

**LICENSING COMMITTEE: 6 November 2007**

**Report of the Chief Regulatory Services Officer**

**LICENSING ACT 2003 – REVIEW OF THE STATEMENT OF LICENSING POLICY 2007**

**1. Background**

- 1.1 Under section 5 of the Licensing Act 2003 each licensing authority must produce a Statement of Licensing Policy (SLP). This policy should outline the licensing authorities approach to licence applications and deal with the problems and issues surrounding such applications. It is effectively meant to set out how the authority will deal with all applicants and applications.
- 1.2 The statement must be determined for a three year period in consultation with
- (a) the chief officer of police for the licensing authority's area,
  - (b) the fire authority for that area,
  - (c) such persons as the licensing authority considers to be representative of holders of premises licences,
  - (d) such persons as the licensing authority considers to be representative of holders of club premises certificates,
  - (e) such persons as the licensing authority considers to be representative of holders of personal licences, and
  - (f) such other persons as the licensing authority consider as being representative of businesses and residents in its area.
- 1.3 The statement of licensing policy must be published before the authority can determine any applications. The previous Statement of Licensing Policy was published on 31 January 2004. The Secretary of State has provided guidance to local authorities on what statements of licensing policies should contain. The determination and publication of its statement of licensing policy is a matter for the authority and the Policy Statement will require formal Council approval.
- 1.4 This report is to request the approval of the Committee for the submission of the Statement of Licensing Policy (SLP) to full Council for approval following its review.

**2. Review of the Licensing Policy Statement**

- 2.1 The previous SLP has proven since February 2004 to be an effective document. The legislation requires that it be published for a three year period. The licensing authority has consulted the responsible parties, stakeholders and carried out a public consultation period to review the policy which has been amended in accordance with the comments received.
- 2.2 Section 182 of the Licensing Act provides that the Secretary of State may issue and from time to time revise guidance to licensing authorities on the

discharge of their licensing functions provided by the Act. The Department of Culture, Media and Sport (DCMS) have issued the Guidance Document that provides detailed guidance on the development and preparation of local statements of licensing policy. An amended guidance was issued on 28 June 2007 and this version has been relied upon in reviewing the existing SLP.

- 2.3 As part of the overall consultation strategy the Police, Fire Authority, Children's Services and each of the other responsible authorities named in the Act have been consulted on the SLP directly. Their comments have been included in the draft SLP. There was further opportunity for each of the agencies to comment during the public consultation period.

### **3. Public Consultation on the Statement of Licensing Policy.**

- 3.1 A draft of the reviewed SLP was published for public comment during the period 1<sup>st</sup> August 2007 to 1<sup>st</sup> October 2007 for members of the public, trade and businesses to make observations on the revised version.
- 3.2 Promotion of the draft SLP for public consultation was achieved through:
- a) Publication on the Licensing area of the Council Website  
[www.cardiff.gov.uk](http://www.cardiff.gov.uk).
  - b) Circulating the draft SLP to:
    - All Responsible Authorities
    - All Councillors
    - All Corporate Directors and Chief Officers
    - All organisations that have previously indicated an interest.
  - c) Making copies of the draft SLP available at a wide variety of service delivery points such as Central and branch Libraries and main Council reception points.
  - d) Inserting an advertisement in the Local Press.
  - e) A media release raising awareness of the SLP and how it affects the residents and business in Cardiff.
- 3.3 The revised Statement of Policy has been amended to reflect the views of consultees and is attached as Appendix A. Details of the comments received and amendments made as a result of the Consultation Exercise are contained in Appendix B.

### **4. Achievability**

There are no equality, personnel or property implications arising directly from this report.

### **5. Legal Implications**

- 5.1 The Act places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy. The Council is required to approve the SLP for publication.

- 5.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers 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.

**6. Financial Implications**

This report does not result in any additional financial implications. The costs of public consultation have been met from the existing licensing budget. The Licensing Service is required to be self financing with all costs being recovered from licence fees and charges which are either set nationally or reviewed annually.

**7. Recommendation**

It is recommended that Committee commend the amended Statement of Licensing Policy to the Council for approval prior to its publication.

**Sean Hannaby**  
**Chief Strategic Planning and Environment Officer**

**4 October 2007**

This report has been prepared in accordance with procedures approved by Corporate Directors.

Background Papers:

1. Consultation responses received by the Licensing Section.



**CARDIFF COUNCIL**

**LICENSING ACT 2003**

**STATEMENT OF LICENSING POLICY**

**31 January 2008**

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## A. INTRODUCTION

The Licensing Act 2003 (the Act) obtained Royal Assent on 10th July and gave local authority's responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provision of late night refreshment for implementation in November 2005.

Under the Licensing Act 2003 every Licensing Authority has to publish a Statement of Licensing Policy. 'Statements of Licensing Policy' will be used by Licensing Committees, in conjunction with the guidance issued by the Department of Culture, Media and Sport and the Licensing Act 2003, to help guide decision making.

Applicants should consult the Statement of Licensing Policy before making their application, as it can help shape the operating schedule that all applicants need to produce. It may also be useful for applicants to consult residents in the vicinity of the premises and local ward members to help in identifying suitable licence conditions.

Applicants may also find it useful, in order to gain a wider understanding of the licensing process, to refer to 'Guidance for Applicants' produced by Cardiff Council. This guidance will, amongst other things, tell you what you have to submit to the Licensing Authority, in order to obtain a licence.

## B. THE STATEMENT OF LICENSING POLICY

This statement has been prepared in accordance with the provisions of the Licensing Act 2003. Its purpose is to regulate licensed activities, qualifying club activities and temporary events as defined in the Licensing Act 2003. This Statement of Licensing Policy applies to all applications, notices, representations and requests the authority could receive under the Licensing Act 2003.

This policy statement, which will come into force on 7 February 2008, will be monitored constantly and will be formally reviewed every three years.

