

LICENSING SUB-COMMITTEE: 8 January 2021

Report of the Head of Regulatory Services

Application for Premises Licence - Grant

Application No: 057374

Name of Premises: Chilli Flames, 95 St Mary Street, Cardiff, CF10 1DX

Ward: Cathays

1. **Application**

- 1.1 An application for the Grant of a Premises Licence has been received from T N Ventures Limited in respect of Chilli Flames, 95 St Mary Street, Cardiff, CF10 1DX.
- 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):
"A hot food takeaway and dine in establishment"
 - (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 Saturday: 11:30 to 04:00 hours
Sunday: 12:00 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 a plan of the premises can be found attached as **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 attached as **Appendix B**.

3. **Relevant Representations**

- 3.1 A representation has been submitted by South Wales Police and is attached as **Appendix C**.
- 3.2 A representation has been submitted by the Senior Licensing Enforcement Officer and is 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

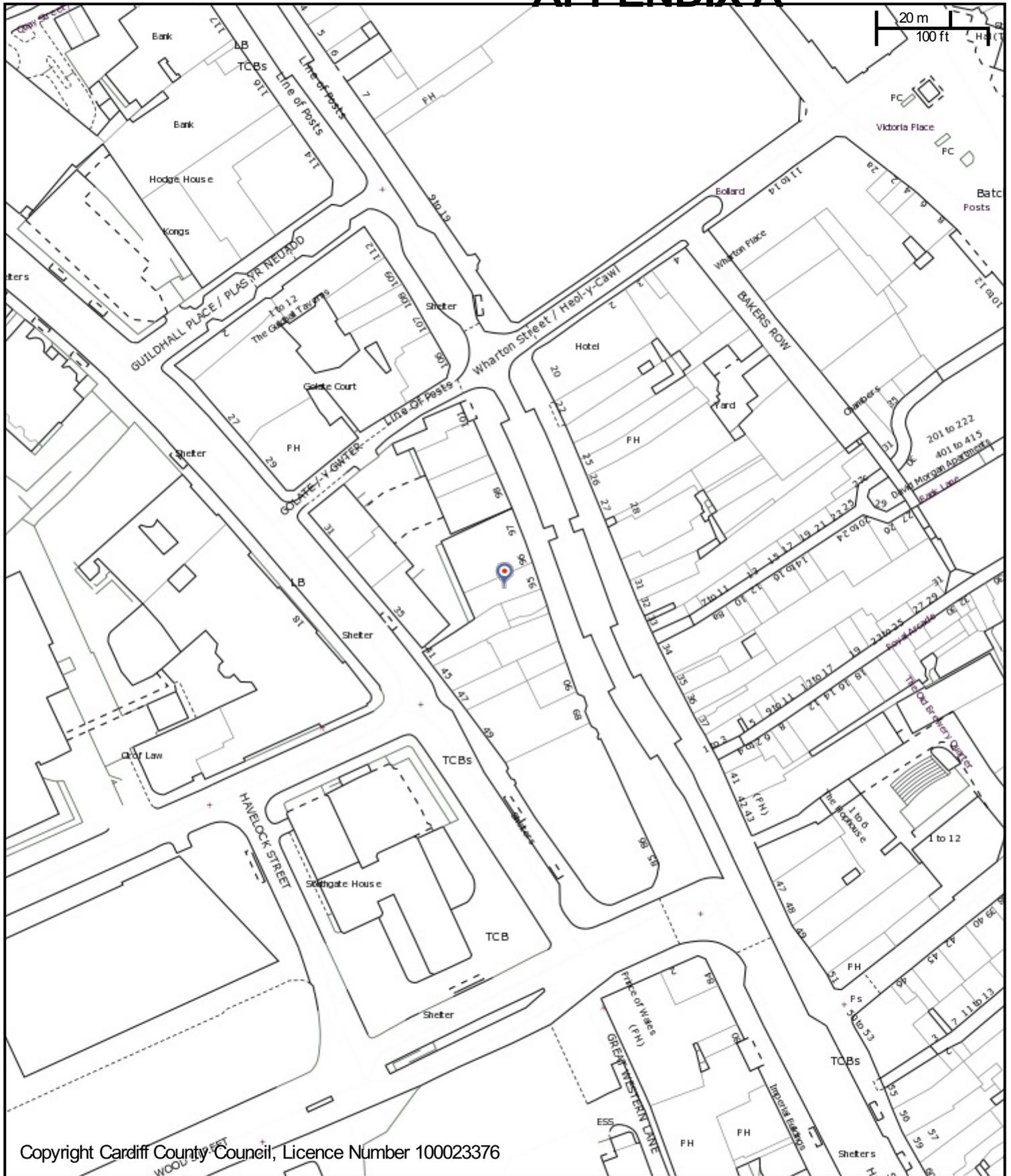
- a) To grant the application.
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
- c) Reject the whole or part of the application.

