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AGENDA

Committee	LICENSING COMMITTEE
Date and Time of Meeting	WEDNESDAY, 13 MARCH 2024, 10.00 AM
Venue	COMMITTEE ROOM 4 - COUNTY HALL / MULTI-LOCATION MEETING
Membership	Councillor Michael (Chair) Councillors Kaaba, Driscoll, Bowen-Thomson, Ferguson-Thorne, Gibson, Gunter, Jenkins, Lancaster, Palmer and Shimmin

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 3 - 6*)

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

4 **Licensing Act 2003 - Review of Cardiff Council's Cumulative Impact Assessment** (*Pages 7 - 32*)

5 **Urgent Items (if any)**

D Marles

Interim Monitoring Officer

Date: Thursday, 7 March 2024

Contact: Graham Porter,
02920 873401, g.porter@cardiff.gov.uk

LICENSING COMMITTEE

25 OCTOBER 2023

Present: Councillor Michael(Chairperson)
Councillors Kaaba, Driscoll, Ferguson-Thorne, Gunter,
Lancaster, Palmer and Shimmin

7 : APOLOGIES FOR ABSENCE

Apologies were received from Cllr. Jenkins.

8 : DECLARATIONS OF INTEREST

There were none.

9 : MINUTES

The minutes of the 30th November 2021 meeting were approved by the Committee as a correct record and signed by the Chair.

10 : LICENSING ACT 2003 - REVIEW OF CARDIFF COUNCIL'S CUMULATIVE IMPACT ASSESSMENT

The Committee received a report asking it to approve the draft Cumulative Impact Assessment (CIA) for a 12-week consultation period.

The Chair requested Kirsty Evans, Licensing Officer, to present the report.

Members were advised that in accordance with Section 5A of the Licensing Act 2003, the Licensing Authority may publish a Cumulative Impact Assessment to help limit the number or types of licence applications granted in areas where there was evidence to show that the number or density of licensed premises in the area was having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs related to applications for new premises licences, new club premises certificates as well as applications to vary existing premises licences and club premises certificates in a specified area.

Once a CIA was introduced it had to be reviewed every three years. If the licensing authority remained of the opinion that a CIA was required then they were required to publish a statement to that effect and set out the evidence why they were of that opinion. Cardiff Council's CIA was last published in 2020 and was due for renewal at the end of 2023.

Members heard that a CIA was required to be reviewed in consultation with the Chief Officer of Police for the area; the Fire and Rescue Authority for the area; the Local Health Board in Wales for an area any part of which was in the licensing authority's area; and persons or bodies representative of: local premises licence holders; local club premises certificate holders; local personal licence holders; and businesses and residents in its area.

An extensive review of the current cumulative impact assessment had been conducted after receiving evidence from relevant Responsible Authorities and other agencies. The review concluded that there remained large amounts of crime and disorder throughout the city centre area which was linked to the presence of licensed premises.

The proposed assessment document continued to recognise that not all types of licensed premises contributed to crime and disorder in the city centre and therefore certain types of premises such as hotels, cinemas and restaurants (with restrictions) were proposed to be excluded from the CIA. Evidence continued to suggest that licensable activities at bars/night-clubs, off-licences and fast-food takeaways offering late night refreshment did contribute to the problems in the City Centre.

Following the review of all relevant data, it was proposed that other than administrative amendments, the following changes should be made to the CIA:

- a) Page 4, under the heading "Pubs/bars/nightclubs". The evidence relied upon had been updated and discussed. This evidence included:
 - Report on Community Safety Issues Within Cardiff City Centre During the Night-Time Economy
 - Police Data and Statements
 - Street Pastor Reports
 - Noise Complaints
 - - Local Health Board Data
- b) Page 7, under the heading "Off-Licences/Convenience Stores". The evidence from the Police had been updated and discussed.
- c) Page 8, under the heading "Takeaways/fast food outlets". The evidence from the Police had been updated and discussed.
- d) Page 10, under the heading "Consideration of other initiatives and partnership working". A paragraph detailing the proposals of a Public Space Protection Order had been removed.
- e) Page 14, off sales. Removal of core hours for off sales.

In accordance with the evidence provided in support of the CIA, street drinking was primarily a problem within the city centre during daytime hours.