As part of the development of this policy various partners were engaged in consultation and their views have been taken into account. In particular the consultation partners have included:

- South Wales Police
- South Wales Fire Authority
- Cardiff Community Safety Partnership
- British Institute of Innkeeping
- Cardiff Licensees Forum
- Independent Licensees
- Licensable Industry Companies
- The Club and Institute Union
- The Cardiff Initiative
- Licensed Premise Supervisors
- Cardiff Council Trading Standards
- Cardiff Council Children' Services
- Cardiff Council Pollution Control
- Cardiff residents

For further information about the Licensing Process under the Licensing Act 2003 please refer to 'Guidance to Applicants' issued by Cardiff Council as well as the Licensing Act 2003. The Licensing Section, Police Licensing, Fire Service and the Environment and Public Protection Division of the Council may also be able to provide assistance and guidance to applicants.

### 1 Purpose and Scope of the Licensing Policy

1.1 The purpose of the policy is to meet the requirements of the Licensing Act 2003 and to promote the licensing objectives in the City of Cardiff. Activities requiring a licence under the Licensing Act 2003 and covered by this policy statement include:

- a) Retail sale of alcohol
- b) Supply of alcohol to club members
- c) Provision of entertainment to the public or club members or with a view to Making profit including raising money for charity where the entertainment involves
  - A theatrical performance
  - Film exhibition

- Indoor sporting event
  - A boxing or wrestling entertainment
  - Live music performance
  - Playing of recorded music
  - Dance performance
  - Provision of facilities for making music
  - Provision of dancing facilities
- d) Supply of hot food or drink from a premise from 23.00 to 05.00 hours

1.2 The scope of the policy statement covers new licence and permit applications, renewals, transfers and variation of conditions for annual and where applicable occasional licences. Nothing in this policy will prevent a person applying for a variety of permissions under the Act.

## 2 Licensing Objectives

2.1 When carrying out its functions and exercising its powers this Licensing Authority will aim to promote the licensing objectives at all times. In promoting the licensing objectives this Licensing Authority aims to encourage a safe crime free environment where everyone can equally enjoy the full range of leisure activities offered.

2.2 The licensing objectives are:

- The prevention of Crime and Disorder
- Public safety
- The prevention of Public Nuisance
- The protection of Children from Harm

The licensing objectives are the only matters the authority will consider in determining the application and considering the need for conditions.

2.3 As well as using all its powers under the Licensing Act 2003 to further the licensing objectives Cardiff Council will promote them using a broader range of powers including; planning controls, transport controls, crime and disorder policies and pollution controls.

2.4 Under the Licensing Act 2003 greater responsibility lies with the public and businesses that are affected. Whenever an application or notice adversely impacts on one or more of the licensing objectives the public and businesses have the right to make representations against the application or notice. Representations are vital for the full consideration of applications and notices. Detailed consideration will be given to all relevant representations although this will not include those that are frivolous, vexatious or repetitious.

2.5 In addition to making representations on applications the authority would confirm that nothing in this policy would prevent affected parties from utilising their powers to seek a review of existing licences and certificates, where necessary.



2.6 This Licensing Authority has entered into partnership arrangements with the Police, Fire Authority and other responsible authorities to further the licensing objectives via the representation and review system created by the Licensing Act 2003.

### 3 Decision Making

3.1 This Licensing Authority will strive to make all decisions required in a manner consistent with the Licensing Act 2003, the Guidance issued under section 182 of the Act and this Statement of Licensing Policy.

3.2 In processing applications the overriding principle adopted by the council will be that each application will be determined on its merits.

3.3 In appropriate circumstances applications may be rejected or following the receipt of representations, the authority may use its discretion to impose conditions on the licence to further the licensing objectives. Licence conditions will be tailored to the individual application and only those necessary to meet the licensing objectives will be imposed. However over time changes in the culture of licensed activities may reduce the rate of rejections and the need for conditions. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation for example.

3.4 In making its decision the Licensing Authority will take into account the fact that licensing law is not a mechanism for general control of anti-social behaviour by individuals, especially once they have left licensed premises and are therefore beyond the direct control of licensees.

3.5 However when making a decision the Licensing Authority will focus on the direct impact of the activities taking place on the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

3.6 The 'Need' or demand for a licensed premises of any kind will not be a matter that the licensing authority will consider when discharging its decision making function.

3.7 In determining applications the Licensing Committee will delegate its functions to the Licensing Sub Committee(s) and appropriate officers in approved cases. This is in the interests of speed, efficiency and cost effectiveness.

### 4 Making an Application

4.1 The authority, in order to avoid unnecessary duplication, recommends that each applicant should obtain appropriate planning permission in respect of the application; failure to do so may delay an application. The Licensing Authority will keep the Planning Authority informed of all its actions to ensure that a licensing application will not be a re-run of the planning application. The Licensing Authority will also strive not to cut across decisions

taken by the Planning Authority or appeals against decision taken by the Planning Authority.

- 4.2 The authority requires all applicants for premises licences to provide evidence of the non-domestic rateable value of the premises.
- 4.3 Applicants may wish to take local crime prevention strategies, City Centre strategy, planning policies, transportation polices and culture and tourism polices into account when producing their operating schedules.
- 4.4 Applicants should consider the benefits of exceeding their statutory consultation requirements by proactively seeking the views of local residents, local ward councillors, businesses and responsible authorities on their operating schedules. Responsible authorities include the Police, Fire Authority, and the local authority (in particular the Pollution Control, Health and Safety, Trading Standards and Development Control sections).
- 4.5 Applicants are expected to have taken the wider local concerns and issues into account when establishing appropriate conditions to meet the licensing objectives. Issues such as drink spiking, date rape, fly posting, irresponsible promotions, drink related violence and binge drinking need to be addressed in the light of the situation in the City of Cardiff as a whole.
- 4.6 The Local Authority will strive to integrate its various strategies and policies in respect of licensing, planning, transport, arts and culture, marketing, tourism and crime and disorder reduction in order to promote the licensing objectives and provide greater clarity and consistency for applicants.
- 4.7 To ensure that cultural diversity thrives, the Local Authority has established a policy of seeking premises licences from the Licensing Authority for public spaces within the community in their own name. Performers and entertainers have therefore the opportunity to ask the Local Authority for permission to use the public spaces rather than apply for a premises licence or a temporary event notice from the Licensing Authority.

