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AGENDA

Committee	LICENSING SUB COMMITTEE
Date and Time of Meeting	FRIDAY, 2 AUGUST 2019, 10.30 AM
Venue	ROOMS I & J - CITY HALL
Membership	Councillors Ford, Goddard and Jacobsen

1 **Declarations of Interest**

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

2 **Application for the Variation of a Premises Licence - Cardiff City Stadium** *(Pages 3 - 16)*

3 **Urgent Items (if any)**

Davina Fiore
Director Governance & Legal Services
Date: Monday, 29 July 2019
Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

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**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda Item CO.

LICENSING SUB-COMMITTEE: 2nd August 2019

Report of the Head of Regulatory Services

Application for Premises Licence - Variation

Licence No: CCCP01448

Name of Premises: Cardiff City Stadium, Leckwith Road, Cardiff, CF11 8AZ

Ward: Canton

1. Application

1.1 An application for variation of a Premises Licence has been received from Cardiff City Stadium Limited in respect of Cardiff City Stadium, Leckwith Road, Cardiff, CF11 8AZ.

1.2 The premises licence currently permits the following:

(i) The sale by retail of alcohol for consumption on and off the premises:

Monday to Sunday: 09:00 to 02:00

New Year's Eve: until the start of permitted hours on New Year's Day

(ii) The provision of regulated entertainment in the form of films (indoors and outdoors), indoor sports, boxing or wrestling entertainment (indoors and outdoors):

Monday to Sunday: 09:00 to 02:00

New Year's Eve: until the start of permitted hours on New Year's Day

(iii) The provision of live music, recorded music, performance of dance and entertainment of a similar description:

INDOORS

Monday to Sunday: 09:00 to 02:00

New Year's Eve: until the start of permitted hours on New Year's Day

OUTDOORS

Monday to Sunday: 16:00 to 23:00

New Year's Eve: until the start of permitted hours on New Year's Day

(iv) The provision of late night refreshment (indoors and outdoors):

Monday to Sunday: 23:00 to 02:00

New Year's Eve: 23:00 to 05:00

1.3 The applicant has applied to vary the licence as follows:

To vary the layout and design of the premises in accordance with the submitted plan, which shows a reconfigured outside space within the car park, which incorporates a 'fanzone' catering for the sale of food/drink.

Any part of the variation application that changes the plan/layout at the premises to be of no effect until the work has been completed.

To amend condition 9 under Annex 2 - conditions consistent with the operating schedule so it now reads ' There shall be no glass bottles allowed in the main bowl/pitch area(s) or the external fanzone area at any time'.

The operating times, licensable activities and remaining conditions authorised by the existing licence Premises Licence to remain unaltered.

1.4 A site plan of the premises can be found in *Appendix A*.

Promotion of Licensing Objectives.

2.1 A copy of the operating schedule submitted with the application is attached as *Appendix B*, and a copy of the current licence conditions attached as *Appendix C*.

Relevant Representations

3.1 An objection has been received from a local resident. A copy of this objection is attached as *Appendix D*.

Legal Considerations.

4.1 In respect of the application the decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

Prevention of crime and disorder
Public Safety
Prevention of Public Nuisance
Protection of Children from Harm

4.2 In each case the Sub-Committee may make the following determination

a) To grant the application.

