be no obstruction of the public highway whilst deliveries are taking place;
- b. Drivers/couriers shall be instructed that they do not engage in loud talking/shouting/door slamming or emit loud music from their vehicle whilst on or off the premises;
- c. All goods and waste to be handled carefully whilst being transported into and out of the premises and to the clients' address to prevent/minimise noise disturbance to residents within the vicinity.

e) The protection of children from harm

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 02 July 2021 14:29
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: Police Representations- KFC 112 St. Mary Street, Cardiff
Attachments: Headed Paper- KFC Variation 2021 V4.docx

***** 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. ***

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

To whom it may concern,

Please see the attached representations made by South Wales Police in respect of the above application to vary the existing premises licence at the premises of KFC 112 St. Mary Street Cardiff.

At this time South Wales Police object to the grant of the variation as applied for under the provisions of the Cardiff City Council Cumulative Impact Policy. It is therefore requested that this application is heard before the Cardiff City Council Licensing Committee.

Yours sincerely,

Rob Gunstone 

Cwnstabl yr Heddlu 3487 / Police Constable 3487.

Adran Drwyddedu / Licensing Department

Heddlu De Cymru / South Wales Police

URS y Dwyrain / Eastern BCU

Gorsaf yr Heddlu Bae Caerdydd / Cardiff Bay Police Station

Stryd James / James Street

Bae Caerdydd / Cardiff Bay

CF10 5EW



**Ymateb nad yw'n
Argyfwng\ Non-
Emergency Response**

Oes angen i chi siarad â'r heddlu ond nid oes angen ymateb brys arnoch? Gallwch roi gwybod am fater drwy ein gwefan south-wales.police.uk, anfon neges breifat atom drwy gyfrif Facebook neu Twitter swyddogol Heddlu De Cymru, neu ffonio 101. Gallwch ddefnyddio 101 i roi gwybod

am achosion nad ydynt yn rhai brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

URhS Caerdydd a'r Fro

Gorsaf Heddlu Bae Caerdydd,
Stryd James, Bae,
Caerdydd CF10 5EW
Teliffon: 01656 869211
Mewn argyfwng ffoniwch **999**
Fel arall, ffoniwch **101**

Gwefan: www.heddlu-de-cymru.police.uk

Cardiff & Vale BCU

Cardiff Bay Police Station,
James Street, Cardiff Bay
CF10 5EW
Telephone: 01656 869211
In an emergency always dial **999**
for non-emergencies dial **101**

Website: www.south-wales.police.uk

SWYDDOGOL – OFFICIAL

Police Licensing Department
Cardiff Bay Police station.

James Street,
Cardiff.
CF10 5EW.

2nd July 2021

KFC
112 St. Mary Street.
Cardiff
CF10 1DX.

APPLICATION FOR TO VARY A PREMISES LICENCE. LICENSING ACT 2003
KFC. 112 ST. MARY STREET. CARDIFF. CF10 1DX.

To whom it may concern,

I have caused enquiries to be made into this application. The premises is located at St Mary Street and currently benefits from a Premises Licence ref, CCCP/02166. This permits the conducting of licensable activity in the form of Late Night Refreshment namely;

Monday to Sunday 23:00 to 00:30 hours.

The applicant seeks to vary this existing premises licence to extend this licensable activity as follows;

Proposed variation.

1. To extend the hours permitted for the provision of late night refreshment:

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

2. To attach a number of conditions to the licence.



Measures offered by the applicant in support of the application.

General.

As per current licence, save for those added by this application.

Customers shall not be allowed to bring their own alcohol for consumption on the premises.

The Prevention of Crime and Disorder

No additional measures offered by the applicant.

Public Safety.

Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place for staff.

All exit routes will be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.

The manager will undertake a weekly inspection of the public areas of the premises to identify anything might present an identifiable risk to public safety. Any risks identified that are deemed to be unreasonable must be rectified at the earliest possible opportunity.

The Prevention of Public Nuisance.

The Premises Licence Holder will use all reasonable endeavours to keep the highway and public spaces in the vicinity of the premises kept free of litter from the premises, to the satisfaction of the Council.

The Premises Licence Holder shall request all persons associated with the handling, transportation and delivery of food shall employ due care and attention at all times to ensure:

- a. There shall be no obstruction of the public highway whilst deliveries are taking place;
- b. Drivers/couriers shall be instructed that they do not engage in loud talking/shouting/door slamming or emit loud music from their vehicle whilst on or off the premises;
- c. All goods and waste to be handled carefully whilst being transported into and out of the premises and to the clients' address to prevent/minimise noise disturbance to residents within the vicinity.

The Protection of Children From Harm.

No additional measures offered by the applicant.

Police Representations.

Whilst the above measures as offered by the applicant are acknowledged, as are the pre-existing conditions on the current premises licence, South Wales Police object to the grant of the application as applied for under the provisions of the Cardiff City Council Cumulative Impact Policy.

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.



Therefore, South Wales Police request that this application is heard before the Cardiff City Council Licensing committee. Following this hearing, should the Licensing Committee be so disposed to grant the application, then South Wales Police request that the following conditions are added to the premises licence in support of the following Licensing Objective, namely;

The Prevention of Crime and Disorder.

Amendments to existing conditions as per premises licence CCCP/02166.

The existing condition relating to the provision of door-staff at the premises reads as follows;

3. A minimum of two SIA registered door supervisors will be employed on duty from 21:00 hours until close, when open to the public beyond 0030 hours.