## 5 Conditions

- 5.1 The Licensing Authority cannot impose conditions upon its own volition. Conditions will only be attached in three circumstances and these are as follows:
  - Mandatory conditions under the Licensing Act 2003.
  - If they are consistent with or absent from the applicant's operating schedule.
  - When considered necessary, reasonable and proportionate after relevant representations have been received and not withdrawn.

- 5.2 All conditions attached by the Licensing Authority will be focused on matters within the control granted relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Applicants for the grant of a licence will be expected to identify all necessary licence conditions to meet the licensing objectives.
- 5.3 The Licensing Authority will strive to ensure that only proportionate and reasonable licensing conditions are imposed as necessary for the promotion of the licensing objectives.
- 5.4 The Licensing Authority will also strive to avoid imposing conditions that overlap or duplicate controls provided in other relevant legislation.
- 5.5 All sets of conditions attached to licences and certificates will be tailored to the individual application. When determining the appropriate set of conditions the Licensing Authority will focus primarily on the individual style of the premises and the licensable activities proposed.
- 5.6 Conditions will usually be volunteered by the applicant. However, where representations are made by responsible authorities and interested parties the Licensing Authority is not restricted to these conditions and may impose other conditions where appropriate.
- 5.7 The Licensing Authority recognises that in some circumstances flexible licensing hours for the sale of alcohol can help to ensure that concentrations of customers leaving premises simultaneously are avoided. Where representations are received, stricter conditions with regard to noise control may be necessary in sensitive locations such as residential areas. Limits to opening hours will not be implemented without proper regard to the individual merits of the application and the representations received.
- 5.8 Certain shops and public houses will generally be permitted to sell alcohol during the hours they intend to open, however it may be appropriate in some cases to restrict the sale of alcohol from shops to promote the licensing objectives.
- 5.9 On the whole it is a matter for the applicants to address the licensing objectives in their operating schedule within the context and nature of the location, type of premises, entertainment to be provided and the needs of the local community.
- 5.10 Any conditions imposed in line with this policy statement will be monitored having particular regard to the effect they are having on regulated entertainment. This Licensing Authority is keen to encourage the growth of music and dancing based entertainment and live entertainment. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing, theatre, circuses and street art for the wider cultural benefit the community. The performance of live music and dancing are central to the development of cultural diversity and vibrant and exciting communities where artistic freedom is valued and can help to unite communities and develop a fully integrated society.

## 6 Saturation Policy – Negative Cumulative Impact

- 6.1 In determining an application the Licensing Authority will take into account in the interests of public safety and the avoidance of nuisance, any negative cumulative effect that the premises in the area may have.
- 6.2 The Licensing Authority will accept representations from interested parties and responsible authorities stating that they believe a saturation of premises exists and has created a negative impact on the surrounding environment. However the onus is on the individual or organisation making such a representation to provide an evidentiary basis.
- 6.3 Where there is evidence that a negative cumulative effect has been created by the number of licensed premises in an area and that effect gives rise to problems of public disorder and nuisance, the Licensing Authority will consider adopting a saturation policy.
- 6.4 Saturation policies create the presumption that any licence applications for the area covered will be rejected. However each application from a responsible authority will be considered and dealt with on its own merits and could displace that presumption.
- 6.5 A ‘Saturation Policy’ has been adopted for the St. Mary Street area of the city. The Licensing Authority has adopted this position in the interests of public safety and the avoidance of nuisance, following South Wales Police representations. Details of the Special Saturation Policy are included within this Statement.

## 7 Enforcement and Agency Integration

- 7.1 Where required the Licensing Authority will work closely with other agencies to address relevant issues. Mechanisms other than the licensing regime will also be utilised. For example positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- 7.2 Cardiff Council will continue to use its powers to designate parts of the local authority area, as places where alcohol may not be consumed publicly.
- 7.3 The Licensing Authority will work with the police in enforcement of the law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices where permitted, the prosecution of any personal licence holder or member of staff at premises selling alcohol to people who are drunk, the confiscation of alcohol from adults and children in designated areas. The police have powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
- 7.4 To prevent the nuisance caused by anti social behaviour linked to licensed premises the Licensing Authority will encourage the police, other responsible authorities and local

residents or businesses to seek a review of the licence or certificate in question. In determining a review the onus will be on those who seek a review to provide the evidential base on which decisions will be taken.

- 7.5 Where enforcement action is taken it will be in accordance with the principles of the Enforcement Concordat and the authority's Licensing Enforcement Policy. Inspections regimes will be based on a risk assessment of the individual premises based on the licensing objectives.
- 7.6 The Licensing Authority intends to establish protocols with the local Police, local authority Pollution Control, Health and Safety, Trading Standards and Fire Authority on enforcement issues to provide for a more efficient deployment of officers commonly engaged in enforcing licensing law and the inspection of licensed premises. These protocols will target agreed problems and high-risk premises, while providing a lighter touch in respect of low risk premises.
- 7.7 The Licensing Authority has established arrangements for the sharing of information with the local authority Planning Committee and transport providers. One of the central aims of this arrangement is to aid the dispersment of people from the city centre swiftly and safely to avoid concentrations that produce disorder and disturbance.
- 7.8 The Licensing Authority will also arrange for the Licensing Committee to receive reports on the local tourism economy, the employment situation, appropriate health issues including observations submitted by the local Accident and Emergency Department, and relevant cultural matters for the area. This is to ensure that tourist, employment and cultural policies are reflected in the Licensing Committee's considerations.
- 7.9 The aim of producing internal protocols is to reduce the possibility of duplication in the various regulatory systems operated by the Local Authority and build a consistent local authority approach.

