

**RESPONSE TO THE REPORT OF THE COMMUNITY AND ADULT
SCRUTINY COMMITTEE REPORT ENTITLED “HOW TO REDUCE
CRIME AND DISORDER IN THE NIGHT TIME ECONOMY IN A
TIME OF AUSTERITY”**

REPORT OF CORPORATE DIRECTOR RESOURCES

AGENDA ITEM: 8

**PORTFOLIO: SKILLS, SAFETY, & ENGAGEMENT (COUNCILLOR DAN
DE’ATH)**

Reason for this Report

1. To provide a response from Cabinet to Community and Adult Services Scrutiny Committee following their report ‘How to Reduce Crime and Disorder in the Night Time Economy in a Time of Austerity’.

Background

2. The ‘How to Reduce Crime and Disorder in the Night Time Economy in a Time of Austerity’ inquiry reported in March 2016.
3. The Terms of Reference of the inquiry were:
 - To take a solution focused approach to identifying how best to reduce crime and disorder in the Night Time Economy (NTE) in Cardiff in a time of reducing public and third sector resources, including:
 - Exploring the role of licensing, Business Improvement Districts (BID), Late Night Levy, taxi marshals, street pastors and Alcohol Treatment Centres:
 - Exploring partnership working and resource allocation associated with managing the Night Time Economy in Cardiff.
 - To gather stakeholders’ views with regard to the above, including statutory partners, city centre business representatives, third sector organisations representatives and relevant Cabinet Members and Cardiff Council officers.
 - To explore relevant best practice in external organisations and other local authorities, that is transferable to Cardiff, including the work of the South Wales Police and Crime Commissioner’s Violent Crime Reduction team.

- To make evidence based recommendations to improve the reduction of crime and disorder in the Night Time Economy in Cardiff in a time of austerity.

Issues

4. The Scrutiny inquiry report contained 15 recommendations, the proposed response to which is attached at Appendix A.

Reason for Recommendation

5. To enable the Cabinet to respond to the Community and Adult Services Scrutiny Committee report entitled 'How to Reduce Crime and Disorder in the Night Time Economy in a Time of Austerity'.

Financial Implications

6. Whilst this report has no direct financial implications, the financial impact of implementing any accepted recommendations will need to be considered and implemented having regard to budgets available and inclusion in the Medium Term Financial Plan. Where recommendations are linked to the Business Improvement District, any financial implications of this report will need to be considered as part of its establishment.

Legal Implications

7. All decisions taken by or on behalf of the Council must (a) be within the legal power of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

RECOMMENDATION

Cabinet is recommended to agree the response to the Community and Adult Services Scrutiny Committee report entitled 'How to Reduce Crime and Disorder in the Night Time Economy in a Time of Austerity' (Appendix A).

CHRISTINE SALTER

Corporate Director
21 July 2016

The following appendix is attached:

- Appendix A - Response to the recommendations of the Community and Adult Services Scrutiny Committee March 2016 entitled 'How to Reduce Crime and Disorder in the Night Time Economy in a Time of Austerity'

APPENDIX A

RESPONSE TO THE RECOMMENDATIONS OF THE COMMUNITY AND ADULT SERVICES SCRUTINY COMMITTEE REPORT MARCH 2016 ENTITLED HOW TO REDUCE CRIME AND DISORDER IN THE NIGHT TIME ECONOMY IN A TIME OF AUSTERITY

R1. At a Cabinet Member level, identify a single Night Time Economy champion, to provide strategic and tactical leadership within the Council, covering the range of issues associated with the Night Time Economy including crime and disorder, and ensuring that the Council's legal responsibilities and duties are met.

Response – This recommendation is accepted.

The Cabinet Member for Skills, Safety and Engagement has taken on the role of Night Time Economy Champion.

R2. Ensure that the Night Time Economy Champion has lead responsibility for the development of the action plan that will be required in response to the Welsh Government's 'Framework for Managing the Night Time Economy in Wales'.

Response – This recommendation is accepted.

The Cabinet Member for Skills, Safety and Engagement has tasked officers with developing a Night Time Strategy for the city. This will take into account Welsh Government's final Framework, once published.

R3. Task officers to clarify the roles and responsibilities of the various partnership groups and meetings that take place and the relationship between those that take place under the remit of the Cardiff Partnership Board and those that take place under the remit of the Cardiff Business Improvement District, to ensure that strategic and tactical conversations take place at the right level and at the right time and that there is better clarity about joint decision making for all issues relating to Night Time Economy issues.