Currently applications for off licences between 07:00 and 21:00 hours (core hours) wouldn't fall within the CIA, it was clear from the evidence submitted that there was reason to remove these core hours in favour of additional measures to discourage street drinking e.g. no sale of super strength larger/cider or no sale of alcohol in single cans. If applicants were instead able to offer conditions such as these it could be beneficial to their application.

- f) Page 16, Map of the City Centre CIA. Stuttgarter Strasse had been removed from the streets listed within the CIA. There was little evidence within the data received to suggest this street suffered from a high percentage of crime and disorder associated with the cumulative impact of licensed premises within the city centre. This street was also not a thoroughfare to the busiest streets within the centre.

The Committee was asked to approve the draft CIA to go out for consultation. The consultation period on the draft SLP and CIA would take place between 25th October 2023 and 17th January 2023. Responses would be taken into consideration and the final policy would be approved by Licensing Committee and subsequently Full Council.

The Chair invited comments or questions on the report.

Members asked when the new CIA would start to affect applications, and whether it had any impact on those which had already been granted. Officers clarified that there was currently a CIA in place, and in order to keep or amend it this review had to be conducted. The current CIA would remain in place until the consultation period ended, it came back to Licensing Committee and then went to Full Council for approval.

Members discussed the possibility of adding the Cardiff Bay area to the impact assessment, as upcoming developments in the area such as the arena would have an impact on local businesses and residents. Officers responded that the Bay area had not yet come up on the radar in conversations with consultees like the police, but could be included at a later date. At this stage, there was not enough evidence of antisocial behaviour to support including the Bay.

Members queried the removal of the Public Space Protection Order (PSPO) from page 10, as referred to in change d) above. Officers clarified that these could be imposed on specific areas to tackle antisocial behaviour, and there had previously been one in the city centre giving police powers against street drinking. This particular order had been replaced, so the reference had been removed. PSPOs were not part of Licensing, although the council could consider implementing one again in the future.

RESOLVED – That:

The Committee approve the draft Cumulative Impact Assessment for consultation with the following statutory consultees:

- 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
- Persons/bodies representative of businesses and residents in its area

11 : URGENT ITEMS (IF ANY)

There were none.

The meeting terminated at 11:20am.

The meeting terminated at 11.20 am

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

LICENSING COMMITTEE: 13 March 2024

REPORT OF THE HEAD OF SHARED REGULATORY SERVICES

**LICENSING ACT 2003 – REVIEW OF CARDIFF COUNCIL’S CUMULATIVE IMPACT
ASSESSMENT**

1. Background

1.1 In accordance with Section 5A of the Licensing Act 2003, the Licensing Authority may publish a Cumulative Impact Assessment (CIA) to help limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

CIA's relate to applications for new premises licences, new club premises certificates as well as applications to vary existing premises licences and club premises certificates in a specified area.

1.2 Once a CIA has been introduced it must be reviewed every three years. If the licensing authority remains of the opinion that a CIA is required, they must publish a statement to that effect and set out the evidence why they are of that opinion.

1.3 A CIA is required to be reviewed on a three-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
- Persons/bodies representative of businesses and residents in its area

1.4 Cardiff Council last published a CIA in 2020. The policy was reviewed in 2023 and a report was presented to the Licensing Committee at their meeting on 25 October 2023 outlining the details of that review and seeking approval of a new draft CIA.

The committee resolved to approve the draft CIA for consultation with the stakeholders listed in 1.3 above.

- 1.5 The Local Authority is required to summarise the CIA in the Council's Statement of Licensing Policy (SLP) and therefore any amendments to the CIA will subsequently be updated in the SLP.
- 1.6 The purpose of this report is to notify the committee of the responses to the consultation and to seek approval of the updated CIA (contained in Appendix A) in order for it to be published, subject to approval by Council.

2. Consultation

- 2.1 Extensive consultation on the proposed amendments to the Policy was undertaken, involving existing licence holders, representatives of persons carrying on licensed businesses, statutory bodies, representatives of other persons and Cardiff Council Members. The consultation period ran from 25 October 2023 to 20 January 2024.

