



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000

Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## AGENDA

<b>Committee</b>	LICENSING COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 8 SEPTEMBER 2015, 10.00 AM
<b>Venue</b>	COMMITTEE ROOM 2 - COUNTY HALL
<b>Membership</b>	Councillor Parry (Chair) Councillors Manzoor Ahmed, Boyle, Bridges, Goddard (Deputy Chair), Hudson, Kelloway, Morgan, Murphy, Phillips, Simmons and Walsh

### 1 **Apologies for Absence**

To receive apologies for absence.

### 2 **Declarations of Interest**

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 **Minutes** (*Pages 1 - 2*)

To approve as a correct record the minutes of the previous meeting.

### 4 **Review of Statement of Licensing Policy** (*Pages 3 - 68*)

**Marie Rosenthal**

**Director Governance and Legal Services**

Date: Wednesday, 2 September 2015

Contact: Graham Porter, 029 2087 3401, [g.porter@cardiff.gov.uk](mailto:g.porter@cardiff.gov.uk)

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## LICENSING COMMITTEE

2 JUNE 2015

Present: County Councillor (Chairperson)  
County Councillors Manzoor Ahmed, Boyle, Bridges, Goddard,  
Hudson, Kelloway, Murphy, Phillips and Simmons

## 1 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Morgan.

## 2 : DECLARATIONS OF INTEREST

No declarations of interest were received.

## 3 : MINUTES

The minutes of the meeting held on 2 December 2014 were approved by the as a correct record and were signed by the Chairperson.

## 4 : GAMBLING PREMISES FEES

The Committee received a report and were asked to consider the setting of Premises Licence fees under the Gambling Act 2005. The fees were last set in April 2009.

Members were advised that based on the number of licences issued during 2013/14 the fee regime needed to be amended in order to accurately reflect the cost of providing the service. Consequently, Members were asked to note that there had been a decrease in the grant and provisional statement fees, as few applications were forthcoming and referred to the Licensing Sub Committee for determination. Therefore, that element of the fees associated with Sub Committee costs, was substantially lower.

The Committee considered the proposed revised fees set out in the report. The majority of fees had been decreased. Members asked for clarification as to whether operators in the gambling industry could retrospectively challenge the fees set in the past. The Legal view was that this was unlikely. Member also discussed whether decreasing the fees would encourage more gambling operators into the market. Officer felt that this was unlikely, as the reduction in fees was insignificant given the small sums involved. Members commented that the gambling industry was moving away from local high street premises into online gambling.

RESOLVED – That the proposed fees and charges outlined in the report be approved with an implementation date of 1 June 2015.

The meeting terminated at 10.20 am

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**LICENSING COMMITTEE: 8<sup>th</sup> September 2015**

**Report of the Head of Regulatory Services**

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

**1. Background**

1.1 Under section 5 of the Licensing Act 2003 each licensing authority must produce a Statement of Licensing Policy (SLP) with respect to the exercise of its licensing functions. This policy should outline the licensing authority's approach to licence applications and the processes used to address any issues associated with such applications.

1.2 The SLP is required to be reviewed on a 5 year basis in consultation with:

- Chief Officer of Police for the area;
- Fire and Rescue Authority for the area;
- Local Health Board in Wales for an area any part of which is in the licensing authority's area,
- Persons/bodies representative of local premises licence holders;
- Persons/bodies representative of local club premises certificate holders;
- Persons/bodies representative of local personal licence holders; and
- Persons/bodies representative of businesses and residents in its area.

The SLP was last revised in 2011 and is due to be renewed in January 2016.

1.3 The Home Office Guidance, issued under Section 182 of the Licensing Act 2003, provides direction to local authorities on what should be contained within their statement of licensing policy. The determination and publication of the statement of licensing policy is a matter for the Authority and the SLP will require formal Council approval.

1.4 The purpose of this report is to approve the draft SLP (Appendix A) for wider consultation with those consultees listed in 1.2 above.

## **2. Changes to the Statement of Licensing Policy**

2.1 The SLP has changed significantly since the last revision in 2011. The proposed SLP contains:

- Amendments to reflect alterations to the Licensing Act 2003 brought about by other legislation such as the Police Reform & Social Responsibility Act 2011, the Live Music Act 2012 and the Deregulation Act 2015.
- Additional information to assist applicants in making applications
- A change in the formatting of the policy using ‘Key Messages’ to highlight important points.
- Five ‘Key Factors’ have been identified that are intended to emphasise integral parts of the licensing process and ensure that the licensing objectives are promoted, those factors being:
  - What we aim to encourage
  - Operating Schedules
  - Licensing Hours
  - Promoting the Licensing Objectives
  - Negative Cumulative Impact

Perhaps most important is the amendment proposed to the Cumulative Impact Policy (CIP). There are currently 3 Cumulative Impact Areas (CIAs) in Cardiff which are:

- City Centre Central (St Mary Street area )
- City Centre East (Greyfriars Rd, Churchill Way, Park Place)
- Cardiff East (City Road & Crwys Road)

It is proposed that the two city centre CIAs will be replaced by a new city centre-wide CIA and the Cardiff East (City Road & Crwys Road) CIA be repealed.

### ***City Centre CIA***

2.2 An extensive review of the current cumulative impact policy has been conducted with South Wales Police. It has concluded that there are large amounts of crime and disorder throughout the city centre area which is linked to the presence of licensed premises. The proposed policy recognises that not all types of licensed premises contribute to crime and disorder in the city centre and therefore certain types of premises such as hotels, cinemas and restaurants (with restrictions) are proposed to be excluded from the CIA.

Premises offering late night refreshment such as takeaways and fast food restaurants are currently excluded from the current Policy. However the evidence suggests that they can and do contribute to the problems in the City Centre and the new policy proposes that they should be the subject to the CIP.

### ***Cardiff East CIA (City Road & Crwys Road)***

- 2.3 Having conducted a review of the crime figures for City Road and Crwys Road it has become evident that there is no longer sufficient evidence of significant crime and disorder in relation to licensed premises in the area to justify the continuing existence of the Cardiff East CIA. Since its introduction in 2009, it appears that the current policy in that area has served its purpose. That said, crime figures for the area will be analysed closely on an annual basis to check for any increase, and the CIP could be reinstated if there is evidence of negative cumulative impact of licensed premises.

### **3. Consultation**

- 3.1 A number of initial consultation events took place in April & May 2015 with responsible authorities, Council Officers, Elected Members, local residents and members of the licensed trade. The responses that were received during these events have assisted the development of the draft SLP.
- 3.2 It is proposed that a further consultation period on the draft SLP will take place between 9<sup>th</sup> September 2015 and 9<sup>th</sup> October 2015. Responses will be taken into consideration and the final Policy will be approved by Licensing Committee and Full Council in November.

### **4. Achievability**

This report contains no equality personnel or property implications.

### **5. Legal Implications**

- 5.1 Section 5 of the Licensing Act 2003 places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy every five years. 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.**

- 6.1 This report does not result in any additional financial implications and can be achieved within existing budget provision.

**7. Recommendation**

- 7.1 It is recommended that the Committee approve the draft Statement of Licensing Policy for further consultation with those bodies listed in paragraph 1.2. above.

**Dave Holland**  
**HEAD OF REGULATORY SERVICES**

**13 August 2015**

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

Background Papers: None



# City of Cardiff Council

## Statement of Licensing Policy

### 2016-2021



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## **8. City of Cardiff Council Cumulative Impact Policy**

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# 1

## Introduction

The City of Cardiff Council has a duty to administer and enforce the Licensing Act 2003 which gives local authorities responsibility for licensing the sale and supply of alcohol, regulated entertainment and the provisions of late night refreshment.

The Licensing Act requires that Licensing Authorities publish a Statement of Licensing Policy for their area to guide them when considering licence applications and controlling licensed premises. This Statement of Licensing Policy is produced in response to this requirement and applies to all applications, notices, representations and requests we receive under the Licensing Act 2003. The Policy also aims to provide guidance to applicants, objectors and interested residents, businesses and the wider community about the approach we will take as the Licensing Authority. It has been the subject of consultation with local bodies, organisations and residents. A list of consultees is provided within the policy statement.

Cardiff's original policy was published in 2005 and was subsequently reviewed every 3 years as required by the legislation at that time. Since then changes to the Licensing Act 2003 mean that licensing authorities are now required to review their statements of Licensing Policies every 5 years. This policy is the 4<sup>th</sup> Statement of Licensing Policy produced by the City of Cardiff Council.

This is that statement of policy has been prepared in accordance with the provisions of the 2003 Act and the latest version of Home Office Guidance issued under section 182 of the Act

## 2.1 Purpose and scope of the Licensing Policy

This Statement of Licensing Policy is produced in response to the requirements of Section 5 of the Licensing Act 2003. It aims to ensure a consistent approach to licensing within Cardiff. The policy will assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition the Policy seeks to provide clarity for applicants and residents to enable them to understand the objectives being promoted and the matters that will be considered in determining licences. In carrying out its licensing functions the Licensing Authority must promote the following four licensing objectives:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

For the purposes of this Policy Statement, the City of Cardiff Council is the Licensing Authority and is referred to in this document as “the licensing authority” unless otherwise stated.

This Policy covers a wide range of licensing activities covered by the Licensing Act 2003 as follows:-

- Retail sale of alcohol
- Supply of alcohol to club members
- 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 or recorded music
  - Dance performance.
- Supply of hot food or drink from premises from 23.00 to 05.00 hours (the provision of late night refreshment).

The scope of the policy statement includes 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.

This Policy Statement will come into force on 1 January 2016 and will be monitored and changed as necessary.

As part of the development of this Policy, various partners were engaged in consultation and their views have been taken into account. Consultation partners included:

- South Wales Police
- Cardiff Partnership
- Cardiff Licensees Forum
- Licensable Industry Companies
- Licensed Premises Supervisors
- Cardiff Children’s Services
- Cardiff Health and Safety Team
- Cardiff residents
- Cardiff Economic Development
- South Wales Fire Authority
- British Institute of Innkeeping
- Independent Licensees
- The Club and Institute Union
- Cardiff Trading Standards
- Cardiff Pollution Control
- Cardiff Development Control Team
- Cardiff and Vale Univ. Health Board

## Departure from the Policy

This Policy sets out the vision for the regulation of licensed premises throughout Cardiff and outlines the standards expected to ensure the promotion of the four licensing objectives of the City.

### Key message

The Licensing Authority may depart from the Policy if it considers that doing so would benefit the promotion of the Licensing Objectives. Reasons will be given for any such departure from the general policy. However, it is expected that any such departure would be likely only in exceptional circumstances.

## 2.2 Profile of Cardiff

Cardiff is the capital City of Wales and is continuing to grow faster than any other capital city in Europe. In population terms, it is the largest Local Authority in Wales (340,000) but measures of population belies Cardiff's significance as a regional trading and business centre. The population swells by approximately 70,000 daily with commuters and visitors. Its popularity as a shopping and leisure destination extends way beyond Wales with many visitors not only from the rest of the UK but from overseas.



Cardiff is the seat of government and the commercial, financial and administrative centre of Wales. Cardiff boasts one of the most vibrant city centres in the UK with an average daily footfall of 70,000 people which increases up to 150,000 when the City's Millennium Stadium hosts international events.

Cardiff Bay is a world class waterfront development and the Millennium Stadium ranks among the world's finest sports stadia, hosting major events that demonstrate Cardiff's developing role on the international stage. Its impressive range of cultural, sporting and arts facilities including the National Museum of Wales and the Museum of Welsh Life, St David's Hall, New Theatre, Millennium Centre and new City Stadium, as well as the International Sports Village.

Such developments have led to a vibrancy and dynamism across the City which presents significant challenge to enforcement services wanting to secure the safety of their local population and visitors. There are currently 1400 licensed premises in Cardiff, around a quarter of which are located in the City Centre.

The Cathays electoral ward which includes the City Centre has the highest number of licensed premises followed by Plasnewydd ward which has a busy commercial district along City Road, Albany and Wellfield Road. Both Cathays and Plasnewydd have large student populations. Butetown encompasses the popular Mermaid Quay waterside development with bars, restaurants and entertainment and has the third highest number of licensed premises.

