

LICENSING SUB-COMMITTEE: 1 November 2023

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 088901

Name of Premises: Burger King, 70 Queen Street, Cardiff, CF10 2GQ

Ward: Cathays

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from Unionburger Limited in respect of Burger King, 70 Queen Street, Cardiff, CF10 2GQ.
- 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)
  - (2) Description of Premises (as stated by applicant):

“Ground floor only Burger King restaurant premises in a city centre location”.
  - (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: 07:00 to 04:00 hours
  - (4) To provide licensable activities during the following hours:
    - (i) The provision of late night refreshment (indoors).

Monday to Sunday: 23:00 to 04:00 hours
- 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. Although South Wales Police are objecting to the granting of a licence, the applicant has agreed with them that if the application is granted by the Licensing Sub-Committee, a number of conditions will be attached. A copy of the objection and the conditions referred to above can be found in **Appendix C**.
- 3.2 A representation has been received from Licensing Enforcement. A copy of the representation can be found in **Appendix D**.
- 3.3 A representation has been received from local ward Councillors. A copy of the representation can be found 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

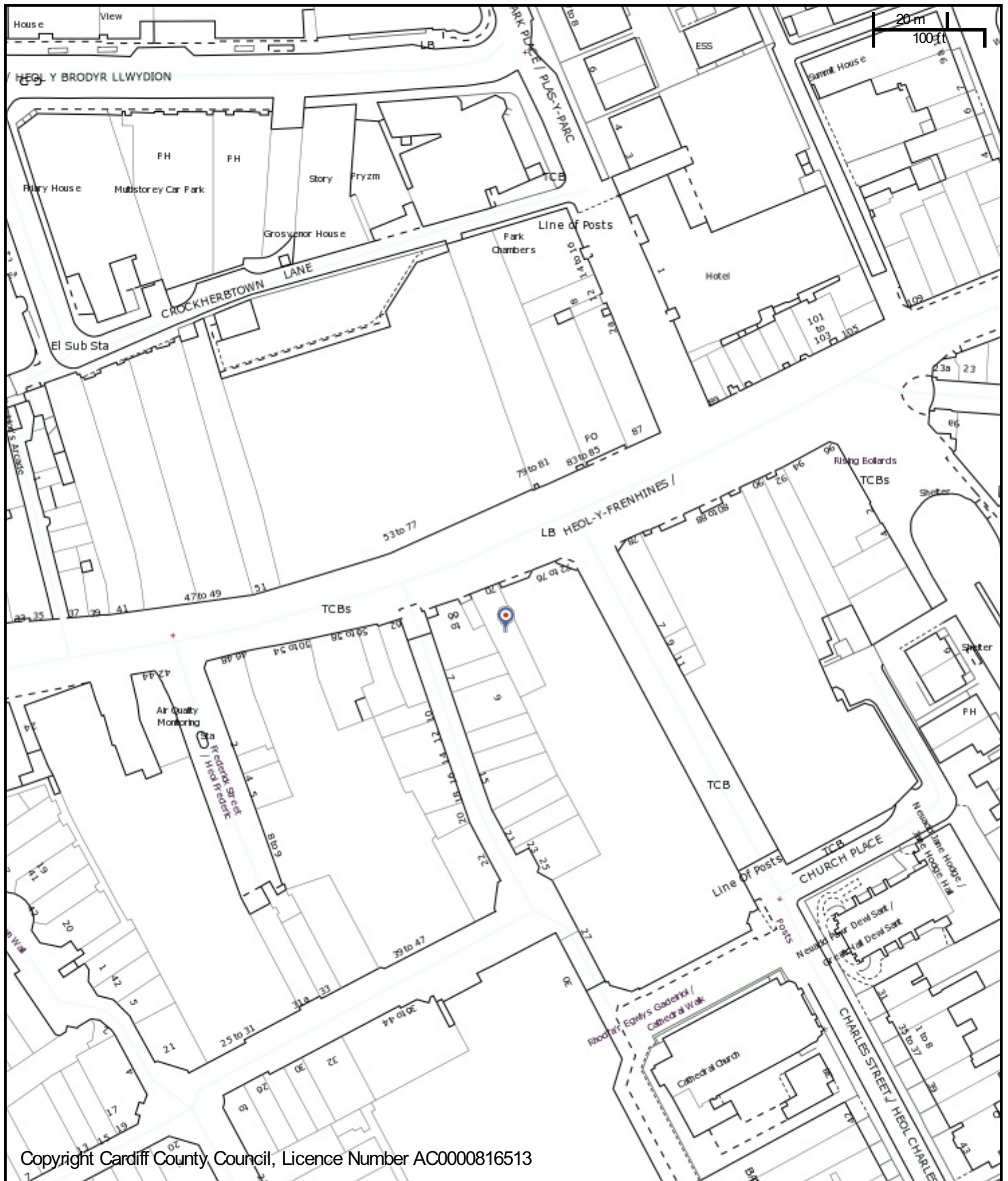
- 4.2 In each case the Sub-Committee may make the following determination
- a) To grant the application.
  - b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
  - c) Reject the whole or part of the application.
- 4.3 All decisions taken by the Sub-Committee 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 need to be discussed.