Response – This recommendation is accepted.

The newly-formed Cardiff Public Services Board, chaired by the Leader, has taken over responsibility for partnership working from the Cardiff Partnership Board. It met for the first time on 24 May 2016. Statutory members include the City of Cardiff Council, the Cardiff & Vale University Health Board, South Wales Fire and Rescue, with South Wales Police, the Assistant Police and Crime Commissioner, and the National Probation Service attending as 'invited participants', along with other partners. The Board is reviewing the current

position in terms of partnership governance and reporting, taking into account the various groups, meetings and work streams currently in existence. The Night Time Economy will be borne in mind as the review progresses.

When it met in May, the Board agreed that an invitation should be extended to the Chair of the Business Improvement District, in the event of a positive ballot, to ensure that firm links with the private sector are maintained and improved. This will help to ensure future clarity around service provision and joint decision making. Now that a positive ballot has been received the Leader has issued this invitation.

R4. Task officers to work with existing operational delivery partners across the Night Time Economy to first, prepare an audit of existing resources which are input from a range of partners to meet the costs of managing crime and disorder in the Night Time Economy and secondly, identify those that are not secure, not sustainable, stretched and/ or have recently been reduced.

Response – This recommendation is accepted.

This work will form part of the development and implementation of the Night Time Economy Strategy.

R5. Ensure that the Night Time Economy Champion takes the lead in holding an open conversation with all relevant partners on how to ‘shrink together not shrink apart’, by identifying and agreeing solutions to secure sustainable funding for the essential mechanisms that work in Cardiff, including: taxi marshals, street pastors, the Alcohol Treatment Centre and Operation Mistletoe.

Response – This recommendation is partially accepted.

The Night Time Economy Champion will ensure that discussions take place with Council partners to investigate how existing services could be sustainably funded in the future. The establishment of the new Cardiff Public Services Board gives us an opportunity to improve and build upon Cardiff’s existing successful approaches to partnership working, avoiding the pressure to ‘shrink apart’ discussed in the in the Scrutiny Committee’s report. The development of a Night Time Economy Strategy will bring partners and the Council together to assess current provision and confirm how city leaders want the night time economy and services to look like in future years. In order to gain strong partner backing and to ensure co-design the delivery of these services, the Night Time Strategy will be subject to partner consultation and be presented to the Safer and Cohesive Communities partnership Board for endorsement.

R6. As part of identifying and securing sustainable funding for the essential mechanisms that work in Cardiff, task officers to implement a Late Night Levy, with a legal

agreement between Cardiff Council and the South Wales Police and Crime Commissioner to make it transparent that the monies raised by the Levy will be spent in Cardiff on tackling Night Time Economy crime and disorder issues.

Response – The recommendation is partially accepted.

Before introducing a levy, the local authority must conduct a full consultation including the police, the relevant Police and Crime Commissioner, licensed premises, residents and other stakeholders. There are currently seven levies in place across England, but there have been a significantly higher number of councils who have considered and rejected the introduction of a late night levy. These include cities similar in size and nature to Cardiff, such as Bristol, Leeds and most recently, Liverpool who, following an intensive consultation, rejected the need for a levy.

These Councils have determined that a BID scheme would provide a more targeted spending of funds and develop a more inclusive approach toward managing the night time economy. Similarly, the Cardiff BID is committed to investing in the management of the evening and Night Time Economy, and the BID will work closely with the Police and the Council to design a programme of investment that will include the creation of dedicated additional police resource.

The BID Task Group made a commitment to dedicate an amount equivalent to or greater than the amount that would be collected through the Late Night Levy, should one be sought to be introduced, in order to contribute to the management of the Night Time Economy. Therefore, all licensees located within the BID area and paying the BID levy would be exempted from a Late Night Levy. Furthermore, any licensed businesses within the BID area that fall below the BID threshold will be able to take out voluntary membership of the BID; in return the BID would pay these businesses' contribution to any future Late Night Levy.

The impact of the BID's contribution to the Night Time Economy would need to be reviewed before any further decision on the Late Night Levy is taken.

R7. Task officers to ensure that all relevant sections of the Council involved in managing the Night Time Economy are involved in the conversations to develop and implement the Cardiff Business Improvement District.

