

LICENSING SUB-COMMITTEE: 23 November 2022

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 078866

Name of Premises: Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB

Ward: Cathays

1. Application

1.1 An application for the Grant of a Premises Licence has been received from Mr Ashish Aravindakshan in respect of Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB.

1.2 The applicant has applied for the following:

(1) In respect of the following licensable activities:

- (i) The sale by retail of alcohol for consumption on and off the premises.
- (ii) The provision of late night refreshment (indoors and outdoors).

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

“Restaurant, takeaway and delivery serving Indian and Chinese food and kebabs. Serving alcohol on the premises and off the premises with takeaway/delivery food and at outside tables. Food will be displayed and selected at display counters along the side of the premises. Food is paid for and collected at the end of the display counters. Alcohol can be ordered within set times at the payment point. Customers can choose to eat inside the premises, outside the premises or take away”.

(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:

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

Monday to Sunday: 11:00 to 22:30

(iii) The provision of late night refreshment (indoors and outdoors).

Monday to Sunday: 23:00 to 05:00

- 1.3 A site map showing the premises and the plan of the premises submitted with the application 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 can be found attached as **Appendix C**.
- 3.2 A representation has been received from the Senior Licensing Enforcement Officer. A copy of the representation can be found attached as **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.

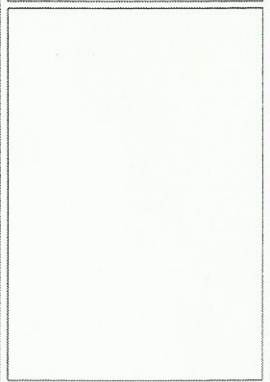
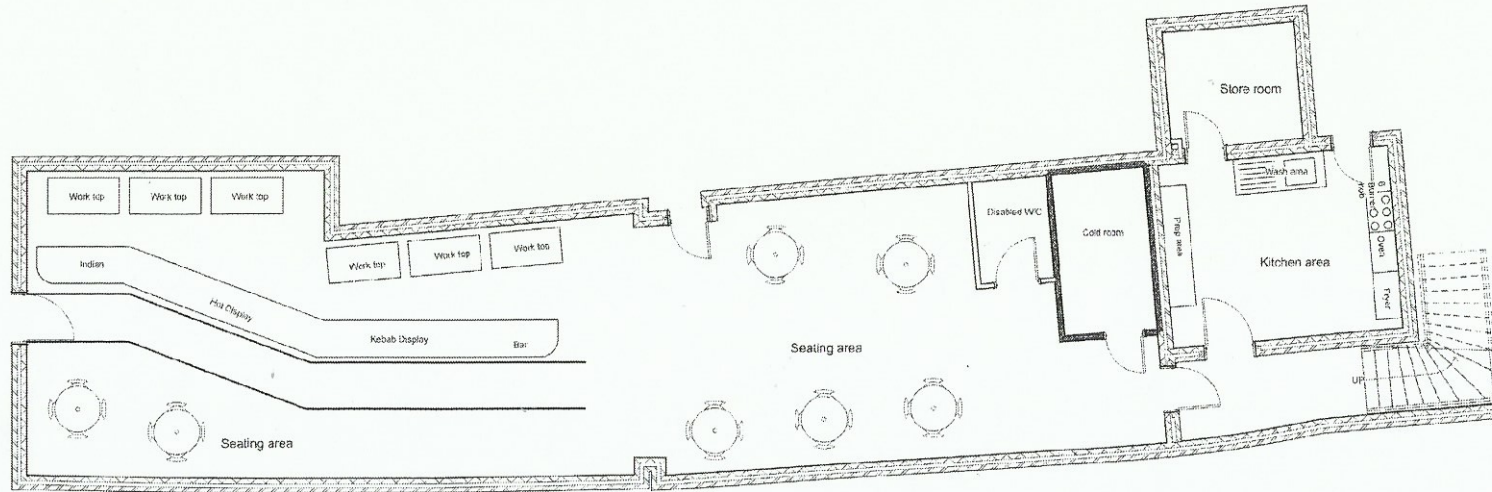
5. Issues for Discussion

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

APPENDIX A

Site Map & Plan

St Mary Street



Rev	Description	Date

CODE SUITABILITY DESCRIPTION

STATUS PURPOSE OF ISSUE



PROJECT

Floor Plan

TITLE

Floor Plan Edit

CLIENT

30 St Mary Street

DRAWN BY: M.Hakem
CHECKED BY: M.Hakem
DATE: 27/09/22
SCALE: (2 A1) 1:50
PROJECT NUMBER

DRAWING NUMBER: A100
REV

27/09/2022 3:17:01

APPENDIX B

Operating Schedule

Continued from previous page...

None

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.

None

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.

Please see all measures listed below

b) The prevention of crime and disorder

Provision and maintenance of CCTV in accordance with police requirements. Staff will be trained in the operation of this equipment

Provision of qualified door staff when major events take place in Cardiff in line with police requirements

Challenge 25 Policy - only photographic id will be accepted. All staff will receive training with this policy

Use of plastic drinking glasses at all times

No alcohol to be supplied after 22.30 except with food deliveries

Implement and maintain appropriate record keeping e.g. incident log and refusals log

c) Public safety

In addition the the measures outlined in B

Provision of bins both inside and outside premises for litter

Regular inspection outside premises to clear litter

d) The prevention of public nuisance

In addition to measures outlined in B&C

Appropriate signage to be prominently displayed

Compliance with delivery and waste collection schedule

No loud music to be played , background music only

e) The protection of children from harm

Challenge 25 Policy - only photographic id will be accepted. All staff will receive training with this policy

Implement and maintain appropriate record keeping e.g. incident log and refusals log

APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From:
Sent: 28 October 2022 07:11
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Licensing Act 2003: Application for the grant of a Premises Licence - Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB
Attachments: CI Draft Letter Flaming Dragon Letter Headed Paper No Con.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. ***

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.