## 8 Children

- 8.1 While the Licensing Authority will not impose conditions requiring the admission of children to any premises, (believing this should remain a matter of discretion for the licence holder) it will encourage the provision of facilities for children and family friendly policies in licensed premises in accordance with the requirements of the Act.
- 8.2 The Licensing Authority will not seek to limit the access of children to any premises unless it is necessary for the prevention of physical, moral or psychological harm to them.
- 8.3 The Licensing Authority will take strong measures to protect children where;
- Any member of the current staff is convicted of serving alcohol to minors; or
  - The premises has a known association with drug taking or dealing; or

- A strong element of gambling (other than by way of amusement with prize machines) takes place on the premises; or
- Where entertainment of an adult or sexual nature is commonly provided; or
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

In such circumstances, while it may be necessary to impose a complete ban it would be more likely to require a combination of limitations on the hours when children may be present, age limitations or conditions requiring an accompanying adult and exclusion of children (under 18s) from certain parts of the premises during certain activities.

- 8.4 The authority requires competent adult supervision at any regulated entertainments attended by unaccompanied children. In addition to any parents present at the entertainment, a sufficient number of attendants must be employed to control the access and egress of children and to protect them from harm. Where children attend as entertainers there should be a responsible adult present who is responsible for them.
- 8.5 For the purpose of this statement an attendant is any competent adult person employed or engaged either individually or through an agency, by the licensee, to control access to the regulated entertainment to assist children entering or leaving the premises and to maintain good order and decent behaviour within and in the vicinity of the premises. Attendants who are not registered with the Security Industry Authority may only be used with the written permission of the Licensing Authority.
- 8.6 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. The licensing authorities commends the code to all applicants and licence holders.
- 8.7 Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications recommendations in respect of the film to be exhibited. Only in exceptional cases will variations of this general rule, be considered by the licensing authority.
- 8.8 In carrying out its duty to protect children the Licensing Authority has determined that the responsible authority for the protection of children is the City and County of Cardiff Children's Services.

## 9 Noise and Nuisance

- 9.1 Problems may present themselves from premises in both the main shopping areas of the city and also in residential areas that may require special consideration with regard to noise and nuisance.

- 9.2 Leisure and entertainment activities have become an accepted part of modern life, employing many people and adding vitality to commercial areas. They are vital to a thriving and successful society, and to the economic wealth of the City, but the types of anti social problems all too often associated with the late night element of the industry can contribute significantly to the fear of crime, economic deprivation and a loss of pride in the local area. The Council must also be mindful of the need for leisure and entertainment outlets and must seek to ensure that a fair balance is struck between the provision of facilities and the possibility of nuisance being caused.
- 9.3 Noise and nuisance aspects arising from the operation of the premises will be considered – this will include not only the type of licensable activity taking place, for example, the playing of music, but also other wider issues that may cause disturbance, such as patrons leaving the premises, either on foot or by car, or the disposal of refuse, which must be carried out at a reasonable time.
- 9.4 Existing licensed premises do, in the main, cause few problems of noise and nuisance while operating at their existing hours. However, leisure and entertainment premises that wish to apply for longer licensing hours with regard to the sale of alcohol and public entertainment may be most appropriately located in:
- The City Centre
  - Inner Harbour, Cardiff Bay
- 9.5 Applications for premises licences may also be acceptable in other commercial or business areas, depending upon the character of the area and whether there are residential properties nearby.
- 9.6 In order to avoid representations being made it is likely to be in the interests of the applicant to propose stricter conditions in operating schedules, with regard to noise control for licensed premises in areas that have denser residential accommodation.
- 9.7 Each application will be judged on its merits; however the applicant must consider the impact of the licensed activity on surrounding areas and ensure the operating schedule has sufficient measures in place to keep the adverse effects to a minimum. What would be acceptable in the city centre where there are fewer residents who could suffer noise disturbance would not be acceptable in heavily populated residential areas. In some areas the applicant may have to consider imposing a suitable terminal hour such as 11 o'clock, to reduce the adverse impact. Without this terminal hour the applicant risks representations being made against the application (especially by the Police and the Pollution Control Section) and later applications for review of the premises licence leading possibly to revocation.
- 9.8 Applicants may wish to consult their staff, customers, local residents, local businesses, the Police and the Pollution Control Section of the Council before finalising operating schedules.

## 10 Drinking Vessels

- 10.1 In the City Centre or in areas close to large sporting venues, it may be necessary for licensees to implement restrictions with regards to drinking containers in the interests of the licensing objectives. Such restrictions should be listed in the operating schedule when an application is made. However no restriction should compromise trading standards.
- 10.2 Glasses and glass bottle containing drinks may be used as weapons during incidents of disorder, inflicting serious harm. Consideration should be given to the use of plastic or toughened glass containers. Suitable conditions can help reduce both the harm and the disorder and prevent persons seeking to review a licence. Guidance will be issued to help licensees in considering the adoption of suitable conditions.

## 11. Discounting and Sales Promotions.

- 11.1 There is a potential for drunkenness and disorder to be encouraged by the inappropriate or frequent use of discounted drinks and sales promotions in premises licensed for the sale of alcohol.
- 11.2 The authority would encourage the adoption locally of voluntary industry Codes of Practice to minimise the problems of crime and disorder arising from the irresponsible discounting of drinks and sales promotions.
- 11.3 The authority will also consider imposing any necessary licence conditions in connection with the restriction of discounting and sales promotions where representations are received that such conditions are necessary in respect of a particular premises.

