

Draft Licensing Act Policy Consultation Responses

Date	Source	Details of Representation	Details of Amendment
13/09/15	Welsh Council – Wynford Ellis Owen	<p>The document is detailed and comprehensive, and the highlighted objectives are commendable. Where the document is disappointing is in its cold and legalistic tone, and it doesn't give an objective overview of the effect of alcohol on the consumer. There are moral, social, economic and health issues that are not referred to in the document. The LA would probably argue that such matters are not their direct concern, nor are such matters accommodated within licensing laws. The issue remains to be dealt with – who does ensure that the misuse of alcohol is seen as a collective concern?</p> <p>The police deals with the events on the street, the courts receive the cases where examples of violence must be punished, and the hospitals and medical centres respond to the physical damage of those who are drunk and injured. The long-term damage is another facet that society needs to confront. Yet the Licensing Authority can stand back and disclaim responsibility. The distillers and brewers would walk away from accepting liability. There needs to be a collective view on the welfare of the whole community, and this document fails to recognize the consequence of the over lenient attitude to the provision of alcohol in society.</p> <p>One accepts that restaurants and bars would keep an overview of behavioural concerns and would need to maintain certain standards from their staff and managers. They would have limited opening hours.</p> <p>The clubs seem to be less stringent in their discipline and probably the social problems are heightened in consequence.</p> <p>The document does not refer to the circumstances where an application would be refused. Would the Authority grant a licence to a grocery store that might be open at 5.00 am or where a shop would offer alcohol after 11.00pm in a residential area?</p> <p>Outside London, Cardiff is seen as the most attractive location to the south of Birmingham. Drawing alcohol based visitors may offer business to many in Cardiff, but surely the LA must take a broad view of all the alcohol related issues. How many hospital beds are occupied by alcohol related illnesses and how many cases in the Magistrates Courts are alcohol related?</p> <p>The document may be well written and within the letter of licensing laws, but it falls short of having a caring and protective mind-set of those who live in the communities of our city. We would encourage the relevant committee to revisit the document, especially with regard to the outlets where the customers don't drink on site and to the standards expected in the city centre clubs. The police, hospitals and social workers must have an input into the document, as the people who deal with the consequences on the other side of the street. A discussion with groups such as 'Street Pastors' and 'The Living Room Cardiff' could offer another insight before this document is rubber stamped for another three years.</p>	Licensing Act Policy is not the tool to deal with wider issues of alcohol misuse
22/09/2015	Matthew Phipps, TLT Solicitors	<p>Paragraph 2.1</p> <p>I think that the policy seeking to provide clarity for applicants is important, but I think it is to enable them to understand how to apply and how decisions are arrived at, as well as an understanding of the objectives. The matters that will be considered material ought to feature. Getting applicants to see and to understand the context in which licensing decisions are made could and should be an articulated feature?</p> <p>Where on page 6 of 61 you advise on consultation partners, there seems to be an available bullet for licensing solicitors!</p> <p>Key Message</p> <p>(Page 6 of 61) - although you may do it later I would have thought that you would want to articulate what might, or might not, be exceptional circumstances.</p>	<p>Licensing Solicitors added to bullet points</p> <p>Difficult to add example as each application determined on its own merits.</p>

	<p>Page 8 of 61</p> <p>I think it should be sports stadia not stadiums</p> <p>Paragraph 3.1</p> <p>Where reference is made to applicants being encouraged to make themselves aware of the relevant local crime prevention strategies (etc) perhaps these could and/or should be referenced by way of an on-line link later in the policy or perhaps there could be a page on the Cardiff City Council website directing people toward those various policies. Solicitors and licence holders with both time and resource to investigate these policies might well take advantage of the passing reference in the policy, but actually offering direct transparent lines of sight into these policies will benefit many more than just those who go to the extra time, trouble and expense of finding them.</p> <p>In the next paragraph where you make reference to contacting responsible authorities with details provided in appendix b of the policy I would have thought the same sort of thing could and should be offered for the policies mentioned above.</p> <p>Live Music Act and Deregulation</p> <p>Whilst this all looks correct as of 18 September, it may be worth treating that element as its own section within the policy and highlighting that the authority may reserve the right to revise that part of the policy (without the need to revise the entire policy) if, and/or when the legislation changes.</p> <p>Petrol/Service Stations</p> <p>I think you probably need to have another look at the prohibition on premises licensing for motorway or trunk road service areas. It is not particularly my area, but I think that it is only those that were configured as such before 1991 (?) certainly I know that Wetherspoons have applied for and obtained licences on motorways and/or significant service areas recently as have a number of off-licence premises (we applied for and obtained a premises licence for WH Smith in Cobham on the M25 last year).</p> <p>The key message for petrol service stations goes directly to the issue of trading figures which is of course drawn from the Shell Garage case, that is the leading case in "primary use" considerations. However, I think that as it is merely a case it is a precedent only for so long as it is not challenged in the Courts. I would have thought that the (better) key message would be that it is incumbent upon the applicant to produce satisfactory evidence to demonstrate that the primary use of the premises is not as a garage, how they chose to do that is a matter for them, would be a better articulation of what is required (and doesn't tie you down to something that risks becoming redundant).