

LICENSING COMMITTEE: 2 November 2010

Report of the Chief Strategic Planning and Environment Officer

LICENSING ACT 2003 – REVIEW OF THE STATEMENT OF LICENSING POLICY 2010

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 2007. It was amended to include a Special Policy in respect of the City and Crwys Road area of the city on 24 July 2009. 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 2007 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 29 March 2010 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 1st July 2010 to 4th October 2010 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.
 - b) Circulating the draft SLP to all responsible authorities and organisations which have indicated an interest.
 - c) Inserting an advertisement in the Local Press.
- 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 set nationally.

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

14 October 2010

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 ALCOHOL, ENTERTAINMENT AND
LATE NIGHT REFRESHMENT LICENSING POLICY**

31 January 2011

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A. INTRODUCTION

The Licensing Act 2003 (the Act) obtained Royal Assent on 10th July and gave local authorities 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 Alcohol, Entertainment and Late Night Refreshment 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 ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT 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 2011, will be monitored constantly and will be changed and amended as necessary.

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 Health and Safety Team
- Cardiff Development Control Team
- 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 Alcohol, Entertainment and Late Night Refreshment 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 the primary mechanism for the general control of nuisance and 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. The commercial demand for another pub, club, hotel or other type of licensed premises is not a matter for a licensing authority in discharging its licensing functions.
- 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 policies and culture and tourism policies 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 should 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 or introduced by regulation under the Act which will have effect in all circumstances regardless of if they appear on the Licence.
 - 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 both the St. Mary Street area and the City and Crwys Road areas of the city. The Licensing Authority has adopted the policies in the interests of public safety and the avoidance of nuisance, following South Wales Police representations. Details of the Special Saturation Policies 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 to identify and target those premises which pose a high risk to the licensing objectives. Every effort will be made 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 problem 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 and restrictions 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 authority commends the code to all applicants and licence holders.
- 8.7 Where the exhibition of films is permitted the authority will expect the mandatory conditions imposed by the Act to be complied with and age restrictions to be in place 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. The authority would normally only consider setting appropriate age restrictions on individual uncertified films where the films are to be exhibited as part of festivals.
- 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. 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

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. The authority will expect the mandatory conditions on irresponsible promotions introduced by amendment to the Act to be complied with.

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. This policy applies to all types of premises which sell alcohol including supermarkets and off-licences which contribute to the alcohol related incidents occurring in the area.

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.

Over many years 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.

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. The system is able to provide detailed information on the numbers of alcohol related incidents recorded in the City Centre.

Unfortunately the situation remains constant, the information from the police niche system makes it clear that during the period 1 January to 31 December 2009 of the recorded crimes in St Mary Street 409 or 35% of the total involved the offender being affected by alcohol.

Detailed information on alcohol related incidents is provided on a regular basis by the analysts of the Cardiff Community Safety Partnership. The authority therefore considers that there continues to be good evidence of the problems of alcohol related crime and disorder in this area. The information detailed below is taken from an analysis of the situation provided on 29 June 2010.

The analyse shows.

- There has been a rising and falling trend in St Mary Street in the previous two years with the lowest point being in July 2008 an the highest point in February 2010 indicating an overall increase in the number of incidents reported.
- Overall there was an increase in anti social behaviour incidents with a rise during June 2009 which fell towards September and then rose again in November as was the pattern in the previous year.
- There spread of incidents through the day has been similar to previous years although there has been a slight increase in occurrences on Saturday, Sunday and Monday daytimes.
- In terms of anti-social behaviour there has been a slight increase on weekday afternoons in the area during the afternoon or early evening periods.
- There has been an increase in violent crimes on a Wednesday during the early hours and during the late evening on Saturday although in general the pattern remains similar to that of previous years.
- There is evidence that alcohol obtained from supermarkets in the saturation policy area is contributing to drunkenness and crime and disorder and anti-social behaviour which exists from early morning and through to the night.