## 12. Compliance with the Law.

- 12.1 In carrying out its functions the licensing authority will meet its statutory responsibilities. In particular it's responsibilities under the Anti Social Behaviour Act 2003 and the Race Relations Act 1976.
- 12.2 There are a number of other council and Government strategies and policies that must be taken into account in order to compliment the authority's licensing policy which includes:
- The Licensing Enforcement Policy
  - The Enforcement Concordat
  - Crime and Disorder Reduction Strategy
  - Community Safety Strategy
  - Drugs and Alcohol Strategies
  - City Centre Strategy
  - Arts, Cultural and Tourism Strategies
  - Objectives of the Private Security Industry Authority



## **C. SPECIAL SATURATION POLICY - ST MARY'S STREET**

### **THE CITY AND COUNTY OF CARDIFF COUNCIL**

#### **SPECIAL POLICY STATEMENT IN RESPECT OF ST MARY STREET**

##### **LICENSING ACT 2003**

Licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Licensing Act 2003. The aim of the Council is to provide a safe crime free environment so that a full range of leisure activities can be enjoyed equally by all. The appropriate restrictions and controls will be imposed when necessary although over time, changes in culture may render such restrictions unnecessary. In carrying out its licensing functions the authority will promote the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of nuisance; and
- the protection of children from harm.

In determining a licence application the overriding principle adopted by the Council will be that each application will be determined on its merits.

The decisions taken by the authority will be focused on matters within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. In addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned.

The authority is aware that a saturation of licensed premises can attract customers to the area that has an impact on the surrounding area beyond the control of individual licence holders. Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the authority will not permit any further licensed premises to be established in that area in the interests of public safety and the avoidance of nuisance.

The authority will always take account of, in the interests of public safety, the prevention of crime and disorder and the avoidance of nuisance, the cumulative effect that the existence of a saturation of premises in one area may have where it receives representations from either a responsible authority or an interested party.

The authority has received representations from South Wales Police in respect to the accumulation of premises in the St Mary Street area.

In November 1998 the Police, jointly with a number of partner organisations including Cardiff Council submitted a report to the Home Office requesting approval to implement a project aimed at reducing the incidence of alcohol-related street crime within the city of Cardiff. The bid was approved. The Targeting Alcohol-related Street Crime (TASC) was officially launched in July 2000 the emphasis of the initiative has been to reduce the levels of alcohol-related violence and disorder in Cardiff city centre and the Cardiff Bay area. The project collects and analyses statistics on alcohol related crime to enable policy to be established and action taken to reduce the incidence of violence. The four main categories of intervention have been dialogue between the police and licensees, introduction of door staff training to improve standards, publicising the problem of alcohol-related violence and targeted policing at 'hot spots'. The current situation is detailed below.

### **INFORMATION**

Historically St Mary Street in Cardiff City Centre has been regarded as an area of high alcohol related crime and incidents. Previous reports have highlighted that for the period April 2002 to March 2004 the area averaged 30.8 % of the alcohol related incidents. There are some issues which may affect the data from which this report has been prepared in the past.

In April 2005 the National Incident Recording Standards (NIRS) were changed prior to this date there were numerous codes used to identify the types of Incident. With the introduction of the NIRS these changed to 5 Main Codes ASB- Anti Social Behaviour related incidents, CI – Crime related Incidents, PS – Public Safety related Incidents, RTC – Road Traffic related Incidents and NNLI- Non NIRS Linked Incident

At the end of February 2007 South Wales Police adopted a new Crime & Incident recording system known as Niche. Since this date access by analysts to data for analysis has been very restricted this will therefore have some constraint on the data subject of this report.

The implementation of the Niche system has not been without its difficulties and this has had a significant impact on the recording of incidents with there being problems with the gazetteer the location of some incidents are being entered in error. Despite these difficulties the tables below have been produced and give a picture of how incidents have been recorded in the city Centre.

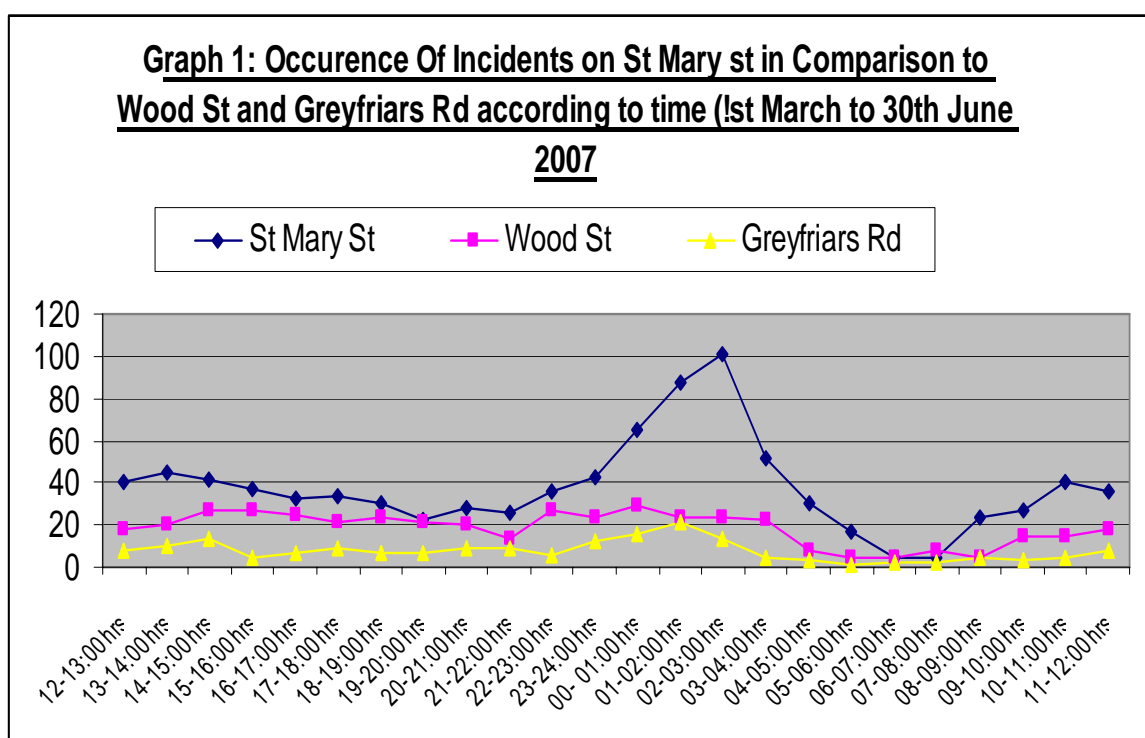
	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05	Oct-05	Nov-05	Dec-05	Total 05	Apr-June Total
All Incidents St Mary Street	205	237	231	216	247	195	236	248	215	266	258	270	2824	1331
All Incidents at Licensed Premises St Mary St	96	116	124	89	138	106	119	112	115	123	146	151	1435	669
All Incidents Central Sector	1321	1545	1516	1461	1516	1435	1613	1613	1503	1686	1738	1713	18660	8794
ASB Incidents Central sector				260	342	299	335	365	373	411	359	426	3170	901
ASB Incidents St Mary St				43	70	44	50	55	65	70	63	81	541	157