</p> <p>Grant and Full Variation Process</p> <p>The third bullet suggests that the notice needs to be on an A4 pale blue coloured notice. I don't think that is right. The requirement is that it is a blue notice but I don't think there is any restriction of it being on A4. You might also want to make reference to the fact that the font size is set out in the regulation as well.</p> <p>Page 14 of 61</p> <p>It seems to me that the primary message about what may trigger a review is an undermining of the licensing objectives. These may be evidenced through.... Noise problems, underage sales of alcohol (etc), but I think the fundamental point about the undermining of the licensing objectives probably needs to be made.</p> <p>Page 15 of 61</p> <p>In cases of serious crime and disorder at premises police may apply for a summary review (of course), but there ought to be reference to</p>	<p>Point changed</p> <p>Will consider referencing policies when Shared Service Website in place</p> <p>Add the words 'Satisfactory evidence' to replace the word 'Documentation such as trading figures'</p> <p>Need to add the words 'at least' before A4 and refer to font size</p> <p>Reword paragraph to emphasise the undermining of licensing objectives</p> <p>Add sentence re Closure Notices</p>
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	<p>the fact that they have significant powers under a number of other legislations for closure orders and closure notices as well.</p> <p>Personal Licences</p> <p>I think that there could and/or should be reference to the fact that the authority has from time to time taken, or at least threatened, criminal proceedings for failure to update the licence.</p> <p>4.3 - Local Health Board</p> <p>I don't think that the licensing authority policy should presume to know the circumstances that may cause the UHB to make representations to an application. The UHB is, after all, nothing more (and I entirely accept nothing less) than a responsible authority. This part of the policy risks effectively endorsing or seeming to corroborate a potential UHB representation inappropriately.</p> <p>Where you go on to say that the UHB will use information of alcohol treatment centre, emergency department and monitoring and inform licensing authority of any activity that is causing concern and use the information to make representations where appropriate, that has the appearance of validating their representation (before they have even submitted it!).</p> <p>I appreciate that they are a responsible authority, I appreciate that they are entitled to make a rep. but I am afraid I think that this goes too far in that it invites the conclusion that it will be at least difficult to marginalise and/or discount their representation (which applicants may very well want to do). To use an example in the Bierkeller case I felt that their representation was without any real merit and the way that this part is drafted invites the conclusion that there is some legitimacy to what, at least in that case, I considered was pretty hollow observation.</p> <p>4.6 - Anonymous Representations</p> <p>From memory the legislation, or perhaps the National Guidance, allows for representations to be anonymous where there is a legitimate anxiety about intimidation (or some such) and I think that the policy perhaps goes a little bit too far in that it seems to prohibit anonymous reps, where the legislation seems to allow for them (albeit in exceptional circumstances). Better I think for the policy to say that you would not usually accept anonymous representations, rather than you cannot (under any circumstances) accept them.</p> <p>5.2 - Conditions</p> <p>The first sentence the second paragraph doesn't make sense (all conditions attached by the licensing authority will be focused on matters within the control granted by relevant authorisations). I am not sure the rest of the paragraph is particular good either!</p> <p>6.1 - Enforcement and Agency Integration</p> <p>Where you reference Cardiff Council's licensing enforcement policy perhaps an on-line link or reference to it as an appendix might be made in the policy.</p> <p>The Top of Page 24 of 61</p> <p>Where arrangements are in place for licensing committee to receive reports on local tourism economy (etc) I think that provision could and should be made, both in the policy and at any hearing, for reference to those policies so that applicants and representors know what the "additional" issues that the licensing committee may be looking at when coming to a determination.</p> <p>6.3 - Provision of Services Regulation</p> <p>I have asked Andrew in my team to drop you a separate note about that as he has a much better understanding of the on-line portal process and systems that we use with all the other various authorities around the country and hopefully he can offer some real</p>	<p>and ASB Crime & Policing Act</p> <p>Section amended to refer to prosecutions</p> <p>Small amendments made to wording to state this is what UHB have advised Cardiff Council</p> <p>Add Licensing Authority may consider withholding some personal details in circumstances which justify such action</p> <p>Remove paragraph</p> <p>Will add link once website updated</p> <p>The LC considers reports rather than policies so not needed to be referenced.</p>
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24/09/2015	Pollution Control	<p>7.3 –Licensing Hours & 7.4c Prevention of Public Nuisance Add information on limiting the use of external areas to 9pm in residential areas</p> <p>7.4c Outdoor Events Add bullet points referencing:</p> <ul style="list-style-type: none"> • Refer to Code of Practice on Environmental Noise Control at Concerts when undertaking noise surveys • Use of fireworks • Advise provide event organiser details to Pollution Control <p>Map 1: City Centre CIP Area Include separate larger map for reference</p>	<p>Text added</p> <p>Text added</p> <p>Separate map produced</p>
15/09/2015	South Wales Police Licensing	<p>7.4A Prevention of Crime & Disorder Refer to crime reduction initiatives in general rather than specific initiatives as subject to change</p> <p>Off –Sales of alcohol DPPO refers to open vessels of alcohol</p> <p>Traffic-Light System Explain meaning of 'SMART' action plan</p> <p>Map 1: City Centre CIP Area Extend to include Central Station due to forthcoming development</p>	<p>Amended as suggested</p> <p>Addition of words as suggested</p> <p>Text added –Specific, measurable, achievable, realistic, time-based</p> <p>Map amended</p>