- 2.2 During the consultation, two responses were received:

The first response was from Poppleston Allen solicitors, querying the inclusion of Stuttgarter Strasse on the map despite it being removed from the cumulative impact area. This was agreed by officers and the map has been updated to remove Stuttgarter Strasse.

The second response was from Nick Newman, on behalf of the Cardiff Licensees Forum. In summary, the forum support the Council's intention to publish a CIA but feel the document should better highlight the improvements within the nighttime economy in recent years. Officers reviewed this response but did not consider it necessary to amend the CIA due to the relatively narrow scope of the policy. However, these comments will be taken into consideration when next reviewing the overarching Statement of Licensing Policy.

- 2.4 The revised CIA has been amended to reflect the views of consultees and is contained in Appendix A. Details of the comments received and amendments made as a result of the consultation exercise are contained in Appendix B.
- 2.5 During the consultation period, the Home Office issued a revised version of the statutory guidance issued under Section 182 of the 2003 Act. Officers reviewed the revised guidance and did not consider any further amendments necessary.

3. Achievability

3.1 This report contains no equality personnel or property implications.

4. Legal Implications

4.1 Section 5A of the Licensing Act 2003 allows a Licensing Authority to publish a Cumulative Impact Assessment (CIA) stating that the licensing authority considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

4.2 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.

5. Financial Implications.

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

6. Recommendation

6.1 It is recommended that members commend the updated Cumulative Impact Assessment for it be approved by Council prior to its publication.

Helen Picton
HEAD OF SHARED REGULATORY SERVICES

30 January 2024

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

Background Papers:

- [Section 182 Guidance - Licensing Act 2003](#)
- [Statement of Licensing Policy \(SLP\)](#)
- [Licensing Committee Report - Licensing Act 2003 – Review of Cardiff Council's Cumulative Impact Assessment](#)

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Appendix A



Cardiff Council
Cumulative Impact Assessment
Cardiff City Centre

2024 – 2027

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Cardiff Council Cumulative Impact Assessment: Cardiff City Centre

1. 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 over 40 million. People are drawn to the City Centre for its numerous shops, bars, restaurants and entertainment venues including the Principality Stadium, all of which are situated in a small walkable area. The City Centre has an extremely high density of licensed premises with over 300 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 Principality Stadium such as the 6 Nations Rugby matches and concerts, 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 the Licensing Authority has included the whole of the City Centre in the Cumulative Impact Policy Assessment (CIPA) (as shown in Annex 1 on page 17).

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 have 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 antisocial behaviour, violent crime and public order offences. Furthermore, an offence could be caused by an 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.

2. 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.

3. 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 Cumulative Impact Policy (CIP) is in place to minimise these problems and further promote these objectives.

Pubs/bars/nightclubs

Data from the 'Report on Community Safety Issues Within Cardiff City Centre During the Night-Time Economy 2022/2023' (detailed in **Appendix A**) collected to assist the formulation of this policy, indicates that premises in the City Centre that 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.

Although the percentage of Anti-Social Behaviour (ASB) within the City Centre has decreased overall in the last four years from 18.2% in 2019/2020 to 14.7% in 2022/2023, the report concludes that ASB within the City Centre is considerably higher than any other ward within the city.

The times when crime in the City Centre is at its highest is on Friday and Saturday evening until the early hours (04:00/06:00 hours) of the next morning. It is therefore considered that premises offering later operating hours pose the biggest risk in terms of undermining the licensing objectives.

Between the hours of 18:00 and 06:00 hours, 1256 Violence against the person offences were recorded for the City Centre for the 2022/2023 financial year. The data suggests that there are various peaks throughout the week when offences are reported, however the main periods are between 21:00 hours on a Friday and 05:00 hours on a Saturday, and then between 15:00 hours on a Saturday and 06:00 hours on a Sunday.

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. The policy therefore intends to capture all grant and full variation applications in respect of pubs/bars/nightclubs regardless of their terminal hour.

The Licensing Authority is also concerned that the presence of large numbers of licensed premises makes the City Centre attractive to criminals who target people who are vulnerable due to intoxication from alcohol. Data from **Appendix A** shows that there are large numbers of thefts (excluding shoplifting) taking place in the City Centre between 18:00 and 06:00 hours, 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 The Hayes.