It is widely recognised that licensed premises make a significant contribution to Cardiff's economy. The diverse range of licensed premises appeal to visitors, tourists and local citizens and include over 300 licensed restaurants, nearly 300 pub/bar/nightclubs, 200 convenience stores, 130 takeaways, 6 theatres and 50 sports clubs. Other licensed establishments include stadiums, bowling alleys, cinemas, art galleries and hotels.

Successful partnership working with the licensed trade is crucial to supporting well run licensed premises that contribute positively to the local community and economy. Improvements made over recent years and the diversification of premises to become more attractive to a wider customer base have turned around the negative portrayals on Cardiff's night time economy that were experienced several years ago.

It is acknowledged that the majority of Cardiff's licensed premises are well run and positively promote the four licensing objectives. It is therefore essential to ensure that this is maintained and this policy contributes to the sustained improvement of the licensed economy as Cardiff continues to develop in the future.



## 3.1 Premises Licences

When determining applications the Licensing Authority will have regard to this Policy, the Act and the Section 182 Guidance.

Applicants should make themselves aware of the council's statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

Applicants will be encouraged to make themselves aware of any relevant local crime prevention strategies, City Centre Strategy, planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule.

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, Local Health Board and the local authority (in particular the Pollution Control, Health and Safety, Trading Standards, Development Control sections and the Licensing Authority). Contact details for the responsible authorities are detailed in Appendix B of this Policy.

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.

To ensure that cultural diversity thrives, the City of Cardiff Council has established a policy of obtaining Premises Licences for public spaces within their area in their own name. This enables performers and entertainers wishing to use public spaces for licensable activities to seek permission from the Council rather than applying for their own Premises Licence or Temporary Event notice.

## Live Music Act 2012 and Deregulation Act 2015

A number of changes have been made to the Licensing Act 2003 resulting from new legislation being implemented. These changes have had the effect of removing some activities from licensing requirements. The relevant legislation is as follows:-

- Live Music Act 2012
- Licensing Act 2003 (Description of Entertainment)(Amendment) Order 2013
- Deregulation Act 2015
- Legislative Reform (Entertainment Licensing) Order 2014.

Consequently, the following activities, no longer require licensing.

- Unamplified live music taking place between 08:00 and 12:00 hours in all venues
- Amplified live music and recorded music taking place between 08:00 and 23:00 hours before audiences of no more than 500 persons on premises authorised to supply alcohol for consumption on the premises
- Amplified live music taking place between 08:00 and 23:00 hours before audiences of no more than 500 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- Provision of entertainment facilities
- Travelling circuses
- Incidental films (where the film is incidental to another activity which is not a description of regulated entertainment)
- Greco-Roman and freestyle wrestling before an audience of up to 1000 persons
- The provision of entertainment by or on behalf of local authorities, health care providers or schools on their own defined premises
- It widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Conditions on Premises Licences relating to these deregulated activities will not apply (during the restricted hours and as long as audience restrictions are not exceeded), however the Licensing Authority may still impose conditions about these activities following a review of a Premises Licence or Club Premises Certificate where relevant to promote the licensing objectives.

## Petrol/Service Stations

Section 176 of the Licensing Act 2003 states that no Premises Licence, Club Premises Certificate or Temporary Event Notice has effect to authorise the sale of alcohol from a motorway or trunk road service area or premises used primarily as a garage or which form part of premises which are primarily so used.

If a Licence is granted, the licensee must ensure alcohol is not sold any time when the primary use of the premises is as a garage.

### Key message

Documentation such as trading figures will be required to accompany applications for the sale of alcohol at petrol and service stations to demonstrate their primary use.

## Grant and Full Variation Process

The procedure for making a new application and changes to an existing Premises Licences or Club Premise Certificates are similar. Both involve the same advertising procedure, a 28 day consultation period and the application is determined by the Licensing Sub-Committee if relevant representations are received. If no relevant representations are received the application is automatically granted at the end of the consultation period.

Applicants must:-

- Submit a completed application on the prescribed application form to the City of Cardiff Council with the required fee and a plan of the premises of 1:100 scale (unless agreed otherwise). The application form must include an Operating Schedule.
- Submit an entire copy of the application to all responsible authorities at the same time as the application is submitted to the Licensing Authority. NB. *If applicants chose to apply online through the Gov.UK portal, they are not required to submit copies to the responsible authorities.*
- Advertise the application in a prominent position at or on the premises on an A4 pale blue coloured notice, for not less than 28 consecutive days starting on the day following the day on which the application was submitted to the Licensing Authority.
- Advertise the application within 10 working days (starting on the day after the following the day on which the application was submitted to the Licensing Authority) in a local newspaper circulating in the relevant part of Cardiff's district such as the South Wales Echo or Western Mail.
- If the application includes the retail or supply of alcohol, the consent of individual Personal Licence holder who wishes to be the Designated Premises Supervisor (DPS) is required with the application.

The application will be advertised on the City of Cardiff Council's website.

It is strongly recommended that before submitting an application, applicants read "*The City of Cardiff Council's Licensing Act 2003: Guidance for applicants – New Premises and Variation Applications*".

All applicants for the grant or variation of a Premises Licence or Club Premises Certificate are expected to demonstrate within their Operating Schedules how they intend to promote each of the four licensing objectives. The proposals included in the Operating Schedule will form the main body of conditions to be applied to the licence or certificate (if granted).

## Minor Variation

Small changes to a Premises Licence or Club Premises Certificate that will not impact adversely on the licensing objectives can be dealt with via the 'Minor Variation' process which is a scaled down version of the full variation process detailed above with a reduced fee.

We expect that the process will be used for changes such as:

- Small changes to the structure or layout of a premises;
- Additional authorisations required for late night refreshment or regulated entertainment (such as live music, performance of plays or film exhibitions);
- Small changes to licensing hours (see below for changes that relate to alcohol);
- Revisions, removals and additions of conditions (this could include the removal or amendment of out of date, irrelevant or unenforceable conditions, or the addition of volunteered conditions).

Minor variation applications will not apply to:-

- Substantial changes to the premises;
- Varying the Designed Premises Supervisor;
- Authorising the sale by retail of alcohol;
- Authorising the supply of alcohol at any time between 23:00 and 07:00 hours;
- Authorising an increase in the amount of time on any day during which alcohol may be sold by retail.

Applications for minor variations will be determined by Licensing Officers rather than the Licensing Sub-Committee, however if representations are received that demonstrate the application will impact adversely on any of the four licensing objectives the application will be refused. Applicants are recommended to contact the Licensing Team prior to submitting a minor variation application for advice.

Applications that have been rejected under the minor variations process can then be the subject of a full variation application or of a revised minor variation application. The refusal of a minor variation does not affect any subsequent variation application in respect of the same premises.

## Licensing Fees

No refund is payable for any withdrawn or refused applications/notifications.

In accordance with the Licensing Act 2003, the full fee is refundable for minor variations if the Licensing Authority fails to determine the application within the statutory time period.

The City of Cardiff Council will utilise its powers under the Act to suspend Premises Licences or Club Premises Certificates for non- payment of the annual fee.

## Late Night Levy

A Late Night Levy (LNL) is an optional power available to local authorities to raise a contribution towards the costs of policing the night time economy. The power was introduced through the Police Reform and Social Responsibility Act and enables the authority to charge a levy to holders of Premises Licences and Club Premises Certificates authorised to sell alcohol. A LNL must apply across the whole of the local authority area and applies to all on and off licences. Temporary Event Notices are exempt.

A LNL would require that a levy be paid by those persons who are authorised to sell alcohol between the periods specified in the LNL (the late night supply period) regardless of whether they are actually open during that period. This can be no earlier than 0000 hrs and no later than 0600 hrs and must be the same period every day.

At least 70% of the Levy must be paid to the Police and Crime Commissioner. There are no restrictions on what the police portion can be used for. The local authority's portion can be used to tackle alcohol related crime and disorder and to support management of the night time economy in line with the reduction of crime and disorder, promotion of public safety; prevention of public nuisance and street cleansing.

The implementation of a LNL is subject to public consultation and, if it is to be introduced, must be adopted at a meeting of the Council.

The Licensing Authority may deduct the costs of preparing, publicising and administrating the levy (subject to regulations) before paying the police proportion, however an estimate of these costs must be published on the website.

The levy will apply indefinitely however it must be reviewed at regular intervals and may be ceased at the end of a levy year.

## Early Morning Restriction Orders

Whilst the Licensing Act 2003 introduced a simple integrated scheme for licensing premises used for the sale or supply of alcohol, regulated entertainment and late night refreshment, one of its primary purposes was to tackle problems associated with the misuse of alcohol.

It has now been recognised by Government, through statutory guidance, that longer hours were not necessarily an answer to all problems. As a result licensing authorities have been given greater discretion in their approach to the management of licensed premises in their areas. On 31 October 2012 amendments to the Police, Reform and Social Responsibility Act were implemented that allows licensing authorities to adopt new measures for the management of their night time economies.

One of these measures is an Early Morning Restriction Order (EMRO) which allows local authorities to look at restricting the sale of alcohol at a specified time between 00:00 and 06:00 hours.

EMROS are intended to deal with alcohol related crime and disorder, anti social behaviour and serious public nuisance with is not directly attributable to licensed premises. Local authorities are encouraged to look at the relationship between their existing Cumulative Impact area, if one is in place and a proposed EMRO area.

An EMRO restricts the time within which alcohol can be supplied. Alcohol supply can be prohibited between 00:00-06:00 hours and applies to Premises Licences, Club Premises Certificates and Temporary Event Notices. There are no exceptions save that which authorise supply of alcohol to residents with overnight accommodation via minibars and room service.

Unlike the Late Night Levy, an EMRO can apply to a specific area or even single street, rather than applying to the whole local authority area. It can apply to specific days of the week, and can apply to limited periods of the year or for an unlimited period. It cannot apply on New Year's Eve/New Year's Day.

EMROs do not affect authorised hours for regulated entertainment or late night refreshment.

The adoption of an EMRO is subject to a process involving the collection and analysis of relevant evidence and a consultation exercise with the public and holders of Premises Licences and/or Club Premises Certificates. The decision to adopt an EMRO has to be taken by a meeting of the Council.

EMROs must be periodically reviewed to ensure they remain appropriate to promote the licensing objectives and can be varied or revoked via the same process as adoption.

Alcohol supplied during the time when an EMRO is in force is treated as a Section 136 offence under LA03 (unauthorised licensable activity).

### Key message

**The City of Cardiff Council has not currently adopted the late night levy or EMRO provisions, but before considering doing so will conduct a full consultation.**

## Licence Reviews

The Licensing Act 2003 and associated legislation introduced a series of measures to enable the Council to deal with problematic premises. One of the most powerful of these measures was the implementation of a system of Licence Reviews.

Responsible Authorities or "other persons" can apply to the Licensing Authority for a Review of the Licence or Certificate should a matter arise at the premises in connection with any of the four licensing objectives.

Events that may trigger a Review may include, continued noise problems, underage sales of alcohol, frequent problems or disorder, allegations of crime taking place at the premises, impacts on health services (which would support other triggers).

Following receipt of a Review application, a 28 day consultation period will begin. The application will be determined by the Licensing Sub-Committee who can make the following decisions:-

- Modify the conditions of the Premises Licence
- Exclude a licensable activity from the scope of the Licence
- Remove the Designated Premises Supervisor
- Suspend the Licence for up to 3 months
- Revoke the Licence
- Take no further action.

In cases of serious crime and disorder at premises, the Police may apply for a summary review. On receipt of such an application, the Authority has 48 hours to determine whether any interim steps are required.

## 3.2 Personal Licence Applications

Any premises licensed for the sale of alcohol must specify the Designated Premises Supervisor (DPS). This person must be a Personal Licence holder.

In order to obtain a Personal Licence, the applicant must:-

- Be aged 18 or over;
- Possess a licensing qualification accredited by the Secretary of State;
- Not have forfeited a Personal Licence within 5 years of his/her application;
- Produce a satisfactory 'Basic Disclosure' from Disclosure Scotland, or the results of a subject access search of the police national computer by the National Identification Service;
- Not have an objection notice from the Police about the grant of a Personal Licence following notification of any unspent relevant offence or foreign offence; or must show that such an offence should not lead to refusal on crime prevention grounds;
- Pay the appropriate fee to the Council.

Any photographs submitted with the application must be clearly endorsed on the reverse side with the person's name, date of birth and contact number in order to ensure they are correctly processed.

Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intention to apply for a Licence with the Police and Licensing Authority before making an application.

There is no longer a requirement to renew a Personal Licence. The Licence is portable although changes of home address must be notified to the issuing Licensing Authority.

### 3.3 Temporary Event Notices and Other Events

Certain small scale events held in unlicensed premises on an occasional basis are not required to be licensed but must be notified to the Licensing Authority at least 10 working days before the event.

It is recommended that these notifications known as Temporary Event Notices are submitted to the authority at least 28 days prior to the event to allow sufficient time for the organiser to liaise with relevant council officers and responsible authorities to ensure the event takes place with minimum problems.

Where relevant representations are received from the Police or the Council's Environmental Health Section, the matter will be referred to the Licensing Sub-Committee for a decision as to whether or not the event can take place. Where representations relate purely to the addition of conditions to the TEN which are consistent with an existing Premises Licence, a statement of conditions will be issued with the TEN by an authorised officer without the need for a Licensing Sub-Committee hearing, unless the applicant disagrees.

#### Late Temporary Event Notices

Late TENs are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in **exceptional circumstances** e.g. last minute change of venue required.

Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the licensing authority, must also be sent by the premises user to the Police and the Council's Environmental Health Section.

It should be noted that in case of any relevant objections to a late TEN a counter notice will be served and the event cannot take place. There is not sufficient time for a hearing of the Licensing Sub-Committee.

### 3.4 Large Scale Events

Events with a capacity of over 499 people on the premises, will require a Premises Licence if licensable activities are taking place.

Such events of a temporary or more permanent nature will generally require detailed planning and more consultation with responsible authorities and representatives of other organisations concerned with safety.

The City of Cardiff Council operates an Events Liaison Panel consisting of various Council officers, Police, Fire and Emergency Services who provide advice and assistance to event organisers to ensure they are aware of their responsibilities and that all events run safely. It is recommended that applicants contact the Licensing and Health and Safety Services at their earliest opportunity to discuss their proposals so a decision can be made as to the suitability of the event for consideration by the Panel. Contact the Shared Regulatory Service – 029 2087 2054.



# 4

## Responsible Authorities and making representations

### 4.1 Responsible Authorities

Responsible Authorities are public bodies that must be notified of applications under the Licensing Act 2003. All responsible authorities are entitled to make representations in respect of grant, variation and review of applications. For all premises, responsible authorities include:-

- The relevant Licensing Authority and any other Licensing Authority in whose area part of the premises is situated;
- The Chief Officer of Police;
- The local Fire and Rescue Authority;
- The relevant enforcing authority under the Health and Safety at Work etc. Act 1974;
- The local authority with responsibility for environmental health;
- The local planning authority;
- A body that represents those who are responsible for, or interested in matters relating to the protection of children from harm;
- Each local authority's Director of Public Health (DPH) in England and Local health Boards in Wales; and
- The local weights and measures authority (Trading Standards).

### 4.2 Licensing Authority

In April 2012, the Police, Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow the Licensing Authority to act as a Responsible Authority in its own right.

This entitles the Licensing Authority to make representations in respect of an application, however it will do so when it considers appropriate based on individual circumstances of each situation and in accordance with its duties under Section 4 of the Act.

The Licensing Authority is unlikely to make representations on behalf of other parties such as individuals, local councillors etc, as these persons can make representations in their own right.

Similarly, the Licensing Authority will expect other Responsible Authorities to make representations on issues falling within their own remit. For example the Licensing Authority is unlikely to make representations purely based on crime and disorder as this falls within the remit of the Police.

Examples of circumstances that may cause the Licensing Authority to make representation include:-

- Where there is evidence of non-compliance with the existing Premises Licence. (In the case of variation or review applications)
- The premise is located within a 'Cumulative Impact Policy' area and the Licensing Authority is not satisfied that there will not be an adverse effect on any of the four licensing objectives.

The Licensing Authority will endeavour to interpret the wording in the applicant's Operating Schedule and proposed conditions in accordance with the applicant's intention. Such conditions will be appropriate, proportionate, realistic, timely, specific, measurable and achievable. Wherever possible there will be a clear distinction between the roles of the officer making representations and the officer preparing and presenting the report to the Sub-Committee. In practice the role of the responsible authority will be performed by officers in the Enforcement Team of the Licensing Service while the processing of applications and preparation of committee reports will be undertaken by officers in the Technical Team of the Licensing Service.

## 4.3 Local Health Board

In April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 so that Local Health Boards (Wales) and Directors of Public Health (England) also became a responsible authority. In Cardiff the Local Health Board function is undertaken by Cardiff and Vale University Health Board (UHB).

The City of Cardiff Council as Licensing Authority recognises that although public health is not a licensing objective, the UHB holds valuable information relevant to the licensing objectives. For example, violent incidents as a result of drunken behaviour in licensed premises that have an adverse effect on public safety and crime and disorder objectives.

Examples of circumstances that may cause the UHB to make representation include:-

- New applications
- Applications for review or variation when:-
  - An existing licensed premise is perceived not to be promoting the licensing objectives, or,
  - When there is information to suggest non-compliance with an existing Premises Licence
  - Proposed changes to licensable activities that could have a detrimental effect on one or more of the licensing objectives
- The premise is situated within a "Cumulative Impact Policy" area, where the UHB believes that there will be an adverse effect on any of the licensing objectives.

The UHB will use information from the Alcohol Treatment Centre and Emergency Department to monitor and inform the Licensing Authority of any activity that is causing concern and use the information to make representation where appropriate.

## 4.4 Other Persons representations

The Licensing Act 2003 allows any “other person” to make representation about a licensing application provided that it is relevant to one or more of the licensing objectives.

“Other persons” means any individual, body or business affected by the operation of licensed premises regardless of their geographical location. The term also includes local councillors who can make representations in their own right or on behalf of a named other person such as a resident or local business if specifically requested to do so.

## 4.5 Making representations

Responsible authorities, other persons or organisations representing them, may make relevant representations. In doing so they should state whether they are making the representation on their own behalf or on behalf of another person. The representation should clearly state the grounds of the representation which should relate to at least one of the following licensing objectives:-

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

Representations that do not relate to the licensing objectives or those that are repetitious, frivolous or vexatious will be rejected.

## 4.6 Anonymous representations and petitions

The Licensing Authority cannot accept anonymous representation. Full details of all representations must be made available to the applicant. If a person wishing to make representation prefers to remain anonymous to the applicant, they may ask their local councillor to make representation on their behalf. In these circumstances, the Councillor will be asked for the details of the person in order to satisfy the Council that they are entitled to comment on the application, however they will not be passed on to the applicant.

Personal details will be anonymised from representations on documents in the public domain such as the Licensing Sub-Committee reports. Full details, however, including name and address of all relevant representation will be supplied to the applicant and/or the applicant’s representative.

Any petitions received will be treated as one representation from the person sending it in, supported by the other signatories. Petitions will not be treated as individual representations from everyone who has signed.

# 5

## Decision making and delegation of functions

### 5.1 Decision making

The 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.

The overriding principle adopted by the authority will be that each application will be determined on its merits.

Where relevant representations are received about an application, a hearing will be held unless the Licensing Authority, the applicant and everyone who has made representations agree that a hearing is not necessary. Applicants and those making representations should seek in advance of any hearing to try and reach agreement or narrow the areas in dispute, particularly where both are professionally represented.

In certain 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 considered appropriate to meet the licensing objectives will be imposed. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection, for example Health and safety at work, fire safety legislation etc.

The Licensing Authority will also take into account when making its decision that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour, especially once individuals have left licensed premises and are therefore beyond the direct control of licensees. However, when making a decision, the 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.

The 'need' or demand for a licensed premises of any kind or the commercial damage that competition from a new licensed premises would do to other licensed premises in an area will not be matters that the authority will consider when discharging its decision making function.

In determining applications, the Licensing Committee has delegated 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.

In the majority of hearings a summary of the decision will be given verbally on the day. A full written decision notice will be provided to the applicant and anyone who has made a relevant written representation within 5 working days of the hearing; this will include details on how to appeal a decision.

## 5.2 Conditions

The Licensing Authority cannot impose conditions of its own volition. Conditions will only be attached in the following circumstances:-

- 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 the applicant's operating schedule, or agreed/offered by the applicant during the application process.
- When considered appropriate, reasonable and proportionate after relevant representations have been received and not withdrawn.

All conditions attached by the Licensing Authority will be focused on matters within the control granted by 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 appropriate licence conditions to meet the licensing objectives.

The Licensing Authority will strive to ensure that only proportionate and reasonable licensing conditions are imposed as appropriate for the promotion of the licensing objectives and will avoid imposing conditions that overlap or duplicate controls provided in other relevant legislation e.g. the Regulatory Reform (Fire Safety) Order, Health and Safety at Work etc Act 1974, etc.

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.

Conditions will usually be volunteered by the applicant. However, where representations are made by responsible authorities and other persons the Licensing Authority is not restricted to these conditions and may impose other conditions where appropriate.

## 5.3 Delegation of Functions

In the interests of speed, efficiency and cost-effectiveness, licensing functions are carried out as shown in the table below:-

Matter to be dealt with:	Full Committee	Sub-committee	Officers
Licensing Policy issues	All cases		
Personal Licence application		If relevant representation made	If no relevant representation made
Personal Licence application with unspent convictions		All cases	
Premises Licence/Club Premises Certificate application		If relevant representation made	If no relevant representation made
Provisional statement application		If relevant representation made	If no relevant representation made
Variation Premises Licence/Club Premises Certificate application		If relevant representation made	If no relevant representation made
Application to vary Designated Premises Supervisor		If a police objection made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If police objection made	All other cases
Applications for Interim Authorities		If police objection made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of objection to a Temporary Event Notice		All cases	
Determination of application to vary Premises Licence at community premises to include alternative licence condition		If a police objection made	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation			All cases

# 6

## Enforcement, Agency Integration and other relevant legislation

### 6.1 Enforcement and Agency Integration

The City of Cardiff Council as the Licensing Authority will work closely with other agencies to address relevant issues associated with the licensing regime. Other mechanisms will also be utilised that sit outside the licensing regime such as working in partnership with local businesses, transport operators and other departments of the local authority to create a safe and clean city centre environment.

The Licensing Authority will work with Police to identify and target those premises that pose a high risk to the achievement of the licensing objectives. Every effort will be made in enforcing the law concerning disorder and anti-social behaviour. This may include the issue 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 and 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 event on grounds of disorder or the likelihood of disorder or excessive noise emanating from the premises.

In cases of nuisance caused by anti-social behaviour linked to licensed premises, the Police, other responsible authorities and local residents or businesses will be encouraged to seek a review of the licence or certificate in question. In determining a Review, the onus will be on those seeking a review to provide the evidential base on which decisions will be made.

Where enforcement action is taken it will be in accordance with the principles of the City of Cardiff Council's Licensing Enforcement Policy. Inspection regimes will be risk based on an assessment of the individual premises based on the licensing objectives.

Cardiff Council has established protocols with the local police, local authority Pollution Control, Health and Safety and Trading Standards Services, University Health Board and Fire Authority on enforcement issues to provide 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. The production of internal protocols also reduces the possibility of duplication by the various regulatory bodies operated by Cardiff Council and builds a local approach.

Arrangements are in place for the sharing of information between the Licensing Authority, planning committee and transport providers to aid the dispersal of people from the City Centre swiftly and safely to avoid concentrations that produce disorder and disturbance.

Arrangements are also in place for 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 other relevant cultural matters for the area. Such arrangements ensure that tourist, employment and cultural policies are reflected in the Licensing Committee's considerations.

## 6.2 Other relevant legislation and strategies

In carrying out its functions, the licensing authority will meet its statutory responsibilities under other relevant legislation. For example, the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics. These protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Cardiff Council recognises and embraces the diversity within the City and aims to ensure that nothing within this Statement of Licensing Policy or in the day to day role of the Licensing Authority discriminates against any group within the community. There are a number of Council and Government strategies and policies that complement the authority's licensing policy such as:-

- Licensing Enforcement Policy
- Regulatory Compliance Code
- 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
- Everyone matters – Cardiff's Strategic Equality Plan.

## 6.3 Provision of Services Regulation 2009

The Regulations require that all notices and authorisation in scope be able to be completed electronically and via a "single point of contact" which in the UK, is the Electronic Application Facility, part of the [www.gov.uk](http://www.gov.uk) website.