01/10/2015	Carl Ryan	<p>The policy takes into account data not only from the Police but health services. Whilst I fully appreciate the obvious cost benefits of pooling data from various sources, the accuracy of some of this data could be questioned. If, for instance, the health statistics are based on asking an intoxicated person where they have just been, is this data valid enough to use when forming the policy? Similarly, would the data be valid enough to form a reasoned objection to a licence application? This is data that would be under intense scrutiny should someone wish to appeal a decision, and the outcome of such an appeal could have a knock on effect on the whole policy.</p>	<p>Response from data analyst -It should be noted that the Health data is not used on its own but is used to corroborate evidence from police data the data used is from A & E records. The use of A & E Data together with police data has been nationally recognised as a way of reducing violence within the night time economy. It should be noted that the Health data would not be used exclusively to carry out any objections etc but would be used to corroborate the police data.</p>
2/10/2015	Leamgate Ltd on behalf of Le Monde, Soda, Attic	<p>Point 1.</p> <p>References to any other documents (such as the 'guidance for applicants') need to include details of where they can be found, preferably with a link to the relevant web- page</p> <p>Page 11 makes reference to 'The City of Cardiff Council's Licensing Act 2003: Guidance for applicants- New Premises and Variation Applications'. A link to the document needs to be provided.</p>	<p>To be completed when the website updated</p>

	<p>The section on the Local Heath Board (page 18) makes reference to information made available to the licensing authority. Where possible, such information should be made available to applicants to assist in making applications and drafting operating schedules.</p> <p>Reference is made (page 23) to 'Cardiff Council's Licensing Enforcement Policy' and 'established protocols'. A link to these documents needs to be provided.</p> <p>References are made at page 29 to Cardiff Business Crime Reduction Partnership, National Pubwatch and Safer Clubbing Guide: Links to all 3 would be useful to applicants.</p> <p>Reference is made to the 'Council's Events Liaison Panel'. A link or contact details would be of value to applicants.</p> <p>Reference is made on pages 32 and 41 to the 'traffic light policy'. Links to any supporting documents would be valuable.</p> <p>Reference to licensing fees is made throughout the document without any link or other means to establishing what the fee is. This would provide useful</p> <p>All such links could be contained in a useful link page at the back, or as footnotes, so long as readers are notified at the appropriate points where references are made.</p> <p>Point 2</p> <p>The section dealing with Live Music Act 2012 and deregulation contains some factual errors and does not deal with the recorded music deregulation</p> <p>An analysis of the advice given in relation to Live music Act 2012 and Deregulation Act 2015 misses some important points and in the first bullet is incorrect in the hours it suggests unamplified music can take place.</p> <p>The section misses out the requirement that the live and recorded exemption (bullet 2) is only available during hours that alcohol can be sold.</p> <p>There is no mention of how the exemptions and deregulations are applied in outside areas of premises licensed to sell alcohol and when conditions do apply (such as in beer gardens shown on plans but not licensed).</p> <p>Point 3</p> <p>The list of potential decisions on review ignores' misses issuing a warning to the licence holder and would benefit from being re-ordered;</p> <p>The list of actions a licensing committee can take on review (page 15) appears to go from the least to most draconian in terms of order with the exception of 'take no further action' which appears at the bottom. We suggest that this should appear at the top, with a new bullet under it stating: 'Issue a formal warning to the premises licence holder'.</p> <p>Point 4</p> <p>The Temporary Event Notice section makes no reference to use of TENs by licensed premises and would benefit from a tightening of the language</p> <p>In presenting the purpose of TENs on page 16, there is no reference in the opening paragraph to their use at licensed premises. This is factually incorrect. There is no distinction made (except in relation to what conditions can be added to a TEN) between licensed and non-licensed premises for the purpose of TENs.</p> <p>Point 5</p>	<p>Corrected typo regarding unamplified music. Recorded music already included</p> <p>Added text 'issue warning to the licence holder'</p> <p>Added text as suggested</p>
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	<p>The responsible authority list should be complete and role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority</p> <p>The list of responsible authorities (page 17) would be of more assistance to applicants if it were a complete list. Where responsible authorities, such as waterways, need only be consulted/ included in specific circumstances, these could be highlighted as such at the bottom of the list.</p> <p>Point 6</p> <p>The role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority</p> <p>Local authorities are obliged in law to ensure that not only do all decision making bodies act in a fair and unbiased way, but they are seen to be acting in a fair and unbiased way. An applicant whose application was administered by the same person objecting to it could legitimately say that this could lead to bias, in particular where the administering officer is writing the committee report, whether or not they then appear as an objector.</p> <p>Point 7</p> <p>The section on anonymous representations materially differs from that issued in the S182 Guidance</p> <p>Page 19 makes reference to anyone wishing to make representations but requiring they remain anonymous to make their representation through their local councillor. This goes further than the S182 Guidance. Paragraphs 9.25 to 9.29 of the March 2015 Guidance suggests other alternatives. There is a chance, in simply suggesting that parties wishing remain anonymous should go through their councillor that they will not be able to make their legitimate representations in time, either due to absence of their councillor or a reluctance to approach them.</p> <p>Point 8</p> <p>The section on conditions would benefit from setting out the expectations of the council in terms of proposed conditions by officers.