Response – This recommendation is accepted.

Officers contributed constructively to the development of the BID and will continue to work in close partnership with BID members now that a positive ballot has been received.

R8. Continue to have strong and constructive conversations with the Cardiff Business Improvement District working group to ensure Night Time Economy issues are kept on the table so that proposals to add to and enhance service provision to tackle these issues appear in the final business case.

Response – This recommendation is accepted.

Following constructive and positive engagement between officers and BID task group members, the BID Business Plan made a strong commitment to the development of the Night Time Economy in Cardiff. The Business Plan confirmed support for investment in the management of the evening and night time economy; the aim to strengthen business participation with crime reduction partnerships and new or improved business crime management initiatives; and that the BID will add value to existing night time economy schemes such as the Street Pastors and Taxi Marshalls.

As stated above, the Chair of the Chair of the Business Improvement District has been invited to attend the Cardiff Public Services Board in order to ensure an ongoing link between the BID, the Council and public sector partners in progressing this agenda.

R9. Clearly acknowledge that the Cardiff Business Improvement District will not pay for existing Night Time Economy services, including those to tackle crime and disorder.

Response – This recommendation is accepted.

The services and projects which can be provided through a Business Improvement District must be in addition to services provided by the local authority.

R10. Task officers to work with British Transport Police and taxi forums to develop and implement mechanisms to regulate drinking on trains and in taxis on the way into and out of Cardiff city centre.

Response – This recommendation is accepted.

There are no laws to prevent drinking alcohol in a taxi or on a train (Transport for London and some rail companies have policies in place to prohibit consumption of alcohol when using their services). Any mechanisms put in place would need to be considered carefully to ensure they are capable of addressing this issue. The Cabinet will refer this matter to the Licensing Committee for action.

R11. Task officers to work to support and encourage late night street entertainments as a way of addressing the boredom which can lead to crime and disorder in the Night Time Economy.

Response – This recommendation is partially accepted.

Late night street entertainment will be considered as the Night Time Economy Strategy is developed.

R12. Task officers to set out an awareness raising campaign to inform Members and partners about the Licensing Act 2003 and the limitations these place on the licensing function of Cardiff Council.

Response – This recommendation is accepted.

In 2012, the Regulatory Service hosted an event for all elected members outlining the provisions of the Licensing Act to enable members to play a full role in representing the concerns of their communities. The Cabinet will make arrangements for those events to be repeated later this year.

R13. Task officers to put in place a robust system to enable statutory partners to work together at an early stage to support objections where it is believed a license would have a negative impact on the Council's licensing objectives.

Response – This recommendation is accepted.

The Council already hosts regular meetings of the organisations identified as responsible authorities under the Licensing Act 2003. These meetings deal with issues arising from the Council's licensing policy, any changes in legislation and identified problem areas; the latter point may include premises whose operation is having an adverse impact upon local communities or where applications are received to begin selling alcohol which could have a negative impact upon the area.

It is important to understand that the Licensing Service within the Council has to achieve a separation of responsibilities to ensure procedural fairness and eliminate conflicts of interest. In Cardiff licensing determinations are made by the Licensing Subcommittee comprising elected members of the authority, advised by a licensing officer. A separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officers within the service.

R14. Task officers to ensure Licensing Committee Members are informed that licensing conditions can be used to ensure premises do not hold drinking games or 'carnage' events.

Response – This recommendation is accepted.

The 2003 Act allows mandatory conditions to be included in every licence to control irresponsible drinks promotions. Irresponsible promotions can include activities, whether drinking games or not, which may require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise. This condition is added to all licence conditions in the City.

Any elected member who is appointed to service on the Licensing Committee must undergo training on the 2003 Act to understand their role in determining applications before they are allowed to sit as Committee members. This training includes the use of licensing conditions to promote the licensing objectives.

R15. Task officers to ensure that high profile joint enforcement visits are undertaken between licensing authorities, Environmental Health, Fire Service and Trading Standards to check door supervisors, health and safety, fire prevention, noise nuisance controls and compliance with licensing conditions.

Response – This recommendation is accepted.

The Regulatory service (Licensing, Trading Standards and Environmental Health) already works closely with other enforcement agencies to ensure that the licensing objectives are observed. These initiatives will continue along with the partnership working with the Licensees Forum.