The electronic application process relates to all regulated activities under the 2003 Act and to most authorisations and notices with the exception of Personal Licence applications, Licence Reviews and representations to licence applications. Further information on the application process is provided in the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office. It should be noted that the Guidance is regularly updated and therefore references to the above paragraphs may change through the life of this Policy. You are therefore advised to contact the Home Office for the latest version of the Guidance before submitting any application. The 'apply online' process is available through [www.Gov.uk](http://www.Gov.uk) website but can also be accessed through the relevant licensing web pages on Cardiff City Council's website [www.Cardiff.gov.uk/licensing](http://www.Cardiff.gov.uk/licensing).



## 6.4 Planning

The Planning and Licensing regimes are separate. The Licensing Committee are not bound by decisions made by the Planning Committee and vice versa. Licensing Committee matters will always be subject to consideration of the four licensing objectives, whereas Planning Committee matters are subject to different considerations.

Notwithstanding this, the Licensing Authority will keep the Planning Authority informed of all its actions, so applicants are recommended to obtain appropriate planning permission to avoid any unnecessary delays.

The Licensing and Planning authorities are responsible for enforcing conditions attached under their respective licences and consents. Where the terminal hours for the operation of premises is stated on a planning consent, but differs from that specified on the licence, the licence holder must observe the earlier closing time to operate lawfully.

Within this Statement of Policy there are several key factors that have been identified to ensure that all licensed premises promote the licensing objectives and have a positive impact in the area they are located. The key factors are:-

1. What the City of Cardiff Council, as the Licensing Authority aims to encourage
2. Operating Schedules
3. Licensing Hours
4. Promoting the Licensing Objectives:-
  - Prevention of crime and disorder
  - Prevention of public nuisance
  - Public Safety
  - Protection of children from harm
5. Negative Cumulative Impact

### 7.1 What this Policy aims to encourage

Cardiff has seen much improvement over the years with the redevelopment of Cardiff Bay, the construction of the St David's 2 Shopping Centre and general improvements made to the City Centre. The City now includes a wider range of licensed premises that cater for various types of clientele.

With future developments planned such as the Central Square Scheme and Cardiff Capital Region, the aim is to ensure that Cardiff's licensed economy plays a part in the enhancement of Cardiff and continues to thrive with a mix of desirable premises operating in a safe environment.

#### Key message

Applications are encouraged from the following types of premises:-

- Those that will extend the diversity of entertainment and attract a wider range of customers, with less emphasis on high consumption of alcohol.
- Family-friendly venues where people with children can attend.
- Restaurants and cafes with or without alcohol.
- Outside the City Centre - predominantly seated premises with a focus on local community.

#### Key message

Premises with little seating that primarily offer high volume vertical drinking are largely considered less desirable.

An Operating Schedule must accompany any application for the grant, provisional statement of variation of a Premises Licence detailing how the premises is going to be operated and the steps that the operator intends to take to promote the licensing objectives.

The proposals contained in the Operating Schedule will form the main body of conditions attached to a Licence if granted, together with any mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by the Licensing Sub-Committee where representations have been made.

The Operating Schedule must be set out on the prescribed form and include a statement of the following:-

- Full details of the licensable activities to be carried on at, and the intended use of the premises;
- The times during which the licensable activities will take place;
- Any other times when the premises will be open to the public;
- If the Licence is only required for a limited period, that period;
- If the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designed Premises Supervisor;
- Whether alcohol will be supplied for consumption on or off the premises, or both;
- How the applicant proposes to promote the licensing objectives.

*NB. For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, they are adequately covered by other legislation.*

An Operating Schedules should be detailed enough to enable the responsible authority, members of the public and the Licensing Authority to assess whether the proposed steps are sufficient to ensure the licensing objectives are promoted and should :-

- Be precise and enforceable;
- Be unambiguous;
- Not duplicate other statutory provisions;
- Be clear in what they intend to achieve; and
- Be appropriate, proportionate and justifiable.

It is more likely that representations will be received about an application if it does not include sufficient information within its Operating Schedule. It is expected that in the case of applications that fall into a Cumulative Impact Policy areas that the applicant addresses the implications of cumulative impact in their Operating Schedule.

### Key message

- It is expected that all applicants identify within their Operating Schedules, clear, suitable measures to promote the licensing objectives taking into consideration the area in which the premises is situated, and address the other 'key factors' contained in this policy.

## 7.3 Licensing Hours

It is recognised that in some circumstances flexible licensing hours can help to avoid concentrations of customers leaving premises at the same time. Where representations are received, stricter conditions relating 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 an application and the representations received.

There will be a presumption that the licensing hours requested by an applicant will be granted unless there are relevant objections opposing those hours. Such cases will be determined on their individual merits ensuring any imposed restrictions are appropriate in relation to the licensing objectives.

When applying for later licensing hours, applicants are recommended to demonstrate how the licensing objectives will be met within their Operating Schedule.

Within Cardiff, there are very few solely commercial areas within Cardiff, with residential dwellings commonly located above and next to licensed premises situated outside the City Centre. Generally in most areas of Cardiff, ambient noise levels fall significantly after 23:00 hours but noise even from well behaved customers leaving licensed premises late at night, can disturb residents especially during the working week. As a consequence what would be acceptable in the City Centre where there are fewer residents would not be acceptable in heavily populated residential areas. In some areas, applicants may have to consider imposing an earlier terminal hour to reduce the adverse impact. Without this terminal hour the applicant risks representations being made against the application (especially by the Police and Environmental Health Service) and later applications for Review of the Premises Licence.

See Key factor 7.4c: Prevention of Public Nuisance for further information.

### Key message

- It is expected that shops and supermarkets that provide alcohol sales off the premises will do so at any time when the retail outlet is open to the public unless there are reasons relevant to the licensing objectives to restrict those hours.
- In terms of applications for premises that provide alcohol sales for consumption on the premises, it is suggested that the opening hours are determined to incorporate a period of 'drinking up time' which would normally be 30 minutes.

## 7.4 Promotion of the Licensing Objectives

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

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 main focus for the sub-committee when determining an application and when considering the need for conditions.

In furthering the licensing objectives, the authority will also use its powers under the Licensing Act to promote them using a broader range of powers including planning controls, transport controls, crime and disorder policies and pollution controls.

When an application could adversely impact on one or more of the licensing objectives, the public and businesses have the right to make representations against the application. Representations are vital for the full consideration of applications and notices and detailed consideration will be given to all relevant representations received. This will not include those that are frivolous, vexatious or repetitious.

In addition to making representations, there is nothing in this Policy that would prevent affected parties from utilising their powers to seek a Review of an existing licence or certificate where necessary.

The Licensing Authority has entered into partnership arrangements with the Police, Fire Authority and other responsible authorities to further promote the licensing objectives via the Representation and Review system created by the Licensing Act 2003.

### 7.4A Prevention of Crime and Disorder

Under the Crime and Disorder Act 1998, the Council must exercise its functions having regard to the likely effect on crime and disorder in its area, and must do all it can to prevent crime and disorder.

The Licensing Authority will therefore seek to promote the licensing objective of 'prevention of crime and disorder' where appropriate in a manner that supports the Cardiff Business Crime Reduction Partnership and other crime reduction strategies and schemes aimed at reducing crime and promoting public safety. These include the "National Pubwatch Scheme" and "The Safer Clubbing" guide.

The Licensing Authority will normally look to the Police as the main source of advice on crime and disorder and applicants are therefore recommended to seek advice from South Wales Police on what steps they can take to promote the prevention of crime and disorder. Operating Schedules should include the measures intended to be deployed in preventing crime and disorder.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises together with the measures to be implemented to prevent, manage and respond to those risks. Relevant factors that may be taken into consideration when formulating these plans include:-

- Provision and maintenance of CCTV systems
- Staff training with regards to crime prevention measures and conflict management
- Use of security radios
- Provision of door staff licensed by the Security Industries Association
- Measures to verify customers age
- Use of external lighting (although care should be taken to avoid light nuisance to neighbours)
- Membership of a recognised pub watch scheme
- Restricting sales of alcohol with the provision of food
- Measures employed to prevent the consumption and/or supply of illegal drugs and new psychoactive substances
- Frequent staff briefings
- Effective door policies including search policies, managing capacities, managing queuing, ejection/refusal procedures
- Drink promotions – should not encourage excessive drinking
- Use of plastic or polycarbonate drinking vessels instead of glass
- Clearly displayed door admission policies – including age restrictions dress codes
- Dispersal policies.

## Off- Sales of alcohol

The City of Cardiff Council has implemented an Alcohol Consumption in Designated Public Places Order throughout Cardiff to help prevent numerous problems caused by public consumption of alcohol. Street drinking can be a major cause of anti social behaviour, often involving underage persons, giving rise to disorder, concerns over public safety and harm to children. Furthermore, consumption of alcohol by persons on the way to on-licensed premises could give rise to problems of drunken and disorderly behaviour. The problems of street drinking are generally worse within the City Centre.

Designation as a controlled drinking zone provides the police with powers to require a person in such areas not to drink alcohol and to surrender any alcohol or alcohol containers (other than sealed containers) in their possession. The ban has no effect on a properly licensed event where the consumption of alcohol is permitted by the licence, for example a licensed event within a park. While it is not an offence in itself to drink alcohol in a designated area, failure to comply with an officer's requirements in respect of public drinking or to surrender alcohol without reasonable excuse, is an arrestable offence.

Careful consideration will be given to applications for licences with off-sales of alcohol in areas where there is evidence of problems of street drinking or disorder. Where representations are received in respect of such applications the Sub-Committee must be satisfied that granting the licence will not have a negative effect on any of the licensing objectives.

Applicants are advised to give particular consideration to the hours that they are applying for and the type of alcohol products they are offering. Persons who are alcohol dependent may be drawn to particular premises if they are licensed to sell alcohol at earlier/later times than other nearby premises.

## Drinking Vessels

In the City Centre or in areas close to large sporting venues, it may be necessary for licensees to implement restrictions on the types of drinking containers used in the interest 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.

Glasses and glass bottles containing drinks may be used as weapons during incidents or disorder, inflicting serious harm. South Wales Police publish details of Cardiff's major event days on the website [www.ourbobby.com](http://www.ourbobby.com).

Suitable conditions can help reduce both harm and disorder and prevent persons from seeking to review a Licence. The Government believes that a risk-based, rather than a blanket approach in requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.

### Key message

Risk based consideration should be given to the use of non-glass drinking vessels, especially in the City Centre on days designated as 'Major Events' by South Wales Police.

## Discounting and Sales Promotions

The inappropriate or frequent use of discounted drinks and sales promotions in premises licensed for the sale of alcohol has the potential to promote drunkenness and disorder. Applicant's and Licence Holders are therefore encouraged to adopt locally or voluntary industry Codes of Practice to minimise problems of crime and disorder arising from irresponsible discounting of drinks and sales promotions.

Consideration will be given to imposing appropriate licence conditions in connection with the restriction of discounting and sales promotion where representations are received that indicate this would be appropriate in respect of a particular premises.

## **‘Traffic Light System’**

The ‘Traffic Light System’ addresses alcohol related crime and disorder in licensed premises by taking account of data from Police and health service sources and categorising premises according to objective evidence. The system provides a management tool in reducing crime and disorder and has been agreed by all parties including the Cardiff Licensees Forum.

The ‘Traffic Light System’ exploits a data sharing protocol between the Safer Capital partnership and the University Hospital of Wales/NHS Trust who together provide detailed information on the time, place and nature of alcohol related crime and disorder.

Pubs and clubs in Cardiff City Centre are graded according to their size, location and capacity and are subsequently split into three categories, small, medium and large. Data on alcohol related crime and disorder are analysed on a monthly basis taking into account data from the previous six months. Points are allocated as set out below. The total number of incidents for each venue places the premises into a red (immediate action), amber (monitor closely), green (no concerns) category.

If a premise is found to be in the RED ZONE, they are assigned a dedicated licensing officer who meets with the premises management to draw up a SMART action plan that will seek to improve the premises promptly. Improvements are carefully monitored and the points system is used as an outcome measure together with compliance of the action plan. Lack of demonstrable improvement in safety levels results in enforcement action taken against the Designated Premises Supervisor.