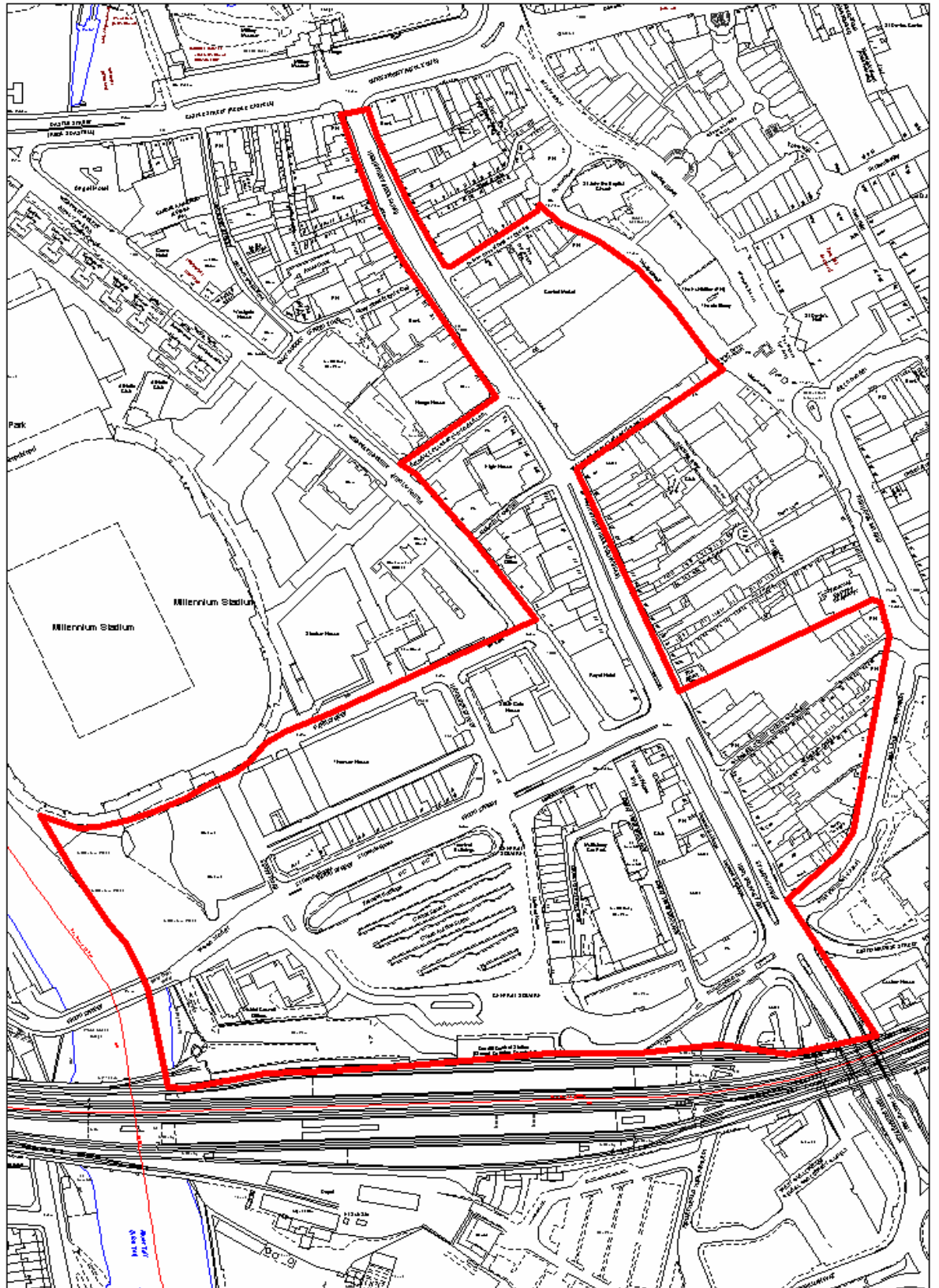
SUMMARY AND CONCLUSIONS

In summary, St Mary Street is a persistently highlighted problem area in terms of Alcohol-related incidents of anti-social behaviour, disorder and violence, confirming the impact of a high concentration of premises selling alcohol including pubs, clubs, supermarkets and off-licences in close proximity. It has been demonstrated that such incidents take place throughout the day and night.

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 premises to be licensed for the sale of alcohol 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. The policy relates to any premises within the area or any which front onto any street within the defined area or on its boundaries.

PLAN OF THE ST MARY STREET AREA



THE CITY AND COUNTY OF CARDIFF COUNCIL

SPECIAL POLICY STATEMENT IN RESPECT OF CITY & CRWYS ROAD (ADOPTED 24 JULY 2009)

LICENSING ACT 2003

In carrying out its licensing functions the Authority will promote the licensing objectives and in determining a licence application the overriding principle adopted by the Council will be that each application will be determined on its merits.