</p> <p>Section 5.2 (page 21) would benefit from having a paragraph setting out the principles the council expect to be taken into account by responsible authorities and other parties when making representations that suggest conditions to be added to an operating schedule. One of the significant frustrations for applicants and their advisers is when responsible authorities make representations to applications which include lists of conditions drawn from their standard representation, irrespective of whether they are appropriate to the application or not. We suggest the following factors should be considered:</p> <ul style="list-style-type: none"> • The size, nature and style of operation • Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested • The cumulative effect of conditions in terms of cost and practical implementation • The likely cost of the condition(s) for the operator • Whether a simpler or better way of dealing with a perceived problem could be found • Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter 	<p>No changes necessary as policy already makes reference to split between technical and enforcement team</p> <p>RA contact details updated</p> <p>As Point 5</p> <p>Advice doesn't differ from guidance, but amend reference to cllrs acting on behalf of people wishing to make anonymous reps. Also add text ...'however the Licensing Authority may consider withholding personal details in exceptional circumstances which justify such action'.</p> <p>Bullet points added plus additional point regarding conditions needing to be being enforceable</p>
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		<p>case, there is no need for the condition</p> <p>Imposition of conditions at hearings</p> <p>It would also be helpful to establish a principle in the Policy that conditions that have not been discussed by all parties in a hearing, but which are raised as a potential resolution to a point of dispute by a licensing sub-committee in closed session when discussing their determination will be brought back to the parties for consideration and submission prior to any final determination on whether to add them. This will save time and costs, in particular in relation to appeals which are often brought because of conditions that have been added by licensing sub-committees without taking into account the views of the relevant parties</p> <p>Point 9</p> <p>The enforcement section does not appear to encourage dialogue between a complainant and premises prior to seeking a review</p> <p>Section 6, page 23 encourages businesses and local residents to seek to review premises licences if they are believed to cause nuisance. It would be in all parties' interests to have sought to engage in dialogue beforehand and the Policy should reflect this. Review should only occur where other options have been exhausted. In the same way applicants coming before a committee having refused to engage in dialogue without good reason are considered by the policy not to have acted properly, the same principle should apply to any other party seeking a review.</p> <p>Point 10</p> <p>The list of matters for applicants to consider in relation to the crime prevention objective would benefit from revision</p> <p>Page 30 lists factors operators should take into account when drafting operating schedules.</p> <p>In relation to CCTV, the information Commissioner has made it clear that CCTV is often demanded or installed where it shouldn't be and in breach of data protection law. This needs to be reflected in this section.</p> <p>The list also tacitly suggests that the use of glass can have criminal connotations. It is submitted that this is a public safety issue, not an issue of crime and disorder. When consideration is given to the number of glasses used in Cardiff on any given day and the number of offences where glass is used as a weapon, the issue could almost be dismissed under the de-minimis rule, however, there are rare occasions where a pattern is established in relation to a particular premises and the removal of glassware needs to be considered to prevent crime and disorder. The usual reasons for imposing plastic or non-glass receptacles is for public safety reasons on match days or in particularly busy premises where alcohol is ancillary to entertainment or dancing. To include it in a list of crime prevention measures is disproportionate</p> <p>It is questionable whether other bullets included such as restricting alcohol to sales of food or these repeating mandatory conditions (drinks promotions) simply dilute the list. A shorter more considered list, it is submitted, is better than a longer less focussed one.</p> <p>Point 11</p> <p>The policy appears to suggest that Cardiff City Council takes a different approach to the use of glassware than the Government</p> <p>The section on drinking vessels, final paragraph (page 31) appears</p>	<p>We do not propose to amend the policy in this regard</p> <p>Policy amended to reflect current legal position</p> <p>Added following text: 'Please note that the above measures are examples only to assist and guide applicants when drafting their operating schedules in respect of their application. This list is not exhaustive and will not be used by the Licensing Authority to create standard conditions. All applications are considered on their own individual merits.'</p> <p>This is addressed in the key message box under the drinking</p>
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	<p>to suggest that the Policy does not agree with the Government policy on risk-based approach to use of glasses rather than a blanket approach. It would be useful if the policy clarified this one way or the other.</p> <p>Point 12</p> <p>The suggestion that frequent use of discounted drinks somehow undermines the licensing objectives in and of themselves cannot be correct</p> <p>The opening line on discounting and sales promotions (page 31) suggests that 'frequent use of discounted drinks' has the potential to promote drunkenness and disorder. We suggest that the only factor, as recognised in the Mandatory Conditions is the appropriateness of the promotion. We suggest reference is made to the Mandatory condition and that the reference to frequency of promotions is removed.</p> <p>Point 13</p> <p>The prevention of public nuisance section makes no reference to the live Music Act or recorded music deregulation</p> <p>The section on public nuisance (pages 22-36) makes no reference to the Live Music Act, or deregulation of recorded music. It is important insofar as it determines when conditions will have effect or not. In addition, it would probably assist to remind applicants and potentially residents that other legislation, such as Environmental Protection Act offers protection against noise nuisance for residents/ businesses and operators relying on the Live Music Act or deregulation need to be aware that noise abatement notices can be served, as well as 24-hour closures for premises causing a nuisance.