# **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

Date: 13/10/2023 at 9:59 AM

Coordinates:

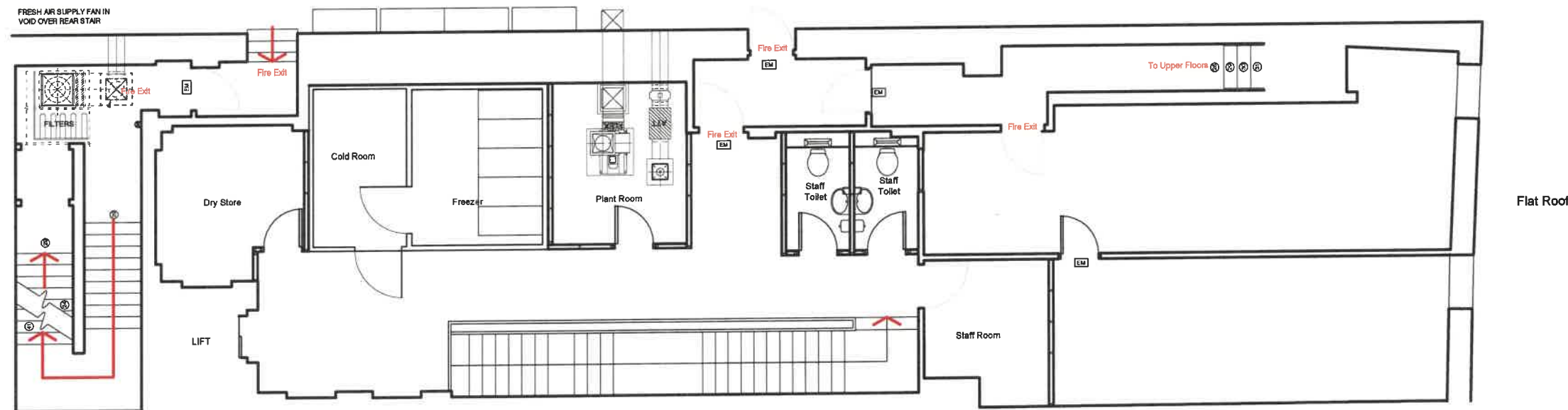
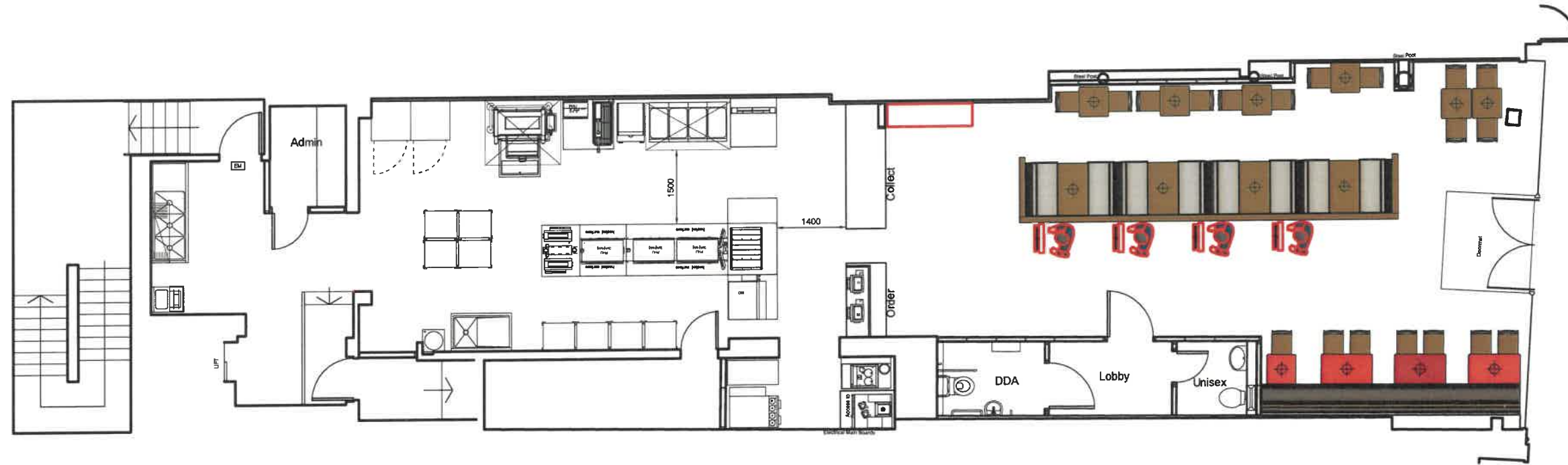
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**Ordnance Survey AC0000816513 (2023).**