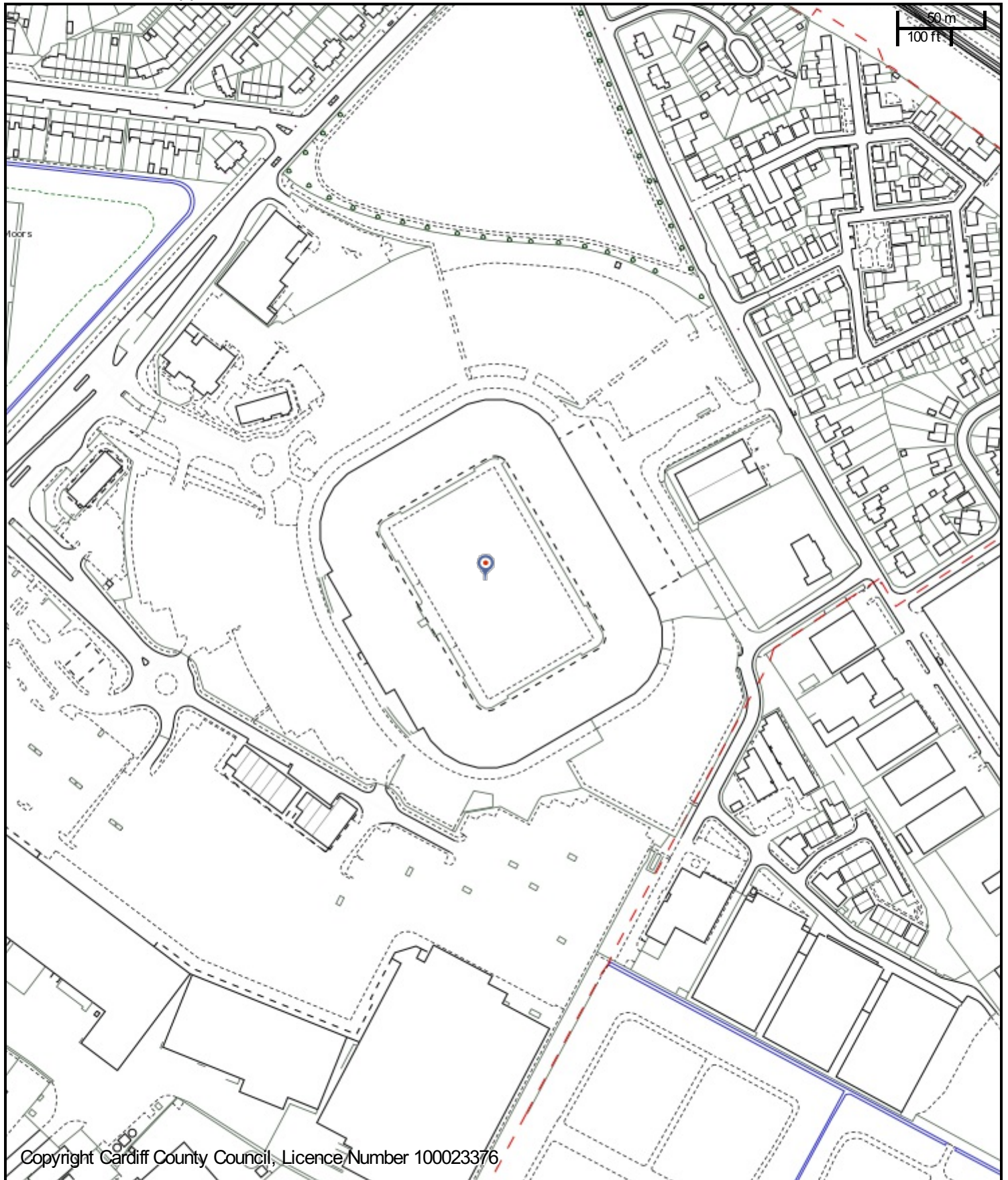
- b) To modify the conditions of the licence, by altering, omitting or adding to them, where relevant.
 - c) Reject the whole or part of the application.
- 4.3 All decisions taken by the Sub-Committee must (a) be within the legal powers of the Council and its Committees; (b) comply with any procedural requirement imposed by law; (c) be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations; (d) be fully and properly informed; (e) be properly motivated; (f) be taken having regard to the Council's fiduciary duty to its taxpayers; and (g) be reasonable and proper in all the circumstances.

5. Issues for Discussion.

- 5.1 The application should be determined and the appropriateness of any conditions on the licence needs to be discussed.