</p> <p>Point 14: The proliferation of, and harm caused by, off-licensed premises</p> <p>Table 1 of the cumulative impact policy (page 44) designates off-licensed premises in the CIP as 'amber', therefore only including them as subject to the CIP outside of 'core hours' (7am to 9pm). The purchase of alcohol from the early morning would appear to be within one of the key reasons for the policy which is to try to discourage street drinkers from the area. Making such early sales fall outside of the CIP appears contrary to this stated aim.</p> <p>There is also a conflict between the statement in page 28 'key message' in relation to off-sales premises being expected to provide alcohol sales during their hours of operation in the CIP 'core hours' policy.</p> <p>Finally, there are 2 reasons for restricting off-sales of alcohol in the city centre: pre-loading and prevention of street drinking. The only legitimate reasons for off-sales therefore is to provide residents and workers in the city with somewhere to purchase alcohol to take home. It is hard to argue that the majority of alcohol sold in the various shops in the city centre is being sold for that purpose, particularly on event days and at the weekends, from Friday evening and as such it is hard to justify the need for more off-licences in the city centre cumulative impact zone.</p> <p>In addition, whilst we commend Cardiff on not suggesting model conditions in relation to applications, it would be useful to expand upon the issues off-licence applicants would want to consider prior to making an application (page 31), perhaps by way of a list of considerations, such as:</p> <ul style="list-style-type: none"> • Stocking cheap high ABV products (in relation to street drinking, pre-loading and event management) • Identification of source of products sold • Additional restrictions during event days and at weekends • Percentage of premises given over to the sale of alcohol • Notices warning of designated controlled drinking zones 	<p>vessels section</p> <p>Paragraph amended: It is a mandatory condition that irresponsible drinks promotions are not carried out, where that promotion is carried on for the purposes of encourage the sale of alcohol on the premises.</p> <p>Following sentence added: 'It is recommended that applicants also read Section 3.1 in respect of the deregulation of regulated entertainment. Premises Licence conditions will not apply during performance of unregulated entertainment'</p> <p>We do not see any conflict between pg28 & pg44</p> <p>Some wording added to advise applicants to consider measures when drafting operating schedule</p>
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2/10/2015	For your Eyes Only, Playhouse Gentlemen's Club, Fantasy Lounge	<p>Points 1,3,6,7,8 &11 of the Leamgate Ltd representation are repeated, with the addition of the following point:</p> <p>References to SEV licences need to reflect the true nature of the control of such premises, in particular in relation to the ancillary nature of alcohol sales</p> <p>There are occasional references to SEV's, or sections of relevance to them in the draft policy. These appear in relation to protection of children from harm and where SEVs are excluded from premises with ancillary alcohol sales in Table 2 of the cumulative impact policy section.</p> <p>In our experience, there is often a specific section in licensing policies dealing with SEV premises. In the case of Cardiff, and because of the adoption of the Local Government (Miscellaneous Provisions) Act 1982, a dedicated section may not be necessary, albeit it provides clarity to do so. In such circumstances any reference to SEV licensed premises in the draft policy should make reference to the adoption of the Local Government (Miscellaneous Provisions) Act 1982 regime and the existence of a specific policy dealing with such premises.</p> <p>The specific exclusion of SEV's from the list of premises identifying alcohol as ancillary is misleading given that alcohol is clearly ancillary to the main purpose of the premises (for the reasons set out above). The effect of making such an exclusion from the list invites representations to applications made by premises licence holders that also benefit from having an SEV where there is no potential undermining of the licensing objectives, for instance on an application to change the layout which by its nature falls outside of a minor variation. Such representations could be made on the basis of cumulative impact of premises even though there may be nothing to suggest that the application would undermine the licensing objectives.</p> <p>As an operator in Cardiff, we maintain a close working relationship with the police and authorities in general in order to ensure that the licensing objectives are promoted. The existence of a specific SEV policy gives added protection in terms of standard of operation required and it is the SEV licensing regime, we suggest, that is better suited for the enforcement of any problems with the running of the premises, rather than the alcohol licensing regime. In these circumstances there is no reason to exclude SEV licensed premises from the list of premises where alcohol is ancillary to other activities and therefore outside of the cumulative impact policy.</p> <p>We are aware of at least one premises in Cardiff which has an SEV but that operated primarily as a bar and nightclub. In order to ensure that there is no loophole permitting such premises to claim that the cumulative impact policy does not apply, we suggest that the</p>	<p>There is a separate Sexual Entertainment policy so not need to be duplicated in Statement of Licensing Act Policy.</p> <p>It is proposed in the policy that SEVs are still included in the CIP. Although it can be argued that alcohol is ancillary to the entertainment, it is unlikely that alcohol sales only make up a small percentage of the business. There are a number of premises which hold an SEV but only operate this type of entertainment on an occasional basis and otherwise run as a nightclub.</p>

		wording in table 2 is amended to exclude from the definition of SEV licensed premises: 'premises that hold SEV licences but operate otherwise than solely as a sexual entertainment venue'.	