Good Morning Team,

Please find attached South Wales Police response in relation to the above application.

Kindest Regards



Jason Jones

Cwnstabl 6882 | Constable 6882

Licensing Officer
Cardiff Bay Police Station

☎: 101 |

 /SWPolice  @SWPolice  @SWPolice  /SWPTV

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 <https://www.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.

Do you need to speak to the police but don't require an emergency response? You can make a report via our website <https://www.south-wales.police.uk>, send us a private message via an official South Wales Police Facebook or Twitter account, or call 101. 101 can be used to report a non-emergency to any force in Wales and England. In an emergency always dial 999.

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

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

28th October 2022

Flaming Dragon,
30 St Mary Street,
Cardiff,
CF10 1AB

APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT
2003 – FLAMING DRAGON, 30 ST MARY STREET, CARDIFF, CF10 1AB

To whom it may concern,

I have caused enquiries to be made into this application. The application advises that the premises located within 30 St Mary Street, Cardiff, CF10 1AB will be a late night takeaway facility offering various food options (namely Indian, Chinese and Kebab). The opening hours proposed as follows:

Mon- Sun 1100-0500

The application seeks the following licensable activity;

Late Night Refreshment

Mon- Sun 2300-0500

Supply of Alcohol (for consumption on & off premises);

Mon- Sun 1100-2230

The applicant has been spoken to and the application has been discussed. As a result of this consultation, I now make the following representations on behalf of South Wales Police.



At this time, South Wales Police object to the grant of a new premises licence as applied for under Cardiff Council's Cumulative Impact Assessment (2020-2023). There is a requirement under the cumulative impact assessment policy for the applicant to demonstrate that their application is exceptional and will not adversely impact the licensing objectives. The applicant has offered very little to reassure South Wales Police that they will not add to the cumulative impact within the local community area.

During initial consultation South Wales Police put forward a number of conditions to the applicant including a reduction of hours, which was refused. After 2300hrs there is a disproportionate amount of crime, disorder and nuisance associated with alcohol in the city centre, and surrounding areas, including that of local street drinkers.

In addition to the above South Wales Police wish to further object based on the following licensing objectives, namely those of;

The Prevention of Crime and Disorder,
Public Nuisance,
Public Safety
Protection of Children from Harm

The applicant is proposing to set up a late-night takeaway (until 05:00hrs) providing varying international cuisines with an inside and outside seated area and the added offering of alcoholic beverage up to the hours of 22:30hrs. The location of the premise is proposed to be located between McDonalds and the Spar on St Marys Street, Cardiff. The area is currently of particular concern due to the high demand of policing the area requires and the high amount of crime and disorder that the area is currently experiencing specifically during the late night hours. As a result of the above South Wales Police have series concerns regarding an additional premise adding to the demand on policing in an already saturated area of late-night premises.

South Wales Police in relation to the concerns raised above will provide evidence ahead of any potential hearing.

If you require any further information then please contact Police Licensing Officer Jason Jones at Cardiff Bay Police Station

Yours Faithfully

R Haines CI 4705

PS 2027 Justin Hardwick
Licensing Sergeant

Chief Inspector 4705 Richard Haines
Community Safety Department

COPY TO:
Dan Cook

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

Barker, Kirstie

From: Morgan, Rhys
Sent: 31 October 2022 15:32
To: Barker, Kirstie
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Flaming Dragon, 30 St Mary Street, Cardiff, CF10 1AB

Good Afternoon,

In relation to the above application the Licensing Authority would wish to make the following representation.

In regard to the application to vary an existing premises licence, I wish to advise 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 applications for/Variations of premises Licences upon receipt of relevant representation will be refused unless the applicant can demonstrate the business will no longer have a negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the of the Cumulative Impact Zone and an objection is submitted in respect of the prevention of crime and disorder and prevention of public nuisance Licensing Objectives.

The Authority Appreciates the this premises has operated as a coffee shop where alcohol was alcohol offered in the past. However the current Grant application is a significant deviation from this use. The Cumulative impact assessment describes sets out in Table1 of chapter 8 broad premises. Given the detail in the application and following a meeting with the applicant that this premises provides some sit down covers however not of sufficient quantity to meet the true expectation of a restaurant and as such would result in a significant proportion of its trade being as Take away. The hours specified in that application also represent that of late night take away where opening hours for the public would effectively be until 05.00hrs. Under the table 1 definitions this application would fall within the Red category Takeaway/fast food restaurant, for which none of the additional measures from table 2 could be adopted.

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, which is densely populated with late night refreshment premises. Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. With this in mind the Policy expects *Applicants to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact experienced in the area..*

It should also be noted that the planning consent does include a condition limiting the premises opening hours, however it is understood an application to amend this would follow the licensing application to reflect any additional hours granted in the licence application.

Consequently the Licensing Committee will need to consider this application in line with Cardiff councils Cumulative impact policy and have specific due regard to the additional measures within the table 1.

Kind regards

Rhys Morgan
Licensing Section / Adran Drwyddedu
Shared Regulatory Services / Gwasanaethau Rheoliadol a Rennir