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

Police Statistics

South Wales Police have provided data in support of this policy, the data provided is not official South Wales Police figures and are simply an indication of the volume of offences. However, these figures are representative of the actual volume recorded. The data is detailed in **Appendix B**.

In accordance with the data, save for the year 2020 (which would have been impacted by the pandemic) the City Centre recorded more crimes than any other area within Cardiff (up to June 2023).

Over a three and a half year period, the city centre recorded more crimes than any other area for offences such as, violence without injury, violence with injury, serious sexual offence, shoplifting, robbery and theft from the person. Although these crimes cannot be directly related to licensable activities it is a good indication that the City Centre is a hotspot for crime and disorder.

Offences including public order, drugs, sexual offences, violent crime and anti-social behaviour are more prevalent during the night-time economy. Over a three and a half year period the highest number of relevant offences recorded were between 23:00 and 03:00 hours. For the years 2019, 2021 and 2022 these figures peaked between 01:00 to 01:59 hours.

St Mary Street, Queen Street, Castle Street and Mill Lane have the highest levels of crime and anti-social behaviour in Cardiff in accordance with data from both **Appendix A and B**. However, even though Queen Street has no pubs or bars, and very few restaurants it is consistently in the top 3 for the highest levels of crime within 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 as well as having several late-night refreshment venues where people congregate while getting food before they leave the area.

CCTV footage has also been provided by South Wales Police demonstrating incidents of crime and disorder taking place within the city centre. This includes body cam footage recorded by South Wales Police, footage from licensed premises CCTV and CCTV on the streets within the centre.

The footage shows problems associated with daytime drinking within the city including anti-social behaviour and violence primarily caused by drinking to excess in numerous licensed premises throughout the day.

Extensive CCTV footage has also been provided of the night-time economy which shows large crowds gathering on the streets, violence and anti-social behaviour associated with the fall out from licensed premises within the centre.

Street Pastor Reports

Street Pastors are trained volunteers from local churches who patrol the streets within Cardiff City Centre, usually on a Friday and Saturday evening into the early hours. The Street Pastors provide assistance to heavily intoxicated individuals, pick up litter on the street, assist the public finding transport home, take individuals to the Alcohol Treatment Centre and on some occasions can help prevent anti-social incidents.

The Street Pastors produce a report after every shift, and it is evident from these reports that they witness the fallout from the cumulative impact of licensed premises within the City Centre. Individuals who become too intoxicated after visiting numerous premises throughout the day/evening suddenly requiring assistance to get home or need to be taken to the Alcohol Treatment Centre.

It is also evident from the reports that the Street Pastors tend to get busier as the evening goes on, thus suggesting that premises requesting to sell alcohol later into the evening/early hours would be more of a concern than those with an earlier closing time.

Street Pastors also bear witness to anti-social behaviour, assaults, domestic incidents, as well as a large amount of litter. During their shift Street Pastors collect bottles/glasses found littered around the City Centre. We can see from their reports that they usually collect approximately 50-60 bottles/glasses in one night and on one occasion in 2023 this reached 81 items collected.

Although a substantial amount of litter is collected or witnessed from either St Mary Street, Caroline Street, Queen Street and Greyfriars Road we can see from the reports that it is not limited to these areas. For example, a report dated 21 July 2023 details a large amount of broken glass in Womanby Street and another report on 7 July 2023 again details glass in this area. This demonstrates that although there may not be the same high number of licensed premises as the streets listed above, the cumulative impact of licensed premises within the City Centre has a vast impact, especially for those streets that act as walkways to other areas.

A sample of the Street Pastor's reports along with statistics collected is detailed in **Appendix C**.

Noise Complaints

Recent increases in the amount 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 approximately 20 complaints a year from residents in the City Centre regarding noise from licensed premises, the majority of which are concerned with amplified music

from pubs, bars and nightclub. The highest areas for reported noise complaints in relation to licensed premises are St Mary Street, Westgate Street and Windsor Place.

Details of Pollution Control complaint numbers are detailed in **Appendix D**.

Local Health Board Data

Data found in **Appendix E**, suggests patients attending either the Emergency Unit (EU) or Alcohol Treatment Centre (ATC) as a result