In cases where there is no improvement and one or more of the licensing objectives are not being promoted, the premises may be referred for consideration to the Licensing Sub-Committee by way of a Review application. The Sub-Committee are then able to change the conditions of that Premises Licence, for example to cut the hours of operation or change the Designated Premises Supervisor.

## **7.4B Public Safety**

Applicants are expected to have regard to the layout and intended use of their premises, and provide details of how they plan to ensure the safe use of their premises and promote the public safety objective within their Operating Schedule.

Applicants are legally responsible for complying with a range of legislation relating to public safety, such as the Health and Safety at Work Act 1974, the Regulatory Reform (Fire Safety) Order 2005 and conducting suitable and sufficient risk assessments of their activities under both. Since the Regulatory Reform (Fire Safety) Order 2005 came into force in 2006, any conditions imposed by the Licensing Authority that relate to any fire safety requirements or prohibitions that are or could be imposed by the Order, automatically cease to have effect.

Failure to comply with the provision of the Regulatory Reform (Fire Safety) Order 2005 or any other Health and Safety legislation could have a negative effect on the public safety objective, prompting representations from the relevant responsible authorities. It is therefore recommended that applicants seek appropriate advice on public safety matters prior to operating the premises or before implementing variations.



Such relevant factors that may be taken into account can include:-

- Emergency access
- Facilities for disabled people, in particular in emergency situations
- Provision and levels of general and emergency lighting
- Checks on equipment at specific intervals
- Use and ratio of doorstaff
- Steps taken to manage the risks from glass, e.g. Use of bins, type of drinking vessel, glass collectors etc.
- Measures taken to prevent overcrowding, e.g. Recording customer numbers
- Seating arrangements, e.g. Specified number/floor area used for seating
- Suitable internal and external lighting especially on stairs and entry/exit routes
- Comprehensive staff training in areas such as first aid, fire safety procedures, evacuation procedures, security threats, overcrowding
- Any other measures considered appropriate to promote the licensing objective of public safety.

The Licensing Authority may also consider it appropriate in terms of public safety and disorder to impose a condition stating the maximum capacity of premises in circumstances where relevant representations have been received and a safe capacity has not been imposed through other legislation.

### Key message

The Licensing Authority does not seek to duplicate requirements of other health and safety legislation, but it may consider steps to promote public safety where it is considered appropriate and when relevant factors/risks are not adequately addressed by other legislation

## 7.4C Prevention of Public Nuisance

Applicants are expected to have regard to their proximity to residential properties or other business premises and how they intend to promote the licensing objective of prevention of public nuisance within their Operating Schedules.

There are very few solely commercial areas within Cardiff. Residential dwelling are commonly located above and next to licensed premises outside the City Centre. Problems may present themselves from premises located both in the main shopping areas of the City and also in residential areas that may require special consideration with regard to noise and nuisance.

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 wellbeing of the City. All too often however, anti social behaviour problems experienced within the City are linked to the late night element of the industry which can contribute significantly to the fear of crime, economic deprivation and a loss of pride in the local area. The Licensing Committee must be mindful of these factors and seek to ensure that a fair balance is struck between the provision of facilities and the possibility of nuisance being caused.

The Licensing Authority considers that applications for late night bars, nightclubs and vertical drinking establishments would not usually be accommodated in residential areas due to the likelihood of disturbance.

Noise and nuisance arising from the operation of licensed 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 reasonable time.

Operators should take particular care to ensure that customers using external drinking areas. Smoking areas or the pavement outside, do not cause unnecessary nuisance to local residents. Careful consideration should be given to determining suitable external areas for smoking. Ideally designated smoking areas should be sited at the furthest distance from residential properties and cigarette bins should be provided. Furthermore operators should also ensure as far as possible that large numbers of their customer do not block pavements, thereby causing pedestrians to step out into the roadway.

Where off-sales of alcohol and/or takeaway food sales are permitted at a licensed premises, operators should recognise their responsibility to ensure that litter discarded by their customers in the vicinity of their premises is cleared away regularly and that bins are provided.

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 for the sale of alcohol and public entertainment may be most appropriately located in:-

- The City Centre
- Inner Harbour (Mermaid Quay area), Cardiff Bay.

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.

In order to avoid representations being made it is in the interests of applicants to propose stricter conditions with regard to nuisance control for licensed premises in areas that have denser residential accommodation within their Operating Schedules.

Licence Holders should have clear documented policies and procedures in place that identify all public nuisance risks associated with their premises together with measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents and businesses on a regular basis to ensure that they are being good neighbours and deal with problems as they arise.

Relevant factors and considerations that may be taken into account when formulating such policies, procedures and operating schedules include:-

- Use of soundproofing measures to reduce noise and vibration emanating from the premises. Such measures may include the installation of an acoustic lobby, air conditioning, keeping windows and doors closed, sound limitation devices
- Restricting entertainment in external areas
- Suitable customer signage
- Steps taken to prevent noise from customers arriving/leaving the premises by foot or in vehicles which may include consideration of customer parking, taxi arrangements, dispersal arrangements etc
- Measures taken to prevent and manage queuing
- Proximity to noise sensitive premises such as nursing homes, hospices, places of worship
- Arrangements for deliveries or waste collections and the positions of areas used
- Position and hours of use of external areas such as beer gardens and the provision of smoking areas
- Use and siting of external lighting and security lighting in respect of neighbouring properties
- History of previous noise complaints, whether there are existing problems, and the applicant's willingness/ability to prevent nuisance
- Positioning of litter and bottle bins and frequency of emptying the bins, including the disposal of cigarette litter
- Steps taken to prevent fly posting and the distribution of flyers
- Removal of graffiti
- Implementation of customer dispersal policies
- Other relevant activities likely to give rise to nuisance

Applicants may wish to consult their staff, customers, local residents, local businesses, the Police and the Pollution Control Service of the Council before finalising their Operating Schedules.

## Outdoor events

A number of outdoor events take place in Cardiff every year. These include concerts, fetes and sporting events which are enjoyed by communities and visitors to the City. It is important to ensure that these events benefit local communities but at the same time do not cause nuisance to nearby residents.

If an event requires a Temporary Event Notice or a Premises Licence, applicants are recommended to discuss the event with the Environmental Health Service and South Wales Police Licensing Team.

Larger events may need consideration by the Council's Events Liaison Panel to ensure all aspects of the event have been considered and the event takes place safely without causing nuisance.

When managing noise at outdoor events, operators should consider the following:-

- The position and direction of external speakers/PA equipment in respect of residential properties
- The operating hours of the event
- The hours of construction and de-rig of any equipment such as marquees, stage, etc.
- Undertaking background noise surveys prior to the event and setting appropriate noise levels
- Details of any noise monitoring to take place during the event and corrective action where agreed levels are exceeded
- The location and hours of use of any plant equipment such as generators
- The location of lighting in respect of residential properties
- The provision and location of waste bins and arrangements for collection
- Communication with local residents and businesses.

## 7.4D Protection of Children from Harm

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 of Cardiff Council's Children's Services.

The Licensing Authority believes that the admission of children to any premises should remain a matter of discretion for the licence holder and as such will not impose conditions requiring such admission. It will however encourage the provision of facilities for children and family friendly policies in licensed premises in accordance with the requirements of the Act.

The Authority will also 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.

The Licensing Authority would expect additional measures or may impose additional conditions 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;
- 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 service provided

In these circumstances, it is likely that a combination of limitations will be imposed, rather than a complete ban. These could include a limitation 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.

Competent adult supervision is required at any regulated entertainments attended by unaccompanied children, such as under 18s nights in nightclubs. In addition to any parents present, 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.

For the purposes 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.

There is an expectation that licensees implement effective and appropriate measures to ensure age restrictions are enforced at their premises. Relevant considerations include:-

- Details of the forms of ID that are acceptable
- The use of till prompts
- The maintenance of refusal logs

These measures should be backed up by the provision of comprehensive documented staff training.

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.

## **Exhibition of films**

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. Only in exceptional cases will variations of this general rule be considered by the Licensing Authority.

Requests for certification of unclassified films should be made to the Licensing Authority at least 28 days in advance of the proposed screening date. Requests should include:-

- A DVD copy of the film
- Details of any existing classification issued by an existing classification body, whether within or outside the UK

- A synopsis of the film identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film.
- Any recommendation made by the film maker upon age limit for the intended audience for exhibition of the film.
- Proposal of age restriction by the applicant.

The Licensing Authority shall concern itself primarily with the protection of children from harm when classifying films.

## 7.5 Negative Cumulative Impact

Cumulative impact is defined in the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 as “the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its licensing policy statement”.

The cumulative impact of the number, type and density of premises in particular areas such as the City Centre may lead to them becoming saturated with premises of a certain type, making them a focal point for large groups of people together leading to severe or chronic problems of crime and disorder, public nuisance, anti social behaviour, and matters relating to public safety.

In relation to applications for the grant or variation of a Premises Licence or Club Premises Certificate the Licensing Authority will consider representations from other persons and responsible authorities stating that they believe that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The onus will be on the individual or organisation making such a representation to provide an evidential basis for it.

Furthermore, the Section 182 Guidance allows the Licensing Authority to make a policy, within its Statement of Licensing Policy, to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance, and public safety, the Licensing Authority will consider making a Cumulative Impact Policy (CIP). It will make such a Policy only after it is satisfied that there is evidence to support it.

A Cumulative Impact Policy has been made in Cardiff in respect of Cardiff City Centre and appears in Part 8 of this Statement of Licensing Policy.

The effect of adopting a Cumulative Impact Policy of this kind is to create a rebuttable presumption, provided that relevant representations are received, that applications for new Premises Licences or Club Premises Certificates or material variations of them will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a Cumulative Impact Policy.

Applicants will need to address the cumulative impact policy issues in their Operating Schedules in order to rebut the presumption. However it must be stressed that a Cumulative Impact Policy does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its cumulative impact policy. If it receives no relevant representations the Licensing Authority must grant any application in a Cumulative Impact Policy area subject only to conditions that are consistent with the Operating Schedule submitted by the applicant.

## 8. City of Cardiff Council Cumulative Impact Policy

Having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, the City of Cardiff Council as Licensing Authority has consulted upon the issue of cumulative impact. It has taken into account the views of respondents and considered the evidence and has adopted a Cumulative Impact Policy in respect of the **City Centre area**.

The Cumulative Impact Policy applies to applications for grants and full variations of Premises Licences and Club Premises Certificates in the circumstances set out in Table 1 and Table 2. The effect of Table 1 and Table 2 is more fully described below.

When the Policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

The Licensing Authority takes the view that where relevant representations are received in respect of an application for a premises that is adjoining or is in close proximity to (but not within) the Cumulative Impact Area (CIA)'s defined boundary, and where those representations raise a material impact on the CIA, then the Cumulative Impact Policy will be applied if the Licensing Sub-Committee reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

### Key message

**This Cumulative Impact Policy is not absolute. The circumstances of each application will be considered on its merits and the Licensing Authority will grant licences and certificates that are unlikely to add to the negative cumulative impact on the licensing objectives.**

It must be stressed that the presumption to refuse an application does not relieve the responsible authorities or 'other persons' of the need to make a relevant representation, referring to information which was before the Licensing Authority when it made this Policy. If there are no representations the Licensing Authority must grant the application in terms that are consistent with the Operating Schedule submitted.

The Licensing Authority will review the Cumulative impact Policy periodically with the Police to assess whether it is needed any longer or needs amending.



## Evidence

When determining the City Centre, the Licensing Authority has had regard to the following evidence:-

- Crime and disorder figures, particularly alcohol related
- Alcohol related injuries reported to A&E/Alcohol Treatment Centre
- Last drink data
- Noise complaints
- The number, type and hours of licensed premises
- Residential proximity and density
- Views of residents, businesses and licence holders.