Dave Holland
Regulatory Services

18 July 2019



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CHIEF EXECUTIVE

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Cyngor Caerdydd

Cardiff Council



Title

Scale: 1:3000

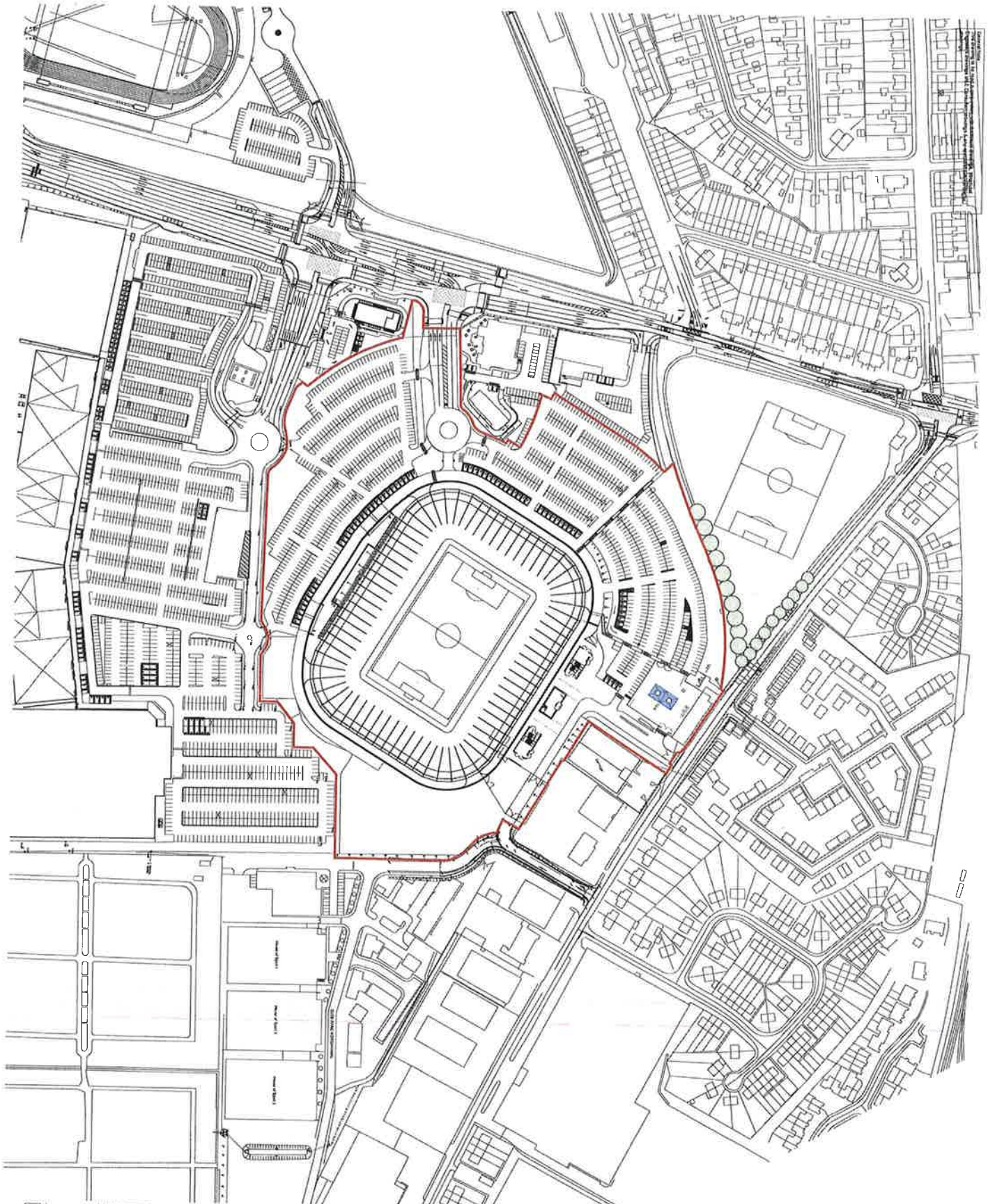
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CGFC
 Gardiner City Stadium
 Site Location Plan

2086 L 01 1:2500 June 19

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

As per the current licence save for those amended by this application.

b) The prevention of crime and disorder

There shall be no glass bottles allowed in the main bowl/pitch area(s) or the external fanzone area at any time.

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Licensing Act 2003

Premises Licence

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ANNEXES: CONDITIONS

Annex 1 - Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory conditions where licence authorises supply of alcohol for consumption on the premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Licensing Act 2003

Premises Licence

CCCP01448

ANNEXES: CONDITIONS continued ...

6. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula-

$$P = D + (DxV)$$

<http://www.legislation.gov.uk/ukdsi/2014/9780111109120/images/ukdsi_9780111109120_en_001>
where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

7. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Mandatory Condition: door supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must:

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

(2) But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate,

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ANNEXES: CONDITIONS continued ...

under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act) and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 - Conditions consistent with the operating schedule

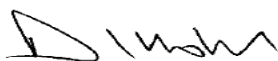
- (1) The Premises Licence shall only remain in force as long as the primary use of the premises is that of a sporting arena.
- (2) Alcohol only to be sold, supplied or consumed in the licensed areas.
- (3) There shall be no off sales on designated sporting events days or rugby / boxing / wrestling events, with the exception of alcohol supplied as a gift or prize or part of a promotion in conjunction with a hospitality package or at another private function / exhibition.
- (4) The CCTV system installed at the premises shall be to a standard agreed with the Police and cover all areas to which the public have access (excluding toilets), but including all entrances and exits.
- (5) All mobile bars, sited within the Stadium and within the licensable area of the car park, must operate within view of a CCTV system.
- (6) A CCTV system will be maintained and operated at all times the premises are open to the public and images will be stored for 31 days. On request by the South Wales Police, such images shall be produced as soon as practicable and adequate training will be given to duty staff in order that they are able to comply with this provision. The CCTV system shall be approved by a suitably qualified Licensing Officer of South Wales Police.
- (7) There will be a minimum of one Personal Licence holder on the premises at all times the premises are open and operating licensable activities.
- (8) On event days incorporating sporting events where there is a crowd of over 10,000 people, two Personal Licence holders shall be present at the premises.
- (9) There shall be no glass bottles / drinking vessels allowed into the main arena bowl / pitch area(s) at any time.
- (10) When the premises is open to the public and operates beyond 00:00, suitably qualified SIA registered door supervisors, as required by the Licensing Act 2003, shall be employed at the premises from 21:00 hours and at a ratio of 1 to 150 persons.
- (11) The Licence Holder shall submit to the Police and the Licensing Authority, a separate operating schedule for each event where licensable activities are to be held at the premises outside the standard times agreed on the Premises Licence. It shall be submitted in writing at least 28 days prior to the event. The Police will notify the Premises Licence holder, in writing, of any conditions that should apply to the operation of the event within 14 days of the receipt of the schedule. If less than 28 days notice is given, any condition(s) applied shall not be challenged by the applicant. The Police should have authority to veto any event taking place by notifying the applicant in writing within 7 days.
- (12) Alcoholic drinks and non-alcoholic drinks can only be sold and supplied from the mobile bars situated within the licensable areas of the car park until 23:00 hours.
- (13) The introduction and implementation of a 'Think 21' Policy. This policy will be brought to customer's attention through point of sale material at the checkout and wherever alcohol is displayed for sale, including signage displayed.
- (14) On event days, Hospitality Boxes will be supervised by stewards.
- (15) The primary use of the Redrow Suites will be that of a restaurant.
- (16) Notices will be put at exits reminding people to leave quietly during pre-booked and private functions that terminate at a late hour. The Personal Licence holder is to reinforce this message to ensure that all pedestrians exit the stadium site via the Leckwith Road entrance in a quiet and orderly manner.
- (17) There shall be no irresponsible drinks promotions.
- (18) The premises shall operate a radio communication system during all event days.
- (19) No outdoor events shall take place between 23:00 hours and 2:00 hours on the following day, save and except in respect of an International sporting event, other than a designated sporting event, subject to the requirements specified in Condition (11) above.
- (20) On the occasion of any designated sporting event, the restricted period is the time beginning 15 minutes before the start of the event and ending 15 minutes after the end of the event. Signage will be displayed in relevant locations to advise patrons in respect of the restricted period. Personal Licence holders, stewards or other responsible persons will ensure compliance in respect of the restricted period.
- (21) The windows of the Premier Lounge (Level 4) will be suitably obscured in a form agreed with the Police to prevent direct viewing of the pitch during the restricted period.
- (22) The hospitality boxes numbers 1-14 (Level 3) will have curtains or blinds to prevent direct viewing of the pitch during the restricted period.
- (23) During the restricted period the consumption of alcohol will be prohibited in those sections of the Redrow Suites 1 and 2 (Level 3) where direct viewing of the pitch is possible, or the windows will be suitably obscured in a form agreed with the Police.
- (24) On Level 2 in the Chairman's Suite, Director's Guests Lounge, The Leckwith Suite and the Phil Suarez Suite (press room) there shall be no conditions attached to the times alcohol is sold, supplied or consumed, other than the standard times, subject to alcoholic drinks not being consumed outside the aforementioned areas during a designated sporting event.
- (25) At the East Stand, the Bar/Beverages areas at Levels 4 & 5 on the concourse, all drinks will be dispensed in plastic or polycarbonate drinking vessels, including those drinks sold or supplied by personal beverage distributors. The only exception will be if a Corporate/Club level event is held at a designated hospitality area. The central restaurant on Level 4 will be exempt from any requirement to use plastic or polycarbonate drinking vessels.
- (26) Alcohol shall not be sold or consumed in the bowl of the arena on the occasions of a designated sporting event.
- (27) Alcohol shall be sold by personal beverage distributors for consumption within the bowl of the arena on occasions other than designated sporting events.
- (28) At events other than designated sporting events, alcohol shall be sold and consumed in plastic or polycarbonate containers from mobile bars situated in areas outside the stadium, but within the licensed area, and enclosed by fencing and suitably stewarded in agreement