A saturation of licensed premises can attract customers to the area who have 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 crime and disorder or nuisance in the surrounding area the Authority can adopt a special policy of not permitting any further licensed premises to be established in that area in the interests of public safety and the avoidance of nuisance.

In the interests of public safety, the prevention of crime and disorder, and the avoidance of nuisance the Authority will always take account of 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 City Road area. The following information is taken from a Police analysis.

The following table shows the number of crimes and occurrences in the Cathays Police Sector as a whole, City Road and Crwys Road. From this table it will be seen that Crwys Road and City Road account for 9% of the Crime within the Cathays Policing Sector and 6% of all incidents.

	Apr -08	May -08	Jun -08	Jul -08	Aug -08	Sep -08	Oct -08	Nov -08	Dec -08	Jan -09	Feb -09	Mar -09	Total
All Crimes Cathays Sector	392	395	415	409	332	405	417	446	431	376	381	413	4812
All Crimes City Road	17	18	28	20	8	18	32	25	17	21	17	16	242
All Crimes Crwys Road	16	13	20	12	8	13	8	21	21	3	26	26	193
All Occurrences Cathays Sector	1289	1234	1223	1135	1021	1230	1370	1337	1200	1240	1231	1389	14899
All Occurrences City Road	86	72	76	55	54	67	95	78	76	76	76	77	888
All Occurrences Crwys Road	57	45	53	35	36	41	43	57	49	39	56	61	572
Violence Against Person Offences Cathays Sector	40	40	51	35	37	32	52	56	49	50	34	35	511
Violence Against Person Offences City Road	4	6	7	4	0	4	4	8	4	6	4	2	53
Violence Against Person Offences Crwys Road	6	0	2	2	0	2	0	3	5	3	6	1	30

ASB Occurrences Cathays Sector	279	248	225	192	220	277	312	285	216	230	296	319	3099
ASB Occurrences City Road	18	18	14	8	17	19	15	10	19	13	22	11	184
ASB Occurrences Crwys Road	8	5	4	3	6	5	5	8	5	1	10	10	70

There are 69 licensed premises in the area which attract person to the area. During the previous year 2008-09 there were 85 incidents of violence in the Policing area of Cathays of which 37 were directly related to licensed premises in City Road and Crwys Road.

South Wales Police contend that:

- The presence of late night refreshment houses have tended to attract gatherings of individuals well into the early hours which has been perceived as intimidating from members of the Community. Within the period April 2008 – March 2009 there were three incidents of mass violence which commenced within or outside late night refreshment premises.
- In several recent cases of Street Robbery, persons responsible have been identified as part of the gathering groups as aforementioned. It is clear in these cases that the perpetrators have made their way back to a group in City Road outside a refreshment house immediately after the commission of a robbery.
- The general victim profile of robbery victims relates to Male, White, Approx 20 years with an element of intoxication. The availability of alcohol within the area is exceptionally easy and cheap. It is felt that this fact may be a contributory factor in helping to provide the perpetrators of robbery with an easier target.