2/10/2015	The Chameleon Group	<p>Points 1 -13 of the Leamgate Ltd representation are repeated, with the addition of the following points:</p> <p>Point 14 The expansion of the cumulative impact zone gives cause for concern</p> <p>Whilst we understand the reasons for measures such as cumulative impact policies, we question their effectiveness and in particular the reasons for the expansion of the city centre area.</p> <p>We question whether the expansion in terms of size of the cumulative impact zone into new areas will actually discourage investment into the city centre. Visitor numbers coming to the city have increased greatly in recent years, which is testament to the operators, police and licensing authority working hard to change the image of the city from as recently as 10 years ago.</p> <p>We look to take on and run innovative venues with a range of activities. Cardiff City Centre has benefited from new operators like us coming in and helping to improve standards. Others who would like to come into Cardiff may be put off by the increased cumulative impact area.</p> <p>We have a concern that expanding the area will put off innovation by creating a 'closed shop' mentality, unintentionally supporting those premises that have licences but do not want to invest in Cardiff City Centre. We fear that it may actually lead to standards decreasing, not because certain premises won't get new licences, but simply because new and exciting concepts are likely to be deterred by what they will consider to be a risky venture.</p> <p>Point 15 In the 'Report on Community Safety Issues Within the Cardiff City Centre' document, the analysis of crime and disorder and the conclusions drawn from it appear to be at odds. The brief given to the analysts and proper disclosure of the data sources and how it was filtered needs to be included to make sense of what the conclusions.</p> <p>We are concerned that some of the data used in evidence to support the expansion of the cumulative impact zone appears to have come from sources where there is not enough information given to fully understand the conclusions drawn from them.</p> <p>We also dispute some of the key findings in terms of increases in crime and disorder in the night time economy, where statistically there has actually been a real fall in numbers. It also concerns us that there is an acknowledgement that recording methods for crime and disorder offences have changed in recent years, but no indication that this has been taken into account in the statistics. Indeed, we are given to understand that these changes have lead to increases in figures without any real demonstrable increase in crime and disorder. The general trend has been downward in terms of offences associated with the night time economy and this needs to be acknowledged.</p> <p>Further there is a lack of correlation between visitor numbers and crimes based on a 'per head' basis. We suspect this is because it would show a significant decrease in crimes per 1000 visitors, which in turn would not support the contention that crime is rising.</p>	<p>It is considered that there is satisfactory evidence of cumulative negative impact on the licensing objectives in the whole city centre area.</p> <p>The policy does exclude certain premises types and is clear on what it is trying encourage and discourage. So this Policy seeks to apply a more discerning approach towards determining applications. It is therefore considered unlikely that applicants of well run, innovative premises would be discouraged from applying.</p> <p>Each application will be determined on its own merits, and there are plenty of examples whereby applications in the current CIP have been granted despite objections from the responsible authorities.</p> <p>Changes in reporting explained in data document. Official SWP & UHB figures</p>
2/10/2015	S A Brain	Points 1 -13 of the Leamgate Ltd representation are repeated, and the additional 2 points raised by The Chameleon Group	
2/10/2015	TLT Solicitors	Points 1 -13 of the Leamgate Ltd representation are repeated, and the additional 2 points raised by The Chameleon Group	
20/10/2015	Alcohol Concern	<p><u>Section 7.1 "What this policy aims to encourage"</u></p> <p>We feel this section could be strengthened by referencing authority-wide aims for health and well-being, and encouraging applicants to</p>	Noted comments –consider do not want to dilute key message

	<p>show through operating schedules how they will contribute to Cardiff Council's wider aims of promoting healthier lifestyles. As you will know, one of the key outcomes in Cardiff 'What Matters' 10 year strategy is that "people in Cardiff are healthy". - https://www.cardiff.gov.uk/ENG/resident/Health-and-social-care/Health-and-wellbeing/Pages/Health%20and%20wellbeing.aspx</p> <p>A good example of referencing health and well-being aims in an SLP is from the London Borough of Barking & Dagenham https://www.lbbd.gov.uk/wp-content/uploads/2014/09/licensingpolicy2012.pdf (pg7-8), which specifically states that the Authority will look more favourably on applications that will "promote healthy lifestyles by encouraging responsible drinking". In this example, there is also a more extensive list of applications that will be less favourably looked upon that you might wish to consider, including applications for very late/early licences in residential areas and areas suffering high levels of anti-social behaviour, among others.</p> <p><u>Inclusion of a specific health statement</u></p> <p>It is increasingly considered good practice for SLPs to incorporate health statements that acknowledge and demonstrate understanding of the impact of alcohol consumption on residents and the importance of addressing these issues. The advantage of including such a health statement is that it can provide a holistic view of the local area, allowing health concerns to be highlighted when they are often lost behind the premises by premises approach that the rest of the policy will take. A good example can be found in Appendix A of the London Borough of Islington's SLP http://www.islington.gov.uk/publicrecords/library/Environmental-protection/Business-planning/Policies/2012-2013/(2013-02-01)-Licensing-Policy-2013-2017.pdf (pg 41). Islington acknowledges the powers of public health as Responsible Authorities on p45 to "promote sensible drinking messages and support the approach to managing the local availability of alcohol, ensuring the links between density of licensed premises, alcohol availability and indicators of health related harm to inform licensing decisions." According to a review of various SLPs in London by the Safe Sociable London Partnership, licensing partners feel that the way their SLP is written has made it easier for public health to make representations under the 4 licensing objectives.