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ANNEXES: CONDITIONS continued ...

- (29) with the Police.
SIA registered door supervisors and security staff will be employed as and when required and in the numbers required by the specific legislation or policies relevant to the type of event taking place. All stewards are working to achieve NVQ Level 2 in Spectator Safety Control.
- (30) All doors will be kept closed when live or recorded music is played.
- (31) Bar staff and supervisors will be trained in licensing legislation, with particular reference to the prevention of sales or consumption of alcohol involving persons under the age of 18 years.
- (32) Signs will be displayed at all bar servers and other appropriate locations stating "It is illegal to buy or attempt to buy alcohol for consumption by any person under the age of 18 years.
- (33) Regulated Entertainment involving music and dancing outdoors shall cease at 23.00 hours each day.
- (34) Events will comply with the requirements of the stadiums General Safety Certificate and the Event Management Plan.
- (35) Sound levels for outdoor events will be controlled in accordance with the Code of Practice on Environmental Noise Control at Concerts 1999 and in consultation with the Council's Noise Pollution Control Department.



Dave Holland
Shared Regulatory Services

18 June, 2019



Barker, Kirstie

From:
Sent: 15 July 2019 18:07
To: Licensing (Licensing Regulatory) / Trwyddedu (Rheoleiddio Trwyddedu)
Subject: Representation Form
Attachments: Council form.docx

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Good Evening,

Please find attached my personal representation form regarding the licence proposal for the Cardiff City Stadium.

Kind Regards



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CARDIFF COUNCIL**Representation Submission Form**

Licensing Act 2003 - Representation in
respect of Premises Licence Applications



Details of person or body making representation	
Your Name:	
Your Address:	
Phone No:	

Details of premises representation is about	
Name of Premises:	Cardiff City Football Stadium
Address of premises:	Leckwith Road CF11 8AZ
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input checked="" type="checkbox"/> yes

Please summarise your concern about this application:
<p>I believe that locating this fan zone directly next to a main road and within 50m of local residential properties and a childrens play area and public park is in direct conflict with all of the licensing objectives.</p> <p>I also do not believe that this should be able to happen with just an amendment to the no glass zones, I believe this is a variation of the premises to provide food/drink and entertainment in a specific zone/structure within the car park and as such represents a change in use of the car park. A section of the car park is changing from parking to an enclosed entertainment area.</p> <p>The associated planning application made little if any provision to manage the fan zone and as such it poses a risk not only to the gathering fans but also to local residence who will be swamped with fans arriving in the area early and causing a public nuisance and health and safety issue for pedestrians, motorists and any other unassociated person who may be in the area at the time.</p> <p>The operating hours have been stated as 10:00 and 20:00 to help prevent and reduce crime and disorder but</p>

it has not been made clear in any of the associated documents how this control will be achieved or what will actually be going on within the zone during this time. It is suggested that video screens and music/entertainment will be provided during these hours but I am not sure how that fits with the current license hours for outside provision.