	Jan-06	Feb-06	Mar-06	Apr-06	May-06	Jun-06	Jul-06	Aug-06	Sep-06	Oct-06	Nov-06	Dec-06	Total 06	Apr-June Total
All Incidents St Mary Street	194	218	242	239	248	205	222	226	265	306	304	300	2969	1346
All Incidents at Licensed Premises St Mary St	83	125	139	125	124	103	116	119	148	169	155	151	1557	699
All Incidents Central Sector	1345	1356	1499	1472	1468	1427	1471	1467	1601	1851	1900	1805	18662	8567
ASB Incidents Central sector	285	378	326	319	293	255	323	357	400	515	459	413	4323	1856
ASB Incidents St Mary St	50	83	75	65	58	45	59	61	73	99	95	95	858	376

	Jan-07	Feb-07	Mar-07	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Total 07	Apr-June Total
All Incidents St Mary Street	231	261	250	214	213	224							1393	1393
All Incidents at Licensed Premises St Mary St	97	123	136	132	114	83							685	685
All Incidents Central Sector	1344	1261	1687	1495	1461	1375							8623	8623
ASB Incidents Central sector	302	323	375	292	285	265							1842	1842
ASB Incidents St Mary St	66	78	61	33	35	59							332	332

If the above tables are examined the following points will be noted.

- The 12 month totals for Incidents in the City Centre remain fairly constant for the years 2005 & 2006 with a difference of only 2 incidents
- The 6 monthly Total for Number of All Incidents for St Mary Street has also remained fairly constant with a variation of only 30 incidents over the 3 years.
- Anti Social Behaviour incidents within the City centre have also remained constant in 2006 & 2007 with a difference of only 44 incidents over the 6 month period
- Difficulty has arisen as in previous reports we have supplied data in relation to alcohol related incidents this data is not currently available. However data is available of incidents linked to licensed premises and this has been included.
- This data in relation to incidents at licensed premises for the 6 months April to June shows that once again the fluctuation is fairly small with an increase of 30 incidents from 2005 to 2006 and a decrease of 11 incidents from 2006 to 2007
- From this data it would therefore appear that incidents for the first 6 months of 2007 in the City Centre and in particular St Mary Street remain at similar levels to 2005.



The above chart shows a comparison in the number of incidents per hour in St Mary Street, Wood Street and Greyfriars Road over a four month period.

From this chart it will be noted that between the hours of 23:00 & 05:00 St Mary Street is by far the busiest area. It will be also noted that there is a considerable Peak in calls between 0200hrs & 0300hrs