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



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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



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APPENDIX B

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N/A

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.

N/A

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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 public will not have access to the basement and that area will not be included in the premises licence.

We will encourage customers to sit within the premises to consume their food rather than to eat it outside, as our customer area is quite large and the customer area can be utilised for at least 70% tables and seating when social distancing rules are lessened.

b) The prevention of crime and disorder

A CCTV system shall be installed to a standard approved by South Wales Police and will be maintained and operated at all times the premises are open to the public. The system will cover all internal areas of the premises to which 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 this.

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 premises;
- Any ejections of customers;
- Any disorder on the premises;
- Any visits by representatives of a relevant authority or emergency service; and
- Any failure of the CCTV system.

SIA registered door supervisors will be employed at the premises between the hours of 2330 and 0400. A register of door supervisors shall be kept at the premises. The register shall contain the full name and SIA registration number of each door supervisor, stating the start and end times of the duty of each door supervisor. The register shall be kept by the premises licence holder for a minimum of 12 months and made available to a police employee on request.

Body worn cameras shall be utilised by SIA door supervisors at the premises on a ratio of one body worn camera to every three SIA registered door supervisors. The device shall be capable of recording video images and sound. Images from the body worn camera shall be stored for a minimum of 31 days and shall be produced to a police employee in a readily

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playable format, immediately upon request when the premises is open to the public and at all other times as soon as reasonably practicable, subject to data protection legislation. There will be sufficient trained staff to facilitate this condition.

The premises will adopt the drug safe scheme. A lockable drugs safe will be installed at the premises and be accessible only to a police officer or member of police staff. Any drugs found at the premises will be recorded in the premises incident book. This entry will record the date and time of the discovery, the details of the person finding the items, a description of the items and the circumstances of the discovery.

c) Public safety

We have public liability insurance.

There is business appropriate fire fighting equipment throughout the premises and all emergency routes/signs are illuminated.

d) The prevention of public nuisance

Clear notices will be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner out of respect for our neighbours.

Toilet checks will be conducted at regular intervals to deter customers from illegal activity. A register of the checks will be kept by the premises licence holder for a minimum of 31 days and will be made available to a police employee upon request.

A sign will be displayed at the entrance to the premises, entrance to the toilets and within the toilets advising of the management's zero tolerance on the use of controlled drugs.

e) The protection of children from harm

No person under the age of 16 will be permitted on the premises after 2300 hours and clear and prominent signage will be on display to this effect.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

APPENDIX C

From:
Sent: 11 December 2020 11:21
To:
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Objection letter CHILLI FLAMES
Attachments: letterhead.docx

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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, 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.

Dear

Attached is the Police objection.

As we discussed it is made under the CIZ as per the Cardiff Statement of Licensing Policy.

The signed original is available by post if you so request.

Regards

Tony

Ydych chi angen siarad gyda'r heddlu ond nad oes angen ymateb brys arnoch? Ffoniwch 101 Gellir defnyddio'r rhif i roi gwybod am achos nad yw'n un brys i unrhyw heddlu yng Nghymru a Lloegr. Mewn argyfwng, ffoniwch 999 bob amser.

Do you need to speak to police but don't require an emergency response? Call 101 The number can be used to report a non-emergency to any force in Wales and England. In an emergency, always dial 999.

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.