## Consideration of other initiatives and partnership working

There are a number of measures in place in Cardiff that are aimed at providing a safe environment and minimising problems of crime, disorder and nuisance. These measures have been taken into account when determining the CIA. They include:-

- A Designated Public Places Order is applied to the whole of Cardiff. The Order provides the Police with the power to require a person in the designated area not to drink and to surrender any alcohol or alcohol containers (other than sealed containers) in their possession.
- Pedestrian and Road Closures – Large parts of the City Centre are pedestrianised to separate pedestrians and vehicles and promote public safety. Furthermore, due to the increased number of visitors to the City Centre on major event days there are additional road closures in place. Night time road closures also exist around the Greyfriars Road area of the City Centre to protect members of the public who have been visiting the licensed premises in that area.
- Taxi Marshalls are employed at a number of the main taxi ranks to aid dispersal of customers from late night premises.
- The Alcohol Treatment Centre led by Cardiff and Vale University Health Board operates within the City Centre providing treatment to heavily intoxicated patients in the locality. The Centre eases pressure on the hospital's Emergency Unit and whilst also offering patients the opportunity of viewing footage of their drunken behaviour before leaving, in a bid to make them consider their safety and highlighting the health risks of excessive drinking.
- Cardiff Licensee's Forum is an organisation representing licensed premises in the City Centre and Cardiff Bay. The Forum meet to share information and good practice and to create good communication links between licensed premises, the Police and the Council.
- The majority of licensed premises in the City Centre have a radio system linked to the Police Control room where they can provide/request information or require assistance.
- Pubwatch Schemes
- The Traffic Light System led by South Wales Police provides a management tool to monitor levels of crime and disorder at licensed premises. Further details can be found on page 32.

- Vulnerability Training is provided by South Wales Police to staff at licensed premises, in particular door staff. The training assists participants in identifying people who could be considered as 'vulnerable' usually due to being under the influence of alcohol, and provides advice on what action should be taken to safeguard these people.
- Restrictions through planning controls
- Provision of CCTV in public areas
- Enforcement powers available to the Police, Licensing Officers and Trading Standards Officers under the Licensing Act 2003.

The Licensing Authority is satisfied that in the Cumulative Impact Area there is evidence to support the implementation of the Cumulative Impact Policy and, after taking into consideration other existing initiatives, that it is proportionate and the most effective measure to address the problems identified.

## Applications

The CIP applies to applications for Grant and Full Variation of Premises Licences and Club Premises Certificates in the circumstances set out in Table 1 and Table 2. The Policy creates a rebuttable presumption that, where relevant representations have been received, any of these applications will be refused or subject to certain limitations, where relevant representations have been received, unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

When making a decision on an application in a CIA, the Licensing Authority will have regard to CIP Table 1 in determining whether the CIP applies to that application. Where Table 1 indicates that the CIP applies to an application, the rebuttable presumption of refusal applies as explained above.

Table 2 provides a brief definition of each premises type for the purpose of the CIP and explains the 'core hours' and 'additional measures' restrictions in respect of premises applications classed as 'amber'.

The CIP does not apply to premises types categorised as 'green' in Table 1.

The Policy will not apply to premises which are 'amber' if the application is limited to the 'core hours' and the 'additional measures' mentioned in Table 2 are adequately addressed in the accompanying Operating Schedule.

The CIP applies to premises types categorised as 'red' in Table 1.

It should be noted that a green or amber category does not make the application immune from representations from responsible authorities or other persons. All relevant representations will be considered by the Licensing Sub-Committee and the application determined on its merits. Those green/amber applications that fall outside the CIP will be treated as a 'standard' application and the rebuttable presumption of refusal created by the CIP will not apply.

The Policy is not absolute. Each application will be determined individually on its merits and the Licensing Authority shall permit licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

Applicants are expected to address the effects of the CIP in the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact being experienced in the area.

### **Premises with combined use**

Certain applications will not fall neatly into one of the categorised premises types as they may have a combined use. For example, there may be instances where a premises operates as a restaurant by day and a bar a night, or there may be a pub that has a strong emphasis on food sales. Each application will be determined on its own merits and in taking a view of whether the CIP applies the Licensing Authority will take into consideration the primary use of the premises, the licensable activities applied for, and the licensable hours.

#### **Key message**

**The Licensing Authority expects applications that come under the Cumulative Impact Policy to be exceptional. The authority does not consider that premises that are well managed and fully compliant with their licensing conditions and all relevant legislation to be 'exceptional'. This is what is expected of all licensed premises.**

**Table 1**

<b>Premises Types (See criteria in Table2)</b>					
<b>Area:</b>	<b>Ancillary alcohol sales</b>	<b>Pubs/Members Clubs/Bars/ Nightclubs</b>	<b>Restaurants</b>	<b>Takeaways/Fast Food Restaurants</b>	<b>Off-Licences</b>
<b>:City Centre</b>	<b>No CIP (Green)</b>	<b>CIP applies (Red)</b>	<b>CIP only applies if the application is outside the 'Core Hours' and the applicant is unwilling to adopt the 'Additional Measures' (Amber)</b>	<b>CIP applies (Red)</b>	<b>CIP only applies if the application is outside the 'Core Hours' (Amber)</b>

**Table 2**

Premises Type	Criteria
<p><b>Ancillary Alcohol Sales</b></p>	<p><b>For the purpose of this policy: Venues where the sale of alcohol is ancillary to the main purpose of the premises, and alcohol sales make up a small percentage of the business.</b></p> <p>This may include:</p> <ul style="list-style-type: none"> <li>• Cinemas</li> <li>• Theatres</li> <li>• Bowling alleys, hairdressers, florists</li> <li>• Hotels/B&amp;Bs where alcohol is provided for consumption on the premises by people staying in overnight accommodation</li> <li>• Art galleries.</li> <li>• Workplace Bar solely for use of employees of the premises</li> </ul> <p>This does not include:</p> <ul style="list-style-type: none"> <li>• Sexual Entertainment Venues</li> <li>• Hotel bars with public access (not just available to customers staying in overnight accommodation)</li> </ul>
<p><b>Takeaways/Fast food outlets</b></p>	<p><b>Premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seating basis.</b></p>
<p><b>Pubs/Bars/Nightclubs</b></p>	<p><b>Premises which supply alcohol primary for the consumption on the premises, with or without the provision of off sales and with or without the provision of regulated entertainment. This also includes premises where hot food and hot drink are provided for consumption on or off the premises</b></p>

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**Off-Licences****Premises that supply alcohol primarily for the consumption off the premises**

This includes convenience stores and supermarkets.

**Core Hours:**

City Centre CIA Only:

Sale of alcohol: 07:00 -21:00

**Restaurants****Premises which primarily supply substantial table meals for consumption on the premises and dining is the main activity for customers.**

The Policy will not apply to restaurants if the core hours and additional measures form part of the operating schedule

Fast food premises and takeaways are **not** considered as 'restaurants' for the purpose of this Policy.

**Core Hours:**

Sale of alcohol

09:00 – 01:00

**Additional Measures:**

At least 70% of the public space is occupied by tables and chairs

All meals are consumed at tables with non disposable crockery

The sale of alcohol for consumption on the premises is ancillary to the taking of a substantial table meal

There is no self-seating; customers are shown to their table by staff.

All food is served by waiter/waitress service, with the only exception of buffet-style restaurants.

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## 8.1 CIA: City Centre

### Main Aims of the Cumulative Impact Policy in the City Centre

The policy aims to reduce incidents of alcohol related problems, crime and disorder, public nuisance, and risks to public safety, particularly late at night. It aims to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and takeaways/late night refreshment premises with the intention of ensuring that the City Centre is a safe environment for people visiting, working and living in the area.

The Licensing Authority recognises that a problem area can be improved by the introduction of new styles of business types, such as food led premises, or high quality/speciality enterprises, rather than vertical drinking establishments.

#### Key message

The Policy aims to encourage diverse, well-run licensed premises (to an exceptional standard), where the main focus of the premises is not high volume consumption of alcohol.

Family friendly premises are encouraged together with cafes and restaurants with the exception of fast food premises that aim to attract late night revellers.

#### Background

Cardiff's City Centre has a thriving day and night time economy with an average daily footfall of 70,000 and an annual footfall of 40 million. People are drawn to the City Centre for its numerous shops, bars, restaurants and entertainment venues including the Millennium Stadium, all of which are situated in a small walkable area. The City Centre has an extremely high density of licensed premises with 314 premises in a 0.5 square mile area.

The night-time economy is busiest on Friday and Saturday nights and includes a mixture of local people from Cardiff and the surrounding areas, tourists, hen/stag parties, and students. A number of the licensed premises also promote 'student nights' on various nights of the week.

Footfall in the City Centre swells to 135,000-150,000 on event days in the Millennium Stadium such as the 6 Nations Rugby matches, which results in many of the pubs and bars being full to capacity throughout much of the day and night. These 'major event days' also see increased levels of crime and disorder and hospital/ATC admissions in the City Centre.



There are two main areas within the City Centre that are the main focus of late night entertainment and drinking. These are St Mary Street/High Street area and the Greyfriars Road area which historically had dedicated special policies. Outside these areas, there are also large numbers of licensed premises and high levels of alcohol related crime and disorder across the City Centre. With this in mind and the future redevelopment of the Central Square area the Licensing Authority has extended the CIA to include the whole of the City Centre (as shown on Map 1 on page 53). The locations of licensed premises in the City Centre are shown on the plans in Appendix D.

It has been widely reported in the media over the years that there are problems of crime and disorder in Cardiff City Centre associated with the night-time economy. South Wales Police has provided statistical data that demonstrates that the City Centre area has high highest levels of crime and disorder, however the data does not distinguish alcohol related crime specifically. It is often difficult to categorise alcohol-related crime as it may be recorded as a number of different offences such as anti social behaviour, violent crime and public order offences. Furthermore an offence could be caused by offender who is drunk (who may not even be identified or caught for the offence) or it could be a victim of a crime has been targeted due to being in an intoxicated state.

Despite this the data demonstrates that there are high levels of crime and disorder in the City Centre especially at night and on weekends when people are visiting the City Centre due to the night time economy and the presence of licensed premises.

The close proximity of licensed premises in the area can result in difficulties in identifying individual premises responsible for causing problems. This sometimes makes it difficult to deal with problems by way of an action plan at specific premises or through the Premises Licence review process.

Streets within the City Centre with relatively lower numbers of licensed premises such as Queen Street and The Friary still have high crime figures that demonstrate the cumulative impact of the licensed premises in the City Centre area.

## 8.2 Reasons for the Policy in the City Centre

There are a number of problems in the area caused by the cumulative effect of large numbers of licensed premises. These problems undermine the licensing objectives of:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety.

The CIP is in place to minimise these problems and further promote these objectives.

### Pub/bars/nightclubs

Data collected to assist the formulation of this policy indicates that premises in the City Centre that primarily serve alcohol (with or without ancillary entertainment) contribute to problems of alcohol related crime and disorder in the premises or in the surrounding streets as people leave. Whereas anti-social behaviour across Cardiff has decreased since 2010/11, it has actually increased in the City Centre by 6%. The main hotspot times for crime in the City Centre is Friday and Saturday evening until the early hours (5am/6am) of the next morning. It is therefore considered that premises offering later operating hours pose the biggest risk in terms of promoting the licensing objectives.

The data collected also suggests that due to the high density of licensed premises in the City Centre people tend to travel from premises to premises, and may have visited several licensed premises in the course of a night out. This can present difficulties in identifying individual premises that are the cause of problems of crime and disorder and creates a cumulative effect. This may include premises with earlier terminal hours that have contributed to customers being intoxicated and causing problems later in the night at other licensed premises or in the street. Therefore the policy intends to capture all grant and full variation applications in respect of pubs/bars/nightclubs regardless of their terminal hour.

Other factors that have been considered in the formulation of this policy include:

- A recent taxi demand survey indicates that the period of highest demand for taxis in the City Centre is between 2am and 3am every night of the week, which demonstrates the time at which the majority of late night revellers are leaving licensed premises to go home.
- St Mary Street, Queen Street, Greyfriars Road and Mill Lane have the highest levels of violent crime in Cardiff. However, Queen Street has no pubs, bars or restaurants yet it is consistently in the top 3 for the highest levels of violent crime in Cardiff. This is likely because of high footfall at night with people crossing the city from the St Mary Street and Greyfriars Rd/Churchill Way areas.
- Recent increases in the numbers of residential accommodation in the City Centre coupled with later opening hours also gives rise to the potential of noise nuisance. Residents trying to sleep may be disturbed by noise from entertainment at licensed premises or persons leaving those premises. This disturbance may be greater later at night or on weekday nights

when the ambient background noise is lower. The Council's Pollution Control Service receive around 30 complaints a year from residents in the City Centre regarding noise from commercial premises, the majority of which were concerned with amplified music from pubs, bars and nightclubs. Nearly 60% of city centre residents that responded to the Council's consultation regarding the City Centre CIP stated that they have trouble sleeping as a result of noise from licensed premises, the majority of which live on Westgate Street. Residents of Westgate Street agreed strongly with the suggestion of the introduction of a CIP in the City Centre.