# GROUND & FIRST FLOOR LAYOUTS

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First Floor

REV.

Client  
**UNIONBURGER Ltd**

Project  
**BURGER KING**  
**70 QUEEN ST, CARDIFF, CF10 2GQ**

Drawing Title  
**GROUND & FIRST FLOOR LAYOUTS**

Proj. No.	Dwg. No.	Revision
BD/ 1909/22	A3/100	
Drawn by	Scale	Date
	1:50 @ A1 1:100 @ A3	May 22

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**BURGER KING - 70 QUEEN ST, CARDIFF, CF10 2GQ**

**DESIGN**

# **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.

The Cumulative Impact Assessment policy adopted by Cardiff Council affects this application in that the premises fall within the relevant areas defined within the policy which has been adopted by the Council. The Applicant understands that the effect of the policy is that there is a presumption against granting any application for a premises licence that is likely to add to the cumulative impact.

The operating schedule which forms part of this application describes the measures which the Applicant will take to mitigate any such impact.

The Applicant is very experienced in the operation of premises having late night opening in the Cardiff city centre and have traded from numerous outlets throughout the city centre since the early 1990's. The restaurant managers employed by the Applicant and the Applicant's area manager have excellent working relationships with the city centre management team.

The Applicant contends that this application should be an exception to the policy for the following reasons:

(a) The reasons set out above.

(b) Clientele/customers who will use the premises under the new premises licence will be patrons who already use and will already be in any event using the facilities in the city centre, and from that perspective the grant of this application will not in any way increase cumulative impact.

(c) The provision of food to persons using the city centre is it is submitted likely to have a positive impact rather than a negative cumulative impact.

(d) The Applicant's management teams are highly experienced and well respect operators of licensed premises in the Cardiff city centre. Based upon their experience they reasonably anticipate that the facilities proposed by the application will not attract to the premises people who are not already using similar premises in Cardiff city centre. The additional facility offered by the Applicant will reduce demand and queuing on other existing premises and therefore would be expected to be of positive benefit to cumulative impact rather than the reverse.

By reason of the foregoing the Applicant contends that it is highly unlikely that the grant of the application will add to any negative cumulative impact upon the licensing objectives.

b) The prevention of crime and disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits all areas where the public have access and any external drinking area's. Equipment must be maintained in good working order, the

**Continued from previous page...**

system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. Recordings must be correctly timed and date stamped, recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to a Police Officer/Local Authority Officer on demand. The Premises Licence Holder must ensure that at all times a Designated Premises Supervisor (DPS) or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format either disc or VHS to a Police Officer/Local Authority Officer on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained, endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings the actions taken are to be recorded. In the event of technical failure of the CCTV equipment, the Premises Licence holder/DPS must report the failure to the Police/Local Authority.

2. SIA registered door staff shall be employed on such occasions when a requirement is identified by the licence holder's risk assessment. Consideration will be given to public holidays and days considered to be major event days in the City Centre. If the licence holder's risk assessment identifies that door staff are required then one SIA registered door staff will be engaged and deployed at the premises. The Applicant intends to have SIA registered door staff every day from 23:00 to close.