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Gallai defnyddio neu ddatgelu'r neges e-bost hon heb awdurdod fod yn anghyfreithlon. Gallwch weld ein datganiad cyfrinachedd yn: <https://www.south-wales.police.uk/cy/datganiad-cyfrinachedd-e-bost/>

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU

In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

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

10th December 2020

APPLICATION FOR THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
CHILLI FLAMES 95 ST. MARY STREET, CARDIFF CF10 1DX

Dear Ms. Jordan,

I have caused enquiries to be made into this application and make the following representation;

South Wales Police object to the grant of this application under the Licensing Objectives;
Prevention of Crime and Disorder
(The premises are in the saturation zone as per the Cardiff City Council Cumulative Impact Policy
2016-2021 ehnce this objection.)
Public nuisance.
Protection of Children from Harm.

Should the committee be of a mind to grant this application, we ask that conditions are attached to the
premises licence as listed below;

CONDITIONS

1) A CCTV system will be installed to a standard agreed with South Wales Police. It shall be maintained
and operated at all times the premises are open to the public. The system shall cover all areas to which
the public have access (excluding toilets) including all public entrances and exits and the pavement
directly outside. Images will be kept for a minimum of 31 days. The images shall be produced to an
authorised Police employee in a readily playable format immediately upon request when the premises
are open and at all other times as soon as is reasonable practical. There will be sufficient staff training
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.



2) One SIA registered door staff will be employed on the premises from 23:00 hours to close each day.

A record of door staff employed at the premises shall be kept. It shall keep a record of the name and SIA number of such staff. It will detain the date and time each member of staff commenced their duty and the time they finished. The record will hold details for at least one year and be made available to authorised members of South Wales Police upon request.

3) When SIA door staff are employed at the premises a body worn CCTV camera will be used by those staff to capture images and audio of any incidents of disorder. The device(s) used shall be capable of recording video (images) and sound. They shall be used whenever incidents involving conflict or confrontation occur, or are likely to occur.

Images of any incidents/suspected offences recorded onto the body-worn cameras shall be stored for a minimum of 31 days and shall be produced to a police employee on the provision of satisfactory identification, or other responsible authority representative, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably possible subject to data protection legislation. There will be sufficient trained staff to facilitate the above.

4) There will be no use of any external dining area such as the pavement outside.

5) An incident book shall be kept at the premises and maintained on site for a period of twelve months. It shall be made available on request to a police employee, and will record the following:

All crimes reported to the venue

Any complaints received (of a Criminal or Licensing nature)

Any incidents of disorder

Any visit by a representative of a relevant authority or a member of the emergency services.

Any failures of the CCTV system.

6) No customers under the age of 16 years shall be permitted on the premises after 23:00 hours unless accompanied by a responsible adult.

7) There should be a sign at the till point reminding staff of the prohibition on serving food and beverages to children under 16 after 23:00 hours unless accompanied by an adult.

Additional evidence to support the notice of objection will be presented at any subsequent hearing before the Licensing sub Committee. If you require any further information please contact Police Licensing Officer

Yours sincerely

M. CONQUER

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

From: Sampson, Jay
Sent: 11 December 2020 12:20
To: Barker, Kirstie
Cc: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: RE: Licensing Act 2003: Application for the grant of a Premises Licence - Chill Flames, 95 St Mary Street, Cardiff, CF10 1DX

Hi Kirstie,

In regard to the above application to grant premises license, I wish to advise that 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 new applications for Premises Licences will be refused unless the applicant can demonstrate the business will have no negative effect on any of the licensing objectives.

The premises detailed above falls within the boundary of the Cumulative Impact Area and therefore an objection is submitted in respect to the following Licensing Objectives.

The prevention of crime and disorder.
The prevention of public nuisance.

Whilst we are content that the applicant has offered a number of conditions in relation to how the premises intend to promote the licensing objectives, it is felt that it is still likely that this application will contribute to the negative cumulative impact in the area.

Consequently the Licensing Sub-Committee will need consider this application in line with Cardiff Councils Statement of Licensing Policy and Cumulative Impact Policy.

Kind regards,

Jay Sampson



Jay Sampson
Uwch Swyddog Trwyddedu / Senior Licensing Enforcement Officer
Gwasanaethau Rheoliadol a Rennir / Shared Regulatory Services
Adran Drwyddedu / Licensing Section
Neuadd Y Ddinas, Caerdydd / City Hall, Cardiff / CF10 3ND

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