

LICENSING SUB-COMMITTEE: 27 September 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Application No: 088938

Name of Premises: Mo Market, 326 Cowbridge Road East, Canton, Cardiff, CF5 1HD

Ward: Canton

1. **Application**

1.1 An application to vary a Premises Licence has been received from Mo Market Cardiff Ltd in respect of Mo Market, 326 Cowbridge Road East, Canton, Cardiff, CF5 1HD.

1.2 The applicant has applied for the following:

(1) Description of the nature of the variation (as stated by applicant):

"I want to remove condition 17 of annex 2 conditions consistent with the operating schedule which states that 'there will be no sale of individual cans of beer, cider or lager'. The variation will not have a negative effect on the licensable activities as I will still take care to follow the challenge 25 policy, I will ask for ID when in doubt and I will refuse the sale where I believe the customer is already drunk or displaying anti-social behaviour. I will continue with CCTV in operation.

The area is a residential area, it is a good area and the shop is a grocery shop and therefore family friendly. We do not have any issues with customers being rude or drunk and it is a quiet residential area and it is a very good area so I believe removing this condition will not cause any nuisance or public safety issue. We do not have people drinking on the streets in this area. People who purchase alcohol are adults who are taking their drinks home. They come to my shop because they live walking distance from it so it is convenient.

(2) The application requests the following:

To remove the following condition:

17. There will be no sale of individual cans of beer, cider or lager.

1.3 A site map showing the premises can be found in **Appendix A**.

2. **Promotion of Licensing Objectives**

2.1 The conditions proposed by the applicant to meet the licensing objectives are attached to the report and can be found in **Appendix B** along with a copy of the current licence conditions.

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**.

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

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

**Helen Picton
Regulatory Services**

5th September 2023

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: 23/8/2023 at 10:05 AM

Coordinates:

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Ordnance Survey AC0000816513 (2023).

APPENDIX B

Operating Schedule and Current Conditions

Continued from previous page...

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.

- will not sell alcohol to those under 18
- will ask people to leave the premise quietly
- will have a record of all refusals

b) The prevention of crime and disorder

Will not sell alcohol to customers who are being anti-social or drunk

c) Public safety

CCTV installed

d) The prevention of public nuisance

Outside lights will be turned off when premise is closed

e) The protection of children from harm

Challenge 25 in place

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions**Mandatory conditions where licence authorises supply of alcohol**

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (3)
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

Annex 2 - Conditions consistent with the operating schedule

1. Alcohol shall be kept in a secure area, away from the public.
2. Alcohol sales will only be made in vessels that have been sealed by the manufacturer.
3. All refusals of alcohol sales will be recorded. The record will include the time and date of the refusal, reason for the refusal, as well as details of the person making the refusal. The refusals book shall be audited by the DPS on a regular basis.
4. 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 {excluding toilets} where the public have access 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.
5. A notice will be displayed at the entrance to the premises advising customers that CCTV is in operation.
6. A notice will be displayed at the premises warning customers of the premises' zero tolerance policy with anti-social, drunken, and quarrelsome behaviour and that they could be banned from all licensed premises within the vicinity under the Behave or be Banned Scheme.
7. An incident record shall be kept at the premises, each entry shall carry the day, date, and time that each report was made. It will record the following:
 - a) All crimes reported to the venue.
 - b) All ejections of patrons, with details of the individual(s) if known.
 - c) All complaints received directly by the premise of a criminal or licensing nature.
 - d) All incidents of disorder of which the premise is aware.
 - e) All visits by a responsible authority, or emergency service.

The DPS shall use best endeavours to ensure that all incidents are logged on the day of the incident. The log shall be made available to the police or other responsible authority on request. The log shall be retained for a minimum of 18 months.
8. Staff shall be trained in relation to their responsibility to complete an incident report.
9. Signage will be displayed requesting customers to leave the premises quietly.
10. All outside lighting will be turned off at the close of business.
11. Signage will be displayed confirming that it is illegal to sell alcohol to anyone under the age of 18.
12. No person under the age of 18 shall be employed on the premises whether paid or unpaid for the purpose of serving alcohol.
13. No children under the age of 14 years will remain on the premises after 22.00, unless they are accompanied by a responsible adult.



ANNEXES: CONDITIONS continued ...

14. Staff authorised to carry out Licensable Activities shall receive initial training in relation to age-related sales, sales to intoxicated persons and age challenge procedures prior to being allowed to work at the premises. Refresher training shall be conducted every 6 months. The DPS shall keep records of such training for a period of at least 18 months.
15. Identification will be requested by staff from any customer who appears to be under the age of 25, and the only acceptable forms of identification are a passport, photo driving licence or a photo card bearing a holographic PASS logo.
16. The venue will operate a "Challenge 25" policy.
17. There will be no sale of individual cans of beer, cider or lager.

Helen Picton

Helen Picton
Shared Regulatory Services

2 August, 2023



APPENDIX C

South Wales Police Representation

Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

From: 13 August 2023 14:41
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu);
Subject: Objection MO MARKET
Attachments: Objection MO MARKET.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.

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.

Cymorth Iaith Gymraeg\Welsh Language Support

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.

Ymwadiad Heddlu De Cymru\South Wales Police Disclaimer

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

13th August 2023

**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
UNDER THE LICENSING ACT 2003.
“MO MARKET” 326 COWBRIDGE ROAD EAST, CARDIFF CF5 1HD**

South Wales Police object to the grant of this application under the Licensing Objectives of:

The prevention of crime and disorder,

The prevention of public nuisance.

POLICE REPRESENTATION

Within the area that the premises are situated there are issues of street begging, vagrants and drunkenness on the street. Alcohol purchased from off licences along Cowbridge Road East exacerbate these issues. Problem drinkers such as beggars and homeless people are included in the groups causing disorder and nuisance. Beggars often ask the passing public for small change. Once the beggars have sufficient money to purchase a single can of alcohol they often go into these off licences and purchase a single can for immediate consumption out on the street. It has been shown that where the condition stipulating that no single cans of alcohol are sold, the problem caused by begging is greatly diminished.

The condition that there will not be any sale of single cans of alcohol was agreed earlier this year when the premises licence was first issued. It is

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South Wales Police welcomes 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.



believed that the condition has had a good effect by not drawing problem drinkers and beggars to the immediate vicinity of the premises.
The premises are situated in a heavily populated residential area.
The removal of this condition will put the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance at risk.

Additional evidence to support the notice of the representation 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

Yours faithfully,

Chief Inspector

SWYDDOGOL – OFFICIAL

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