3. The premises will participate in the city centre radio net night security system.

4. A detailed bound numerical register of door supervisors to be maintained at all times at the premises. Such register to include the name, registration number, contact details of the member of door staff along with the date, time on duty and time off duty. Full details of the agency supplying the staff to be endorsed and the register to be available for inspection on request by an Authorised officer.

5. An incident recording book, bound in numerical order, shall be maintained at the premises showing details of the date and time of all assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Licensing Authority.

6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

**c) Public safety**

7. If necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

**d) The prevention of public nuisance**

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

8. For the purposes of delivery aggregators who will deliver takeaway orders the Applicant will only use the services of such delivery aggregators who have been approved by the Applicant's master franchisor - Burger King.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



# **APPENDIX C**

## **South Wales Police Representation and Proposed Conditions**

## Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)

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**From:**  
**Sent:** 05 September 2023 11:25  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Cc:**  
**Subject:** Burger King Application - 70 Queen Street

**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,

South Wales Police hereby give notice that an objection shall be made to the application for the grant of a premises licence for "BURGER KING", 70 Queen Street, Cardiff CF10 2GQ.

This objection is made under the licensing objectives of;

The prevention of crime and disorder.  
Public safety.  
The prevention of public nuisance.  
The protection of children from harm.

The premises are located within a saturation policy zone where there is a disproportionate amount of crime, disorder and public nuisance in the area. At this time the applicant has not provided reassurance by the way of agreed premise license conditions that the premise will not undermine the above licensing objectives.

Kind regards,

### 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.

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**From:**  
**Sent:** 12 September 2023 11:47  
**To:**  
**Cc:**  
**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff

**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 both,

SWP have been in productive consultation with the applicant and have agreed upon the attached set of conditions that will be applied to the premise license if the sub-committee determine the application is exceptional and the premise license is granted.

Therefore SWP are not withdrawing their objection and will provide an evidential bundle in due course.

Many thanks

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**From:**

**Sent:** Monday, September 11, 2023 12:18 PM

**To:**

**Cc:**

**Subject:** RE: Applications for the grant of a Premises Licence - Burger King, Unit 3, Southgate House, Westgate Street, Cardiff and Queens Street Cardiff

**Importance:** High

**\*\*\* 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, meddyliwch 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.

Dear

I refer to the two applications as above which my office has made on behalf of UnionBurger Limited.

Your records will show that South Wales Police as Responsible Authority has made a representation in relation to both applications.

My office has been in consultation with South Wales Police concerning its representations.

My client and South Wales Police have agreed a set of conditions as are attached hereto in Word format.

This is to confirm that my client offers to be bound by these conditions.

In these circumstances the representations as made by South Wales Police have been met by the agreement to have these conditions imposed. You will see that I have copied this to William Tapper of South Wales police who will now write to you to confirm.

Have any other relevant representations been made by any other party in relation to my clients applications? (The representation period in these cases closed on 6<sup>th</sup> September.) If so please let me have copies of the same. If not please would you confirm that the applications may now proceed to be granted without the need for any formal hearings.

I look forward to hearing from you.

Regards,

## Queen Street Burger King Proposed Conditions

1. 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 where the public have access {excluding toilets} 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.
2. When the Premises is open to and accessible by members of the general public a minimum of two Security Industry Authority (SIA) Door Supervisors will be employed at the Premises on Fridays, Saturdays and the Sunday before a bank holiday from 23:00hrs until close.
3. Sunday to Thursday, SIA will be provided in accordance with a written risk assessment.
4. On major event days there will be a minimum of two SIA registered door supervisors employed at the Premises from the earlier of 18:00hrs that day, or no less than two hours before the commencement of the event, until closure of the Premises to members of the general public.
5. Clickers, or other appropriate instruments, will be used to monitor the number of customers entering and exiting the Premises from 23:00 hours until closure of the Premises to members of the general public in line with the fire safety standards
6. 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 images. The recordings will be kept for a minimum of 31 days and will be produced to a Police employee in a readily available 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.

7. A register of door supervisors shall be kept at the Premises. The Register shall show the full name and SIA registration number of each door supervisor, stating the start and end duty times from each door supervisor. The Register shall be kept by the DPS for a minimum of 12 months and will be made available to a Police employee on request.