The Licensing Authority is also concerned that the presence of large numbers of licensed premises makes the City Centre attractive to thieves and criminals who target people who are vulnerable due to intoxication from alcohol. Police evidence shows that there are large numbers of thefts (excluding shoplifting) taking place in the City Centre between 19:00 and 06:00, which occur in areas that have high levels of other crimes such as anti social behaviour and violent crime such as St Mary Street, Queen Street and Greyfriars Road.

### **Off-Licences/Convenience Stores**

In addition to the problems associated with alcohol related crime & disorder at licensed premises with on-sales of alcohol, there are also problems connected with off-licences due to the presence of street drinkers in the City Centre, particularly around the Central Square area which is due for re-development. The Council and South Wales Police have worked with licensees in the City Centre to try to reduce the sale of alcohol to street drinkers and those intoxicated but the problem remains.

Many of the off-licences within the City Centre are general convenience stores and alcohol makes up a small percentage of annual turnover. These stores are generally frequented by city centre residents and city centre workers/visitors on their lunch breaks and on their way home for predominantly food and household goods.

Off-licences that open later in the evening, or sell alcohol products attractive to street drinkers, are considered a higher risk of adversely affecting the licensing objectives. Alcoholic drinks such as super strength lager/cider, or single cans, or miniature bottles of spirits are attractive to people pre-loading or attempting to conceal alcohol into licensed premises. Earlier closing hours reduces the risk of pre-loading purchases by those intending to visit the pubs, bars and nightclubs in the City Centre.

#### **Key message**

**Operators of off licence/convenience stores are advised to carefully consider their product lines in respect of alcohol to ensure they do not exacerbate problems of street drinking and pre-loading in the area. It is also advised that all staff that sell alcohol are appropriately trained with regards to proxy sales, age restrictions, and selling to people who are intoxicated.**

## Takeaways/fast food outlets

People leaving licensed premises often do not go straight home choosing instead to visit one of the many takeaways and fast food outlets in the City Centre, particularly Caroline Street which is densely populated with late night refreshment premises.

Takeaways and fast food outlets attract large numbers of intoxicated individuals which inevitably leads to problems of crime and disorder in and around those premises. Evidence provided by the Cardiff & Vale University Health Board shows that of those patients reporting to the City's Emergency Unit or Alcohol Treatment Centre as a result of an alcohol related activity on Queen Street, over 20% were reported from fast food outlets that were not licensed to sell alcohol.

The presence of takeaways/fast food outlets slows down the dispersal of people out of the City Centre, and leads to an increase in the number of people on the streets. This is supported by high levels of recorded crime and Health Board data which shows high levels of incidents in the Caroline Street area which is densely populated with takeaways and Queen Street which has 3 fast food outlets.

A survey of local residents indicated that one of the main problems relating to the night-time economy in the City Centre is litter. The City of Cardiff Council spends £20,000 providing additional bins on weekends to cope with the additional litter, much of which is generated from takeaways. It is reported that many of the litter 'hotspots' are in the Caroline Street/lower St Mary street area and in the vicinity of fast food outlets.

There is little evidence to demonstrate that traditional restaurants have a negative impact on the licensing objectives.

## Conclusion

The Licensing Authority has received satisfactory evidence (detailed in a separate annex) that the cumulative impact of licensed premises selling alcohol and providing late night refreshment from fast food outlets/takeaways in the City Centre area is undermining the promotion of the Licensing Objectives in relation to crime and disorder, public nuisance and public safety. The Licensing Authority is satisfied that the following factors are occurring in the City Centre as a result of the cumulative impact of licensed premises in the area:-

- Street drinking and associated anti-social behavior
- Crime hot spots as a consequence of late opening fast food premises
- Significant nuisance arising from Litter
- Excessive noise from licensed premises and on the street, particularly at weekends
- An undue number of targeted thefts of personal belongings and sexual assaults being perpetrated against people under the influence of alcohol
- An undue number of alcohol related injuries through violence or accidents resulting in attendance at the Emergency Unit or Alcohol Treatment Centre.

Therefore in the interests of minimising crime, disorder and nuisance and promoting public safety, to create a safe environment for people to enjoy the nighttime economy in Cardiff, the Licensing Authority considers it is appropriate for the Cumulative Impact Policy to apply to new and full variation applications in the City Centre area in Map 1 below for licensed premises classified as amber and red in Table 1 above.

## MAP 1: City Centre CIA Area



For clarity part or whole of the following streets are included in the CIA:

Bakers Row	Barrack Lane	Barry Lane
Boulevard de Nantes	Bridge Street	Bute Terrace
Canal Street	Caroline Street	Castle Street
Cathedral Walk	Central Square	Charles Street
Church Street	Churchill Way	Crockherbtown Lane
Customhouse Street	David Street	Duke Street
Dumfries Place	Frederick Street	Golate Street
Great Western Lane	Greyfriars Road	Guildford Crescent
Guildford Street	Guildhall Place	Havelock Street
Hayes Bridge Road	Hayes Place	High Street
Hills Street	Hope Street	Kingsway
Little Frederick Street	Love Lane	Mary Ann Street
Mill Lane	Millicent Street	Newport Road (part of)
North Edward Street	Park Lane	Park Place (part of)
Park Street	Penarth Road (part of)	Quay Street

Queen Street  
St John Street  
Stuttgarter Strasse  
Tredegar Street  
Victoria Place  
Wharton Street  
Windsor Lane  
Working Street

Saunders Road  
St Mary Street  
The Friary  
Trinity Street  
Wesley Lane  
Wharton Place  
Womanby Street

Scott road  
Station Terrace  
The Hayes  
Union Street  
Westgate Street  
Windsor Place  
Wood Street

# Appendix A - Glossary of Terms

**Designated Premises Supervisor (DPS)** - The DPS is a Personal Licence holder specified on the Premises Licence. All premises licensed to sell alcohol must identify a DPS. The DPS should be the person in day to day control of the premises, and will provide a point of contact for responsible authorities.

**Other Persons** - 'Other persons' relate to any individual, body or business entitled to make representations to the Licensing Authority in respect of applications for the grant, variation, minor variation, or review of Premises Licences and Club Premises Certificates, regardless of geographic proximity to the premises.

**Late Night Refreshment** - The provision of late night refreshment refers to the supply of hot food or hot drink for consumption on or off the premises between 23:00 and 05:00 hours. Please refer to Schedule 2 of the Licensing Act 2003 for exemptions.

**Licensable Activities** - Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority, namely: *the sale by retail of alcohol; the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club; the provision of regulated entertainment; the provision of late night refreshment*

**Licensing Authority** - This refers to the City of Cardiff Council as the body responsible for licensing under the Act

**Licensing Sub-Committee** - The sub-committee is made up of 3 members of the full Licensing Committee.

**Personal Licence** - A licence granted to an individual that authorises that individual to supply alcohol, or authorise the supply of alcohol in accordance with the Premises Licence

**Regulated Entertainment** - Schedule 1 of the Licensing Act 2003 sets out what activities are regarded as regulated entertainment:

- 1) A performance of a play
- 2) An exhibition of a film
- 3) An indoor sporting event
- 4) Boxing or wrestling entertainment
- 5) A performance of live music
- 6) A performance of recorded music
- 7) A performance of dance
- 8) Entertainment of a similar description to live music, recorded music or dance

**Relevant Representation** - These are written representations made by a responsible authority or other persons that relates to the likely effect of the grant/variation of the licence on the promotion of at least one of the licensing objectives. Representations are only valid if received during the statutory 28 day consultation period.

**Responsible Authorities** - Responsible authorities are public bodies that are notified of applications and are entitled to make representations in relation to applications for the grant, variation or review of a Premises Licence or Club Premises Certificate. They include:

- Licensing Authority
- Chief officer of police
- Fire Authority
- The enforcing authority for health and safety at work
- Local health board
- Planning authority
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health
- The recognised body responsible for the protection of children from harm
- Trading standards

In respect of vessels only:-

- The Environment Agency
- The British Waterways Board
- The Maritime and Coastguard Agency, and if different from these:
- The relevant navigation authority/authorities for the place(s) where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

**Section 182 Guidance** - Section 182 of the Licensing Act 2003 provides that the Secretary of State must issue and, from time to time, may revise guidance to licensing authorities on the discharge of their functions under the 2003 Act. The Guidance is provided for licensing authorities carrying out their functions. It also provides information for magistrates hearing appeals against licensing decisions and has been made widely available for the benefit of operators of licensed premises, their legal advisers and the general public. It is a key mechanism for promoting best practice, ensuring consistent application of licensing powers across the country and for promoting fairness, equal treatment and proportionality.

**Temporary Event** - A temporary event is defined as the use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a Premises Licence covering the licensable activity is not in place

**Vertical Drinking Establishment** - Premises used primarily for, or exclusively for, the sale and consumption of alcohol, with little or no seating for patrons. A “high volume” type premises.