</p> <p><u>Section 8: Cumulative Impact Policy</u></p> <p>Alcohol Concern Cymru fully supports extending the CIP to the whole of the city centre, and understands the reasoning of applying different restrictions depending on the type of premise. However, the core hours of 7am - 9pm for off-trade premises we feel is too wide. It ignores that some people will choose to purchase and consume alcohol from off-trade premises in the city centre prior to, or between, entering on-trade premises, primarily because alcohol is typically sold for a much lower price in the off-trade. Although police have powers to confiscate alcohol from drinkers on the street, it is difficult for this to be fully enforced by the police except for on the very quietest nights. We would therefore recommend the core hours be reduced to 7am - 7pm, which would still not unduly penalise most workers shopping on their commute home from work but would help limit pre-loading practices which can lead to public nuisance and anti-social behaviour.</p> <p>The London Borough of Croydon's SLP includes 4 CIPs that include off-trade premises. The SLP specifically acknowledges how drinking behaviour has changed where more people now purchase alcohol from supermarkets and shops. It states that Croydon has seen a 12% increase in the number of off licences and a 20% decrease in the number of pubs, indicating a significant shift in sales of alcohol from the on trade to the off trade. The Licensing Authority therefore expressly states its wish to ensure that their policy recognises this shift in drinking patterns, and acknowledges the strong evidence base that effective interventions to reduce the negative impacts of alcohol are those that restrict the ease of acquiring alcohol itself . This can be achieved by increasing the cost of alcohol but also reducing the hours and days of sale and by restricting the number of outlets. See https://www.croydon.gov.uk/sites/default/files/articles/downloads/Licensing%20Policy%202013.pdf (Appendix 8).</p>	<p>Health is not currently a licensing objective. However the Policy acknowledges the important role of the UHB as a Responsible Authority.</p>
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15/10/2015	Policy, Partnerships & Community Engagement (CCC)	<p>Could we include specific mention of Human trafficking and Child Sexual exploitation?</p> <p>The section on Enforcement and Agency Integration seems the logical place for Human trafficking to be mentioned , it could include</p> <ul style="list-style-type: none"> • What HT is and a commitment to work with other agencies to tackle it • Training for staff on how to spot the signs of HT and how to report – there is free training session available that staff could access – myself and Nici Evans can provide details if required • Could a reference be made to how joint work would be undertaken with the Gangmaster Licensing Authority? • Powers that would be used to close somewhere done if necessary • There is a section on Protection of Children and I wondered if there could be a similar reference to Protection of Vulnerable Adults , I know the legislation is different in terms of responsibilities this would be good practice <p>The section on Protection of Children from Harm might be a good place to put in something about CSE</p> <ul style="list-style-type: none"> • Again similar to above could we reference training to spot the signs and outline action taken to protect child and powers that could be used to close down premises should they be involved • Provision of training for staff to spot signs 	<p>Not enough understanding of this subject at present and how fits into policy, will consider for future revisions</p> <p>Vulnerability training is currently being offered to security staff/licensed trade by South Wales Police</p>
12/10/2015	Cardiff & Vale APB	<p>3.1 (Pg 9 of 61) – Premises licenses It is felt that a stronger obligation in relation to related local strategies is needed than simply being aware, and that operating schedules should be expected to evidence where they have taken these into account. On the same theme, it is felt that applicants should be expected to <u>evidence</u> how they have taken the wider local concerns and issues into account.</p> <p>5.2 (Pg 21 of 61) – Licensing Conditions It is recommended that the statement is expanded to provide capacity for <i>conditions</i> to be included that ensure the delivery of commitments made A) in relation to local strategies and plans, and B) in taking wider local concerns and issues into account, as described above in 3.1</p> <p>6.2 (Pg 24 of 61) – Other legislation and strategies Following the list of strategies, it is recommended that the policy</p>	<p>Will link strategies to web pages when updated so that they remain current</p> <p>Conditions only required to appropriate for promoting licensing objectives</p> <p>As above</p>

		<p>states that applicants will be expected to have shown due consideration of these strategies and plans within the application.</p> <p>7.4(b) (Pg 33 of 61) – Public Safety It is recommended that the suggested bullet points are expanded to include</p> <ul style="list-style-type: none"> ▪ An appropriate, and quality assured response policy for the management of individuals identified with medical, clinical or health needs <p>7.5 (Pgs 38-39 of 61) – Cumulative Impact The APB is concerned that the onus lies on representative organisations to evidence cumulative impact, in the absence of an objective statement that articulates what the licensing authority has agreed to be a saturation point. It is strongly recommended that work is carried out outside of this policy in order to use an evidence based approach to identifying total licensed capacities for different geographical sectors of the night time economy i.e. a maximum licensed capacity of all venues combined in a given street, or area. The evidence sources given in section 8 (Pg 41), can be challenged in every instance by a license applicant, as none of these can be attributable to any one application. Without agreeing baseline information regarding maximum licensed capacity per area, the required evidence base cannot be produced, rendering the cumulative impact function relatively ineffective</p>	<p>CIP creates a presumption of refusal, therefore onus is on applicant to successfully demonstrate their operation won't have any negative impact on the licensing objectives</p>