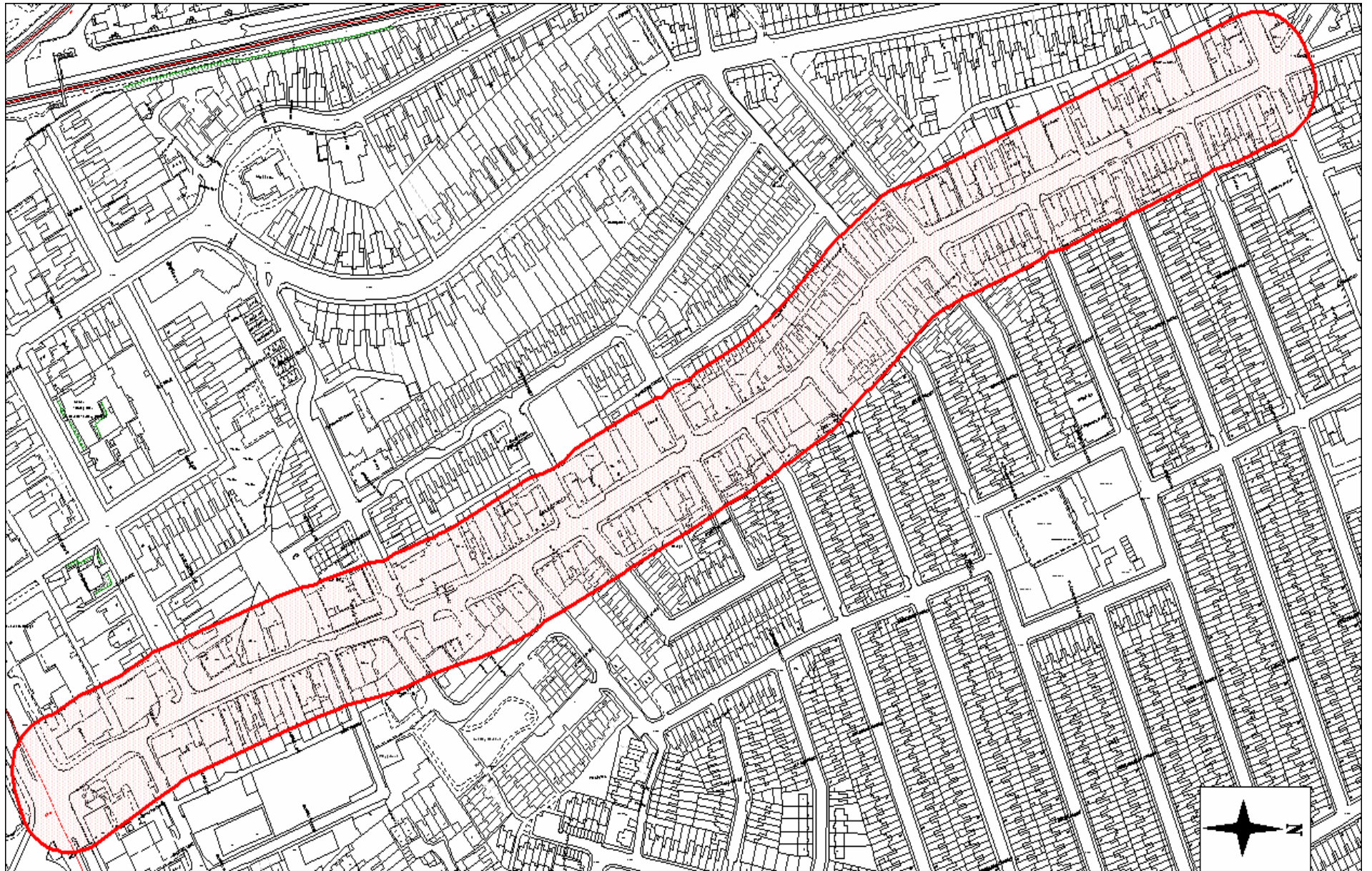
SUMMARY AND CONCLUSIONS

In summary, the saturation of licensed premises in the City Road area has resulted in a number of violent incidents of disorder and nuisance and it is clear from these findings that the cumulative effect of many licensed premises within the area gives rise to problems of crime, disorder and nuisance in the surrounding area beyond the control of individual licence holders. The Policy of the Authority will therefore be that there is a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact in the City Road area will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more licensing objectives.

It must be stressed that this presumption does not remove the need for responsible authorities or interested parties to make relevant representations before an application can be refused. If there are no representations the Authority must by law grant the application in terms that are consistent with the operating schedule submitted.

The area of the special policy is shown in the following maps but in general will include any premises in City Road and Crwys Road and in the case of any street adjoining or abutting those streets then any premises on that street for a distance of 35 metres from where it joins City Road or Crwys Road.

PLANS OF THE CITY ROAD CUMULATIVE IMPACT AREA



PLANS OF THE CRWYS ROAD CUMULATIVE IMPACT 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>The Operational Manager (Licensing and Strategic Services) Strategic Planning and Environment Cardiff Council City Hall Cardiff CF10 3ND 029 20871651</p>	<p>The Chief Officer of Police Licensing Section, South Wales Police Central Police Station King Edward VII Avenue Cathays Cardiff CF10 3NN 029 20222111</p>
<p>The Chief Fire Officer South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant, Pontyclun CF72 8LX 01443 232000</p>	<p>The Operational Manager (Development & Building Control) Development and Building Control Strategic Planning and Environment Cardiff Council City Hall Cardiff. CF10 3ND 029 20871135</p>
<p>The Operational Manager (Environment) Pollution Control (Noise Pollution) Strategic Planning and Environment Cardiff Council City Hall Cardiff CF10 3ND 029 20871856 or 20871675</p>	<p>The Operational Manager (Public Protection) Public Protection (Health and Safety) Strategic Planning and Environment Cardiff Council City Hall Cardiff. CF10 3ND 029 20871124 (Premises where health & safety is enforced by Cardiff County Council)</p>
<p>The Operational Manager Child Protection Unit Trowbridge Family Centre Greenway Road Trowbridge Cardiff CF3 1QS 029 20774642</p>	<p>The Operational Manager (Consumer Protection) Consumer Protection, Strategic Planning and Environment Consumer Advice Centre 71 Bridge Street, Cardiff CF10 2TS 029 20397781</p>
<p>The Operational Manager for Wales Health and Safety Executive Government Buildings Ty Glas, Llanishen Cardiff CF14 5SH 029 20263000 (Premises where health & safety is enforced by HSE)</p>	<p><u>For Cardiff Bay Vessels Only</u> Cardiff Harbour Authority Queen Alexandra House Cargo Road Cardiff CF10 4LY 029 20877900</p>

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

Date	Source.	Details of Representation.	Response.	Details of Amendment
01/06/2010	Licensing Section	The statement of licensing policy should be renamed Statement of alcohol, entertainment and late night refreshment Licensing to distinguish it from the statements in respect of other licensing issues.	Agreed.	The draft statement has been updated wherever the previous name was used.
01/06/2010	Licensing Section	Reference to the statement being reviewed should clarify that the statement will be constantly reviewed and amended as necessary.	Agreed.	Paragraph 2 on Page 3 edited to reflect the change and to update the date of effect of the policy.
01/06/2010	Licensing Section	The new mandatory conditions should be indicated.	Agreed.	Bullet point 1 of section 5.6 has been edited together with section 11.1.
01/06/2010	Licensing Section	The authority has worked with South Wales Police to identify and target high risk premises using the 'Traffic Light System' and the S182 guidance recommends in 13.22 recommends this approach and it should be included in the statement of policy	Agreed	Section 7.3 of the Statement amended to incorporate a mention of the joint targeting of high risk premises.
01/06/2010	Licensing Section	Section 13.23 of the S182 Guidance reiterates that need is not a matter for licensing authorities in exercising it functions and it may be appropriate to highlight this in the statement of licensing policy.	Agreed	Section 3.6 of the Statement amended to more closely reflect the government guidance.
01/06/2010	Licensing Section	Reference should be made in the main policy statement to the establishment of a second special saturation area in City and Crwys Road.	Agreed	Section 6.5 amended to refer to the additional saturation policy area.
01/06/2010	Licensing Section	The authority has a policy of permitting films which are not classified to be shown at film festivals subject to the films being assigned a suitable age class it is recommended that this be detailed in the policy.	Agreed	Section 8.7 has been edited to include the position in respect of film festivals.

01/06/2010	Licensing Section	The introduction of new mandatory conditions under the licensing act should be mentioned in the section in the policy dealing with discounting and sales promotions.	Agreed	Section 11.1 of the policy has been amended to reflect the introduction of mandatory conditions on irresponsible promotions.
21/06/2010	Prof Jonathan Shepherd, Chair of the Violent Crime Strategy Group.	<p>The tracking of violent incidents reported to the city accident and emergency department has been taking place for many years. The evidence shows that about half of violent incidents resulting in a hospital attendance take place in the city centre.</p> <p>There have been a number of published studies internationally which indicate an association between outlet density and interpersonal violent incidents and that the existing of strong links was true for off-licence premises.</p> <p>The availability of glasses and bottles in St Mary Street are a major problem in terms of resulting in accident harm and in their use as weapons. The evidence is sufficient and provides a good reason to make off-licences of central importance in the cities saturation policy.</p>	Agreed	Saturation Policies updated and amended to include off licence premises.
28/06/2010	South Wales Police	<p>South Wales Police have provided extensive statistical evidence of the alcohol related problems which continue to exist in the St Mary Street area of the city centre and in the City and Crwys Road area. The police would wish to continue to support the adoption of a special saturation policy for the areas and would make the following points:</p> <ol style="list-style-type: none"> 1. Because of the evidence of street drinking causing problems at all times of the day the special saturation policies should be extended to cover all premises which are licensed for the sale of alcohol including off-licensed premises. 2. The plan of the St Mary Street area should be more clearly defined to avoid confusion. 	Agreed.	<p>The special policies has been amended to indicate that the policy applies to all premises which sell alcohol and the statistical information updated.</p> <p>The St Mary Street Area has been more clearly defined in the final paragraph of the special saturation policy.</p>