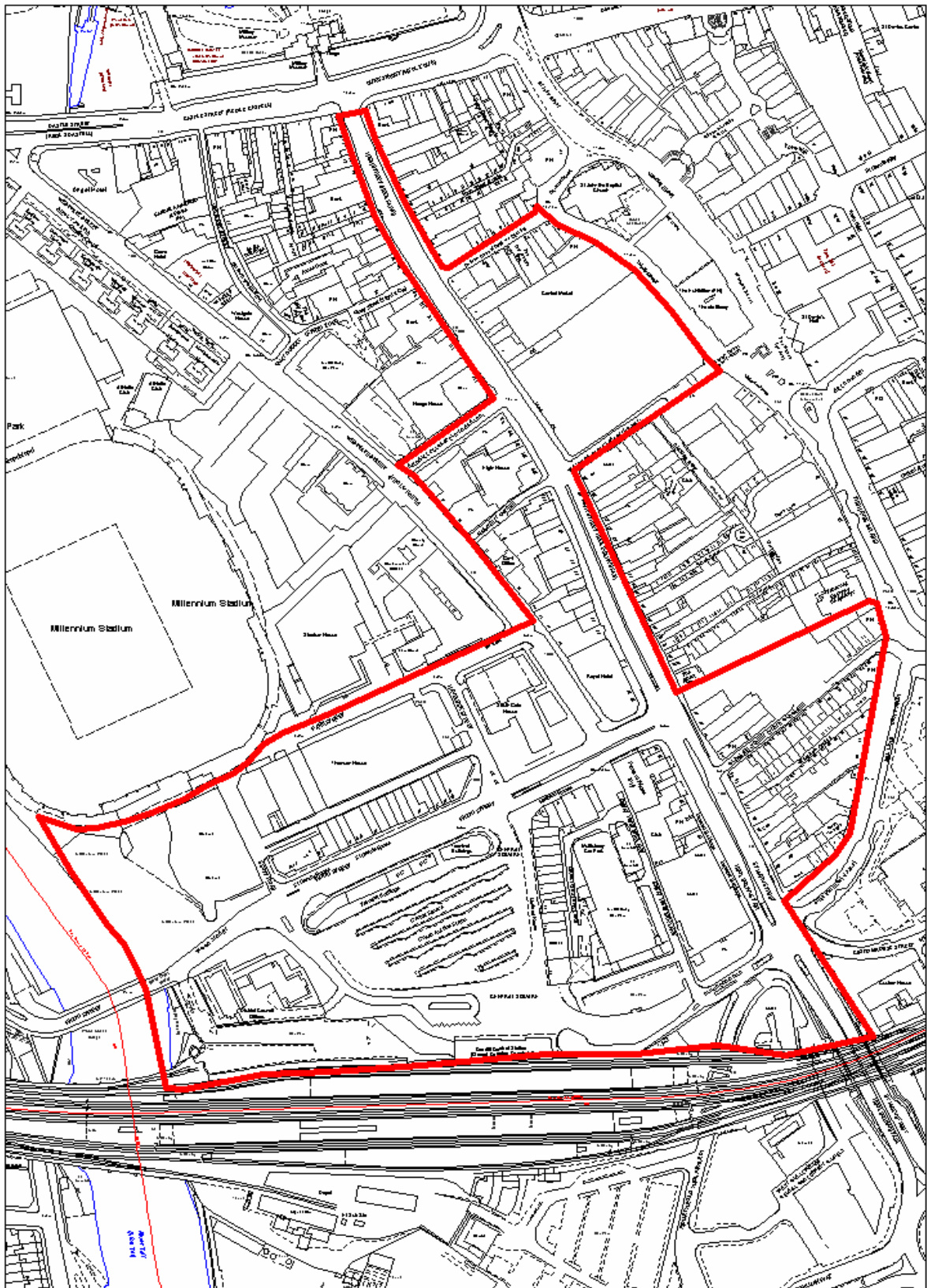
## **SUMMARY AND CONCLUSIONS**

In summary, St Mary Street is a persistently highlighted problem area in terms of Alcohol-related incidents, confirming the impact of a high concentration of licensed premises in close proximity. It has been demonstrated that such incidents are especially concentrated in and around the late night venues in the St Mary Street Area during the peak time period 12 midnight to 4:00am and the area continues to have high levels of disorder.

It is clear from these findings that the cumulative effect of many licensed premises within the area of St Mary Street gives rise to problems of public disorder and nuisance in the surrounding area beyond the control of individual licence holders. It has therefore been determined that the policy of the authority will be in general that the authority will not permit any further licensed premises to be established in the St Mary Street area in the interests of public safety and the avoidance of nuisance, although the individual merits of each application will be taken into consideration.

The attached map shows the streets which are within the St Mary Street area and this policy relates to any premises within that area or which fronts onto any street within the defined area.

# PLAN OF THE ST MARY STREET AREA



**D: Responsible Authorities : Contact Details**

Consultation with all Responsible Authorities is encouraged prior to the submission of the application. Where copies of applications have to be submitted to the Chief Officer of Police and/or the Responsible Authorities dependant on licence application type the following addresses should to be used:

<p><b>The Operational Manager (Licensing and Strategic Services)</b>  <b>Strategic Planning and Environment</b>  <b>Cardiff Council</b>  <b>City Hall</b>  <b>Cardiff</b>  <b>CF10 3ND</b>  <b>029 20871651</b></p>	<p><b>The Chief Officer of Police</b>  <b>Licensing Section, South Wales Police</b>  <b>Central Police Station</b>  <b>King Edward VII Avenue</b>  <b>Cathays</b>  <b>Cardiff</b>  <b>CF10 3NN</b>  <b>029 20222111</b></p>
<p><b>The Chief Fire Officer</b>  <b>South Wales Fire Service</b>  <b>Divisional Fire Safety Headquarters</b>  <b>Adam Street</b>  <b>Cardiff</b>  <b>CF24 2FL</b>  <b>01443 232500</b></p>	<p><b>The Operational Manager</b>  <b>(Development &amp; Building Control)</b>  <b>Development and Building Control</b>  <b>Strategic Planning and Environment</b>  <b>Cardiff Council</b>  <b>City Hall</b>  <b>Cardiff. CF10 3ND</b>  <b>029 20871135</b></p>
<p><b>The Operational Manager (Environment)</b>  <b>Pollution Control (Noise Pollution)</b>  <b>Strategic Planning and Environment</b>  <b>Cardiff Council</b>  <b>City Hall</b>  <b>Cardiff</b>  <b>CF10 3ND</b>  <b>029 20871856 or 20871675</b></p>	<p><b>The Operational Manager (Public Protection)</b>  <b>Public Protection (Health and Safety)</b>  <b>Strategic Planning and Environment</b>  <b>Cardiff Council</b>  <b>City Hall</b>  <b>Cardiff. CF10 3ND</b>  <b>029 20871124</b>  <b>(Premises where health &amp; safety is enforced by Cardiff County Council)</b></p>
<p><b>The Operational Manager</b>  <b>Child Protection Unit</b>  <b>Trowbridge Family Centre</b>  <b>Greenway Road</b>  <b>Trowbridge</b>  <b>Cardiff CF3 1QS</b>  <b>029 20774642</b></p>	<p><b>The Operational Manager (Consumer Protection)</b>  <b>Consumer Protection, Strategic Planning and Environment</b>  <b>Consumer Advice Centre</b>  <b>71 Bridge Street, Cardiff CF10 2TS</b>  <b>029 20397781</b></p>
<p><b>The Operational Manager for Wales</b>  <b>Health and Safety Executive</b>  <b>Government Buildings</b>  <b>Ty Glas, Llanishen</b>  <b>Cardiff</b>  <b>CF14 5SH</b>  <b>029 20263000</b>  <b>(Premises where health &amp; safety is enforced by HSE)</b></p>	<p><b><u>For Cardiff Bay Vessels Only</u></b>  <b>Cardiff Harbour Authority</b>  <b>Queen Alexandra House</b>  <b>Cargo Road</b>  <b>Cardiff</b>  <b>CF10 4LY</b>  <b>029 20877900</b></p>