Amend to read;

3. SIA registered door supervisors will be employed at the premises from 21:00 hours until closure when open to the public beyond 0030 hours. A minimum of two will be employed between 21:00hrs and 00:30hrs with an additional SIA registered door supervisor being employed between 00:30hrs and closure

The existing condition relating to the provision of body-worn video devices at the premises reads as follows;

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 image. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily playable format within 24 hours 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.

Amend to read;

4. When SIA registered door supervisors are employed at the premises they will utilise at least two body worn video devices. Any such device will be capable of recording both audio recordings and visual image. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily playable format within 24 hours 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.

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.



Additional Police Conditions.

Food and drink shall not be consumed on the premises by customers from 00:30hrs daily until the closure of the premises. The use of any customer seating area at the premises shall cease as of this time and customers shall only remain on the premises for the purposes of ordering and collecting food and drink.

Yours faithfully,

M. Conquer

Chief Inspector.

COPY TO:

Dan Cook
Operations Manager,
Licensing and Strategic Services.
Cardiff City Council.
City Hall,
Cardiff.
CF10 3ND

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.



APPENDIX D

Licensing Enforcement Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: Evans, Kirsty
Sent: 06 July 2021 17:08
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Cc:
Subject: KFC Representation - Licensing Authority (Enforcement)

Hello,

Re: KFC, 112 St Mary Street, Cardiff CF10 1DX – Variation Application

I am writing to submit a representation on behalf of the Enforcement Section of the Licensing Authority in respect of the above application for KFC.

The Licensing Authority (Enforcement) believes that the application undermines the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Our concerns are that the premises seeks to sell hot food and/or hot drink until 03:00 hours every day (an extension of 2 ½ hours a day) in an area that already suffers from incidents of crime and disorder and public nuisance. Whilst it is noted that the applicant has offered a number of additional measures to promote the licensing objectives we still have concerns that selling hot food/drink will attract more disorder and nuisance; the measures offered are not enough to mitigate our concerns.

The premises itself is located in an area that is subject to the Council's Cumulative Impact Policy (CIP) and the applicant's proposals would mean that the premises would fall within the 'red' category in Table 1 of the Cumulative Impact Policy (CIP). The CIP has been adopted 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 rebuttable presumption that the application will be refused or subject to certain limitations, unless the applicant can successfully demonstrate the proposals will not add to the negative cumulative impact on one or more of the licensing objectives.

St Mary street itself currently has 69 licensed premises.

57 of those licences authorise the sale of alcohol for consumption on the premises, known as 'on sales'.
4 of those licences authorises the sale of alcohol for consumption off the premises only, known as 'off sales'.

8 of those licences authorise late night refreshment (LNR) only.

The proposed extension for LNR until 03:00 hours daily means that the likely customer target base would be intoxicated persons leaving nearby licensed premises. 45 of the 57 licences that authorise 'on sales' on St Mary Street authorise this past 00:30 hours (the current end time of LNR for KFC). Taking this into consideration there is a high chance that passing trade from intoxicating persons leaving these licensed premises would increase significantly. Providing more of an opportunity for intoxicated persons to gather and hang around on the street eating their takeaway is only going to increase the anti-social behaviour and public nuisance such as litter in an area that is already saturated with just that.

As previously mentioned the applicant has offered a number of additional conditions in respect of their proposals, it is however our position that these conditions do not go far enough in demonstrating that the extension in late night refreshment hours would not add to the negative cumulative impact on the aforementioned licensing objectives. The Licensing Authority (Enforcement) therefore object to the applicant's proposals and ask that the Licensing Sub-Committee determine the matter.

Kind regards,

Kirsty



Kirsty Evans | Licensing Policy Officer

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

Phone | Ffon: 01656643158 / 02920871022 / 01446 709105

Email / Ebost:

[Follow us on Twitter / Dilynwch ni ar Twitter](#)

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 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.

The Council welcomes correspondence in English or Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or in Bilingual format as long as we know which you prefer. Please contact 029 20871651/ licensing@cardiff.gov.uk to register your language choice. If we do not receive your language choice, we will continue to correspond with you in accordance with current procedure. Corresponding in Welsh will not lead to any delay.

APPENDIX E

Local Ward Councillors Representation

Barker, Kirstie

From: Mackie, Norma (Cllr)
Sent: 28 June 2021 20:45
To: Barker, Kirstie
Subject: Licensing Objection KFC ST Marys Street
Attachments: Licensing Objection KFC ST Marys Street.docx

Hi Kirstie,
Please find attached our representation regarding the above application on behalf of the Cathays Councillors
Regards
Norma

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

KFC, 112 St Marys Street,
Cardiff, CF10 1FE

To extend the permission for late night refreshment, as follows;

Monday to Sunday from 23:00h until 03:00h the following morning.

The opening hours of the premises to be extended from 10:00h until 03:00h the following morning every day.

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

Prevention of Crime and Disorder

Allowing this premises to opening until 3am every day is likely to increase the incidence of drunkenness and disorderly behaviour in the top end of St Marys Street. St Marys Street already has problems with people leaving late night clubs and bars under the influence of alcohol or other drugs. Police records show high levels of crimes, 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 top end of this street to use the premises increasing the risk of anti-social and violent behaviour and another late night premises for the police to have to deal with.

Prevention of Public Nuisance

Opening until 3am will increase the noise from disruptive customers adding to the disturbance to residents who live in the flats very close to the premises and those staying in nearby hotels.

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 KFC open until 3am, in an area already difficult to police, can 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