8. An incident book will be kept and maintained at the Premises at all times. It shall be made available on request to a Police employee. This book will record the following:

All crimes reported at the venue

Any ejections of patrons

Any disorder on the Premises

Any visit by representatives of a relevant authority or emergency service

Any failure of the CCTV system.

9. Persons under the age of 16 years must not be permitted to enter or remain on the Premises after 23:00 hours unless accompanied by a person over the age of 21 years. A notice to this effect must be prominently displayed at the entrance/exit to the Premises.

10. The Premises Management must ensure that any WIFI System used at the Premises can be switched off at times to prevent or defuse any antisocial behaviour or at the request of Police.

11. From 2300 hours each day until close only the ground floor area will be used by customers.

12. The Premises shall operate a radio system which is monitored by the Local Authority and South Wales Police.

13. For the purposes of delivery the applicant will only use the services of such delivery aggregators who have been approved by the applicant's master franchisor – Burger King.

# **APPENDIX D**

## **Licensing Enforcement Representation**



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**From:**  
**Sent:** 22 August 2023 15:37  
**To:**  
**Subject:** RE: Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, 70 Queen Street, Cardiff, CF10 2GQ

Good Afternoon,

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

In regard to the application for grant of a 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 Grant or 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 operating schedule in the application references the CIP and makes a start to its rebuttal within the operating schedule. The Cumulative impact assessment sets out in Table1 of chapter 8 broad premises descriptors. Given the detail in the application the applicants 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, this would certainly be the case during the later hours of trading. The hours specified in that application also represent that of late night take away where opening hours for the public until 04.00. Under the table 1 definitions this application would fall within the Red category Takeaway/fast food restaurant. The nature of the building and the proposed hours would also make the additional measures of restaurant category unsuitable to the nature of the business.

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.*

The presence of takeaways/fast food outlets slows down the dispersal of people out of the City Centre, and leads to an increase in the number of people on the streets. This is supported by high levels of recorded crime and Health Board data which shows high levels of incidents in the Caroline Street area which is densely populated with takeaways and Queen Street which has 3 primary fast food outlet licensed. It is unclear from the detail if the premises will remain open for seated customers until terminal hour or if it will operate on a strictly takeaway basis, a management policy of patrons queuing etc has not been elaborated upon in the application.

It should also be noted that the planning consent does include a condition limiting the premises opening hours, Condition 4 of planning reference 22/02729 limits public access to the premises between 08.00 and 00.00 on any day.

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.

# **APPENDIX E**

## **Other Persons Representation**

## **Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)**

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**From:**  
**Sent:** 16 August 2023 12:11  
**To:** Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)  
**Subject:** Licensing Objection Burger King 70 Queen Street  
**Attachments:** Licensing Objection Burger King 70 Queen Street.docx

Hi,  
Please find attached our objection in relation to the above application.  
Regards

**Licensing Act 2003: Application for the grant of a Premises Licence - Burger King, 70 Queen Street, Cardiff, CF10 2GQ**

I am writing on behalf of myself, Cllrs Weaver, Ahmed and Merry to object to this application as we feel that allowing another venue on Queen Street to be open until 5am would be to the detriment of the Licensing Objectives and would not comply with the Cumulative Impact Policy that covers Queen Street.

Queen Street has a number of take aways already and an extra one with a late licence, particularly at the end of Queen Street, is likely to attract customers, who are the worst for alcohol use, coming from venues on Churchill Way as well as other venues.

This will serve to increase the noise, crime and anti-social behaviour in this area and will cause further disruption to visitors using the nearby hotels and increase the work of the already stretched police.

South Wales Police already have a mass of evidence related to late night takeaways in town and on Queen Street and their crime statistics record 282 reported crimes in that area between January and June 2023. These do not include incidents that the police deal with at the time and take no further.

We object to this application on the grounds that it will not promote the Licensing Objectives of the prevention of:

Crime and Disorder as it will increase the volume of intoxicated people in the area;

Public Safety and Public Nuisance in that we have concerns over increasing noise, antisocial behaviour and violence.

The Cumulative Impact Policy is in place to prevent an application such as this one and puts the onus on the applicant to prove that their proposed premises will not undermine the Licensing Objectives. We feel they will not be able to achieve this and we ask you to refuse this application.

Regards

Cllr Norma Mackie and on behalf of Cllrs Sarah Merry, Chris Weaver and Ali Ahmed  
Cathays Councillors