**APPENDIX B - Details of Representations Received on the Statement of Licensing Policy.**

<b>Date</b>	<b>Source.</b>	<b>Details of Representation.</b>	<b>Response.</b>	<b>Details of Amendment</b>
09/07/2007	DCMS Update of Section 182 Guidance issued on 28/06/2007.	1. The DCMS has reviewed and reissued its guidance to local authorities.	1. The SLP remains consistent with the new guidance.	No Change
04/07/2007	South Wales Fire and Rescue Service	1. No Comments to make.	1. Noted	No Change
10/07/2007	Licensing Section Comments	2. The value of local ward members has been proven during the process and should be emphasised in the document. 3. The premise of the Act that each application should be dealt with individually has been embraced during the year and references to pools of conditions should be deleted.	2. Noted. 3. Noted.	1. Amended introduction to include consultation with local ward councillors. Amended section 4.4 2. Amendments made to introduction and Section 1.2, 5.6
23/07/2007	South Wales Police	1. Current information to support Special Saturation Policy provided.	1. Noted.	1. Information on existing position replaced previous information.
25/07/2007	Mr Nick Newman, Licensees Forum.	1. Provisions in respect to use of plastic glasses on premises on match days should be extended to off licensed premises. 2. Supports existing section 7.6 3. Supports existing section 11	1. Section 10 of the SLP does not distinguish between on and off licensed premises.  2. Noted 3. Noted	No Change  2. No Change 3. No Change.
07/08/2007	Mr Iain Wright,	Request that the following be incorporated in the	While supporting the	No Change.



	Development Consultant, British Institute of Innkeeping.	publication: “the authority recognises the importance of a partnership approach to all licensing issues and strongly encourages membership of the Bill (formerly known as the British Institute of Innkeeping), Pubwatch and Best Bar None. Further details, including details of websites etc, can be found at the end of this policy”.	initiatives indicated the Licensing Policy Statement is set for a three year period and is not the most appropriate place to endorse individual organisations or changing and developing initiatives.	
14/09/2007	Mr Raj Fowler	Suggests that residential areas should be dealt with differently from non residential ones and proposes the establishment of set times. Proposes standard conditions including the provision of noise limiters, closure of doors and windows, quiet notices, and the requirement for four responsible adults to be present at children’s entertainments.	The legislation does not permit the imposition of standards times or of standard conditions on licences.	No Change.
24/09/2007	Jonathan Shepherd Professor of Oral and Maxillofacial Surgery, Chair of the Violent Crime Task Group.	I take this opportunity, as a parent and Whitchurch resident and as chairman of the Violent Crime Task Group, Cardiff Community Safety Partnership to object to Paragraph 5.7 of the Cardiff Licensing Policy Statement. In particular, because the evidence suggests that increasing access to alcohol will increase alcohol consumption and misuse, I believe that seeking to achieve differential opening hours only by "increasing" hours will increase rather than decrease problems. Whilst I support the intention to vary closing times to prevent concentration of disorder and misuse, I do not think that it is appropriate to do this only by increasing hours. The revised (2007) DCMS guidance reflects concerns in government about this. Decreases rather than increases are much more likely to reduce misuse.  I would also like to ask the Cardiff LA to provide in its Statement, with reference to steps taken following the	Section 5.7 of the Statement was based on Section 3.29 of the DCMS original guidance to licensing authorities which has since been amended to remove the governments strong recommendation that councils should encourage longer operating hours. It would be appropriate to take this change into account in the new statement.  It should be noted that there is nothing in the statement which would prevent a licensed premises from operating from a lesser period	Change 5.7 in line with 13.40 of the revised guidance issued by the DCMS.

		implementation of the 2003 Act, reassurance that substantial progress has been made to achieving differential opening times in the city, particularly the city centre. I understand that the effect of variations in hours has, in fact, not led to this but to a shift to later opening of an hour or two - which simply shifts the concentration of problems further into the night when relevant public services are even harder to deliver.	than the licence permits.	
24/09/2007	Punch Taverns Jubilee House Second Avenue Burton upon Trent	No Comments to make.	Noted	No Change
03/10/2007	Beer and Pub Association, Market Towers, 1 Nine Elms, London.	<p>Section 4.2 - It would be helpful if the licensing authority could explain why evidence is "required" from applicants regarding the non-domestic rating of the premises. There is no requirement within the Licensing Act 2003 to provide such information.</p> <p>Section 4.5 We should be grateful if the penultimate line could be re-worded. "binge drinking ..." replace "need" with "should".</p> <p>Section 5.2 - Applicants could be misled into believing they should automatically offer more conditions than are necessary and the final two sentences would be clearer if re-worded: <i>"Applicants for the grant of a licence should consider all measures necessary to meet the licensing objectives"</i>.</p> <p>Section 7.5 - We welcome the risk based approach to enforcement advocated by the policy and would further</p>	<p>The section was included in recognition that the basis of charging was non domestic rating.</p> <p>Accepted</p> <p>The wording has remained unaltered from the previous version and there is no evidence that applicants offered more conditions than were necessary, indeed the role of responsible authorities would indicate the opposite.</p> <p>Such issues are more appropriately dealt with in the</p>	<p>No Change</p> <p>Amendment made.</p> <p>No Change.</p> <p>No change.</p>

		<p>recommend the recognition of the Hampton principles of inspection and enforcement in this section, which include the following:</p> <ul style="list-style-type: none"> <li>• No inspection should take place without a reason</li> <li>• Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection</li> </ul> <p>Section 10.2 - It would be helpful if this paragraph could include a reference to the following approach outlined in the National Alcohol Strategy “Safe. Sensible. Social” on alternatives to glass, namely a risk based, per premises approach.</p> <p><i>“The Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.”</i></p> <p>The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment. This will be available shortly on our website at <a href="http://www.beerandpub.com">www.beerandpub.com</a>.</p> <p>Section 11.2 - The BBPA has produced a guide to responsible Drinks Promotions which is available on our website. <a href="http://www.beerandpub.com">www.beerandpub.com</a></p>	<p>Licensing Enforcement Policy.</p> <p>Accepted.</p> <p>While supporting the initiatives indicated the Licensing Policy Statement is set for a three year period and is not the most appropriate place to endorse individual organisations or changing and developing initiatives.</p>	<p>Amendments made.</p> <p>No Change.</p>
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