12/10/2015	Cardiff & Vale University Health Board	<p>The role of the Local Health Board (p.18) We would like to draw attention to the fact that the UHB does more than hold information that can be used for alcohol licensing. We would like the policy to acknowledge that the UHB <i>actively monitors alcohol related harm</i> in order to contribute to the licensing process. We would like the policy to recognise that the UHB actively monitors:</p> <ul style="list-style-type: none"> - Emergency Unit attendances - Hospital admissions - Last Drink Data <p>All of this data is used to contribute to the understanding of the effects, levels and patterns of alcohol consumption within the UHB area, and is used to inform responses to alcohol license applications. Examples of events that may trigger reviews include: <u>The prevention of crime and disorder</u> The UHB may submit a representation citing a large number of patients presenting at the Emergency Unit from assaults within a licensed premise.</p> <p><u>Public safety</u> The UHB may submit a representation following a trend with last drink data and Emergency Unit data indicating a high number of alcohol poisoning cases coming from a particular premise or from within its near vicinity.</p> <p><u>Prevention of public nuisance</u> The UHB may support local resident representations on a premises' application for the extension of trading hours. The UHB may submit a representation requesting noise related conditions or object to an extension of hours using evidence of the health impacts that sleep deficit can have on local residents.</p> <p><u>The protection of children from harm</u> The UHB may submit evidence on the rates of alcohol related domestic abuse towards children in an area, to object to an application for an off-licence to extend its opening hours, based on the cumulative impact this would have on the rates of abuse towards children in the area. Additionally our clinical academics within the UHB generate new evidence regarding what works to reduce harm related to alcohol. This evidence contributes to the wider evidence base, but crucially, provides evidence to local alcohol licensing decisions. Representations for all future applications for alcohol licenses will be based on up to date and emerging evidence from within this area.</p> <p>Discounting and sales promotions (p.31) The UHB fully supports imposing appropriate licence conditions to restrict alcohol discounting and sales promotions.</p>	<p>Original information in the policy was provided by the UHB, will amend to reflect this</p> <p>Irresponsible drinks promotions covered by mandatory conditions</p>

	<p>We believe that conditions should be imposed on applications where it is perceived that the premise will promote excessive and harmful alcohol consumption. This includes promotions such as:</p> <ul style="list-style-type: none"> - Happy hours - Two for one promotions - Prepaid drinks packages <p>and any discount and sales promotion that encourages excessive and harmful alcohol consumption.</p> <p>Additionally, the UHB believes that conditions should be imposed on licenses to prevent sub-companies to be licensed to carry out drinks promotions within licensed premises. Examples of this would include companies running promotions of 'shots' within a premise with an existing licence.</p> <p>The UHB believes it has an important role to play in discussing the detail of these conditions with partner Responsible Authorities, and would welcome regular discussion on these issues.</p> <p>Drinking vessels (p.31)</p> <p>The UHB fully supports imposing appropriate licence conditions for the use of non glass drinking vessels in premises within the city centre and close to large sporting venues.</p> <p>We believe that serious consideration should be made, to impose appropriate conditions on new licenses within the city centre and close to large sporting venues during major events, and during particularly busy nights throughout the year.</p> <p>The UHB believes it has an important role to play in discussing the detail of these conditions with partner Responsible Authorities, and would welcome regular discussion on this issue.</p> <p>Cumulative Impact Policies (p.40)</p> <p>The UHB fully supports the adoption of Cumulative Impact Policies (CIP) and in particular supports the widening of the Cumulative Impact Area (CIA) to incorporate the whole of the city centre.</p> <p>The UHB also supports the principles of how the CIP will be applied to the following premise types:</p> <ul style="list-style-type: none"> • Ancillary alcohol sales • Pubs / Members Clubs / Bars / Nightclubs • Restaurants • Takeaways / Fast Food Restaurants <p>However, we believe that the CIP should be applied to new applications of Off-Licenses within the CIA of Cardiff city centre, along with any proposed variations to existing Off-License premises. We believe that this will make a positive contribution to the identified dangers and problems related to pre-loading and street drinking within the city centre area, and contribute to minimising and reducing alcohol related harm.</p> <p>Late Night Levy (P.13)</p> <p>The UHB fully supports the option of implementing a Late Night Levy to contribute to Policing and supporting the management of the night time economy. We believe that a Late Night Levy would begin to contribute to the costly impact of alcohol on local services.</p> <p>Petrol / Service Stations (p.10)</p> <p>The UHB supports restrictions to alcohol licenses at petrol / service stations.</p> <p>Even when documentation such as trading figures to demonstrate primary use of the premise are provided, we would like to reiterate the dangers related to availability of alcohol, and the normalisation of alcohol availability.</p>	and the Policy
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