Please give further details of why you believe this application will have an adverse effect on the licensing objectives

- Prevention of crime and disorder
 - Actively encouraging football supporters to gather very early prior to a match next to a public park with easy access to cheap alcohol from the supermarket within 500m is in my mind actively increasing the risk of crime and disorder.
 - Nothing appears to have been put in place to actively manage this new zone, who will be allowed in and how will this be policed and by whom?
 - How will the opposing fans be kept separate, are you going to end up with the Cardiff City fans trapped in a pen with the other side outside taunting them?
- Public Safety
 - Safety of any member of the public wanting to get to and use the adjacent park land, they will have to potentially navigate their way through football fans to even get into the park, which on a nice day I suspect will become a fan zone of its own with supporters using the local supermarket to buy cheap beer in bulk and sit and drink it in the park, enjoying whatever entertainment is provided within the zone as it will be clearly audible and probably visible from the park too. Directly adding to the litter within the park causing a health and safety issue for the general public and various sports teams that use the pitches.
 - Directly next to a main road, with no clear plans to control traffic. Current traffic restrictions are only in place post match. No plans have been made to close the road for the duration of the fan zone hours. This in itself would be unacceptable to local residence who would in effect be trapped every match day. Also adverse impact on local public transport as Cardiff Bus would also be potentially impacted based on current road closure zone if implemented. Incidentally no businesses including Cardiff Bus along Sloper Road where consulted on the potential impact of this to them.
 - No additional staffing was highlighted as required within the planning application due to apparently no increase in stadium capacity. The overall capacity will I believe potentially be increased as a number of individuals who were not able to access the stadium for the game will now be gathering in the fan zone as it is my understanding that it will be operating during the match and afterwards.
 - The location of the zone is putting the football fans at risk of injury from being next to the road, either by them gathering next to it waiting to get into the fan zone, them gathering next to the road because they don't particularly want to go into the zone but are chatting (shouting) with those within. Gathering of rival fans next to the road and fan zone with potential from trouble to spill over into the road and immediate residential area (within 30meters).
 - Drivers of any vehicles using the adjacent road are at risk due to the unpredictable nature of fans be they drunk or not. Large numbers of people have difficulty in walking on a pavement and out of harms way.
- Prevention of public nuisance
 - Actively encouraging large gathering of football fans, many of whom may choose to sit in the adjacent park to drink and smoke rather than be bound by the fan zone restrictions.
 - Increased littering within the stadium site, adjacent park and surrounding areas.
 - Increased noise disturbance in the local area, within Bartley Wilson Way we can already very clearly hear all events being held in and around the stadium. My neighbor sat in her garden to enjoy the recent Elton John concert for free, setting up entertainment and video screens so close to local residence is unacceptable.

- Protection of children
 - A public open childrens play area is within 50 meters of the proposed site, I do not believe that encouraging large groups of predominantly adult males, who are also potentially drunken to gather next to a childrens park is very sensible. The fans who gather may also be singing inappropriate football chants, along with the problem of litter within the park and open childrens play area.
 - On match days local children may be discouraged from going over to the park due to the gathering of football fans in the immediate area. If I was a parent I would not want my child subject to the football fans and associated chants and general poor behavior associated with drunken fans.

- General Note
 - I do not understand why it was deemed a suitable location to place this fan zone so close to a road (20 meters), public childrens playground/park (50 meters) and residential properties (30 meters). The stadium has plenty of space around it and to the rear which would I believe have been far more suitable and would have better contained the fans and associated problems away from the road, local residence and public spaces.
 - Given the current climate and awareness of the need to drastically reduce our use of plastics the associated increase in plastic waste due to the glass restrictions and increase in outside catering outlets is also unacceptable. I would expect the council in this age of climate emergency to be doing all it can to reduce this sort of waste, not approving schemes that will by there very nature drastically increase waste.