# Appendix B - Responsible Authorities

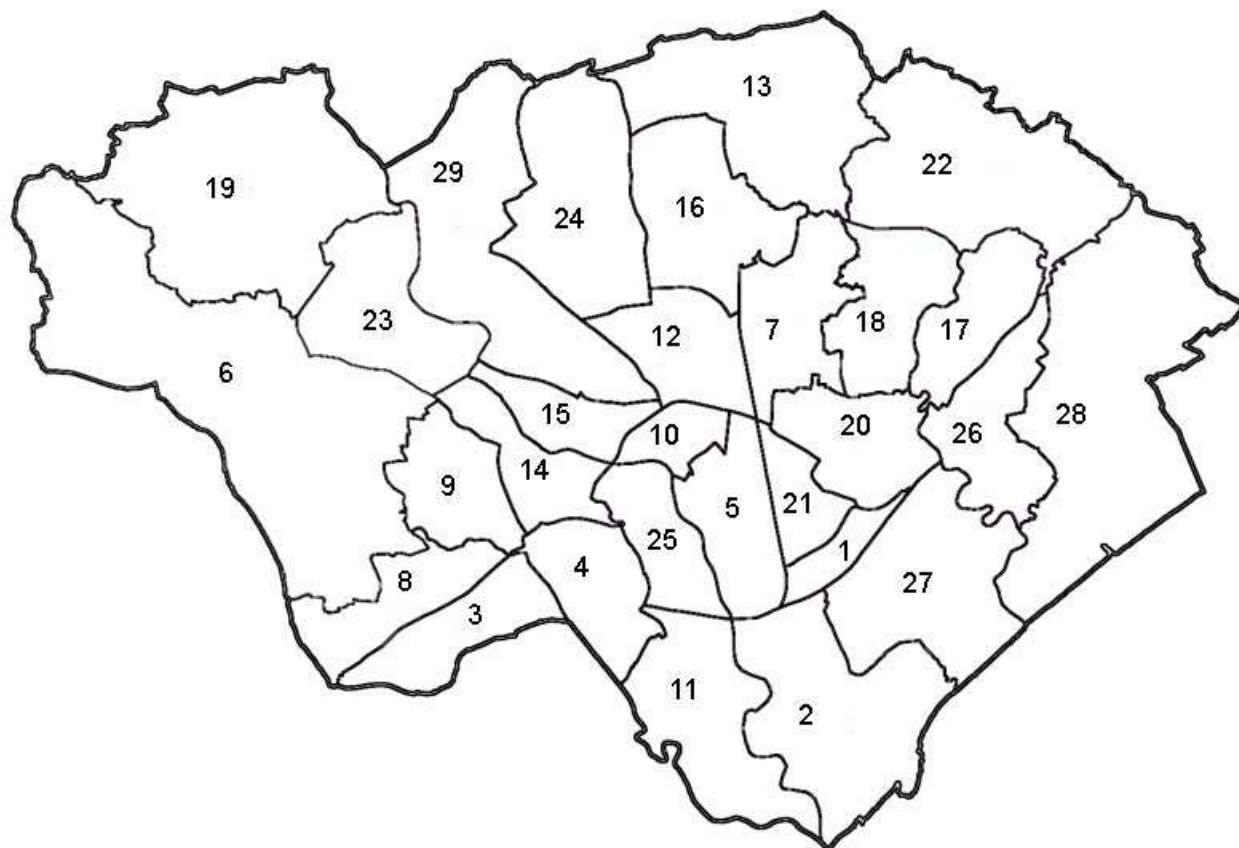
## Contact Details

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 Group Leader (Licensing) Licensing City of Cardiff Council City Hall Cardiff CF10 3ND 029 20871651 <a href="mailto:licensing@cardiff.gov.uk">licensing@cardiff.gov.uk</a></p>	<p>The Chief Officer of Police South Wales Police Licensing Department, Cardiff Bay Police Station, Eastern B.C.U James Street Cardiff CF10 5EW <a href="mailto:SWPCardiffLicensing@south-wales.pnn.police.uk">SWPCardiffLicensing@south-wales.pnn.police.uk</a></p>
<p>The Chief Fire Officer Fire Safety Department South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant Pontyclun CF72 8LX 01443 232520 <a href="mailto:Safety-south@southwales-fire.gov.uk">Safety-south@southwales-fire.gov.uk</a></p>	<p>The Operational Manager (Development &amp; Building Control) Development and Building Control Cardiff Council City Hall Cardiff. CF10 3ND 029 20871135 <a href="mailto:developmentcontrol@cardiff.gov.uk">developmentcontrol@cardiff.gov.uk</a></p>
<p>The Operational Manager (Commercial Services) (<a href="#">Noise Pollution</a>) City of Cardiff Council City Hall Cardiff CF10 3ND 029 20871856 or 20871675 <a href="mailto:Noise&amp;AirPollution@cardiff.gov.uk">Noise&amp;AirPollution@cardiff.gov.uk</a></p>	<p>The Operational Manager (Commercial Services) (<a href="#">Health and Safety</a>) City of Cardiff Council City Hall Cardiff. CF10 3ND 029 2087 2054 <b>(Premises where health &amp; safety is enforced by Cardiff County Council)</b> <a href="mailto:Health&amp;SafetyEnforcement@cardiff.gov.uk">Health&amp;SafetyEnforcement@cardiff.gov.uk</a></p>
<p>The Operational Manager Child Protection Unit Trowbridge Family Centre Greenway Road Trowbridge Cardiff CF3 1QS 029 20774642 <a href="mailto:childprotectionunit@cardiff.gov.uk">childprotectionunit@cardiff.gov.uk</a></p>	<p>The Operational Manager Commercial Services) (Trading Standards) Room 120 County Hall Atlantic Wharf, Cardiff CF10 4UW 029 2087 2054 <a href="mailto:tradingstandards@cardiff.gov.uk">tradingstandards@cardiff.gov.uk</a></p>

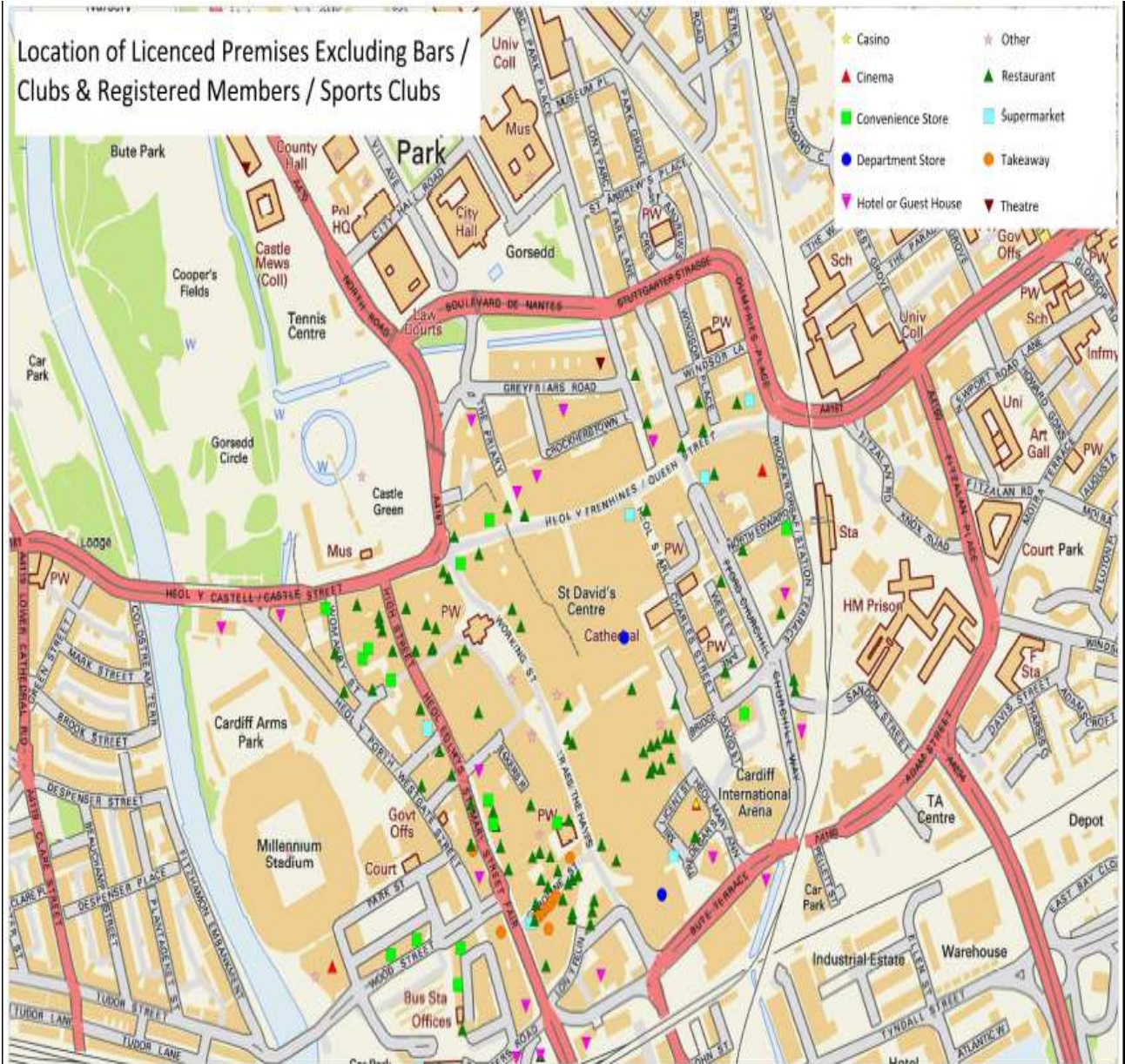
<p>The Operational Manager for Wales  Health and Safety Executive  Government Buildings  Ty Glas, Llanishen  Cardiff  CF14 5SH  029 20263000  <b>(Premises where health &amp; safety is enforced  by HSE)</b></p>	<p><b><u>For Cardiff Bay Vessels Only</u></b>  Cardiff Harbour Authority  Queen Alexandra House  Cargo Road  Cardiff  CF10 4LY  029 20877900</p>
<p>Dr Sharon Hopkins  Executive Director of Public Health  Cardiff and Vale University Health Board  University Hospital of Wales  Cardiff  CF14 7NB  <a href="mailto:sharon.hopkins3@wales.nhs.uk">sharon.hopkins3@wales.nhs.uk</a></p>	

## Appendix C: Map of City of Cardiff



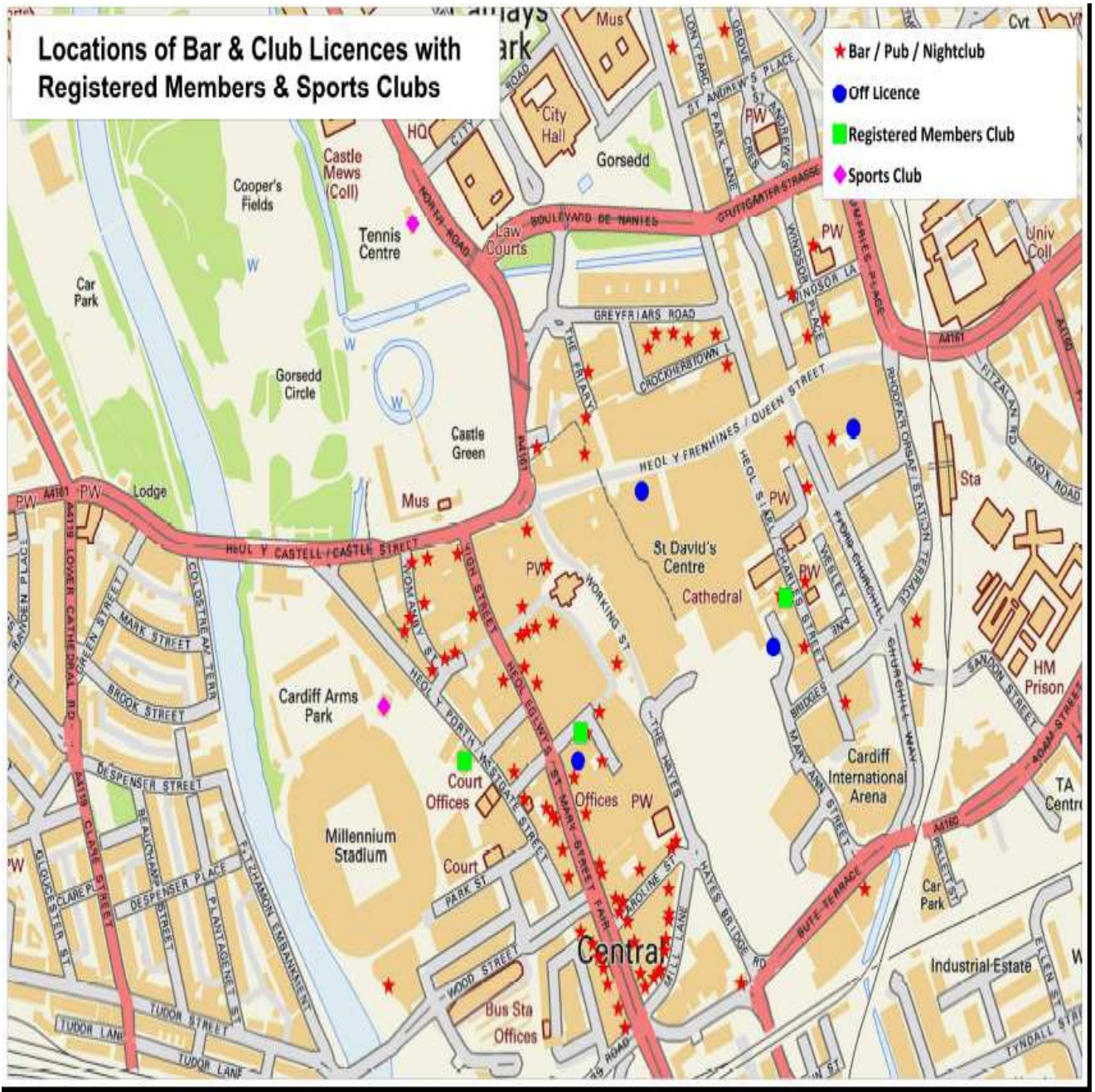
- |                         |                                  |
|-------------------------|----------------------------------|
| 1. Adamsdown            | 16. Llanishen                    |
| 2. Butetown             | 17. Llanrumney                   |
| 3. Caerau               | 18. Pentwyn                      |
| 4. Canton               | 19. Pentyrch                     |
| 5. Cathays              | 20. Penylan                      |
| 6. Creigiau & St Fagans | 21. Plasnewydd                   |
| 7. Cyncoed              | 22. Pontprennau & Old St Mellons |
| 8. Ely                  | 23. Radyr & Morganstown          |
| 9. Fairwater            | 24. Rhiwbina                     |
| 10. Gabalfa             | 25. Riverside                    |
| 11. Grangetown          | 26. Rumney                       |
| 12. Heath               | 27. Splott                       |
| 13. Lisvane             | 28. Trowbridge                   |
| 14. Llandaff            | 29. Whitchurch & Tongwynlais     |
| 15. Llandaff North      |                                  |

# Appendix D



# Locations of Bar & Club Licences with Registered Members & Sports Clubs

- ★ Bar / Pub / Nightclub
- Off Licence
- Registered Members Club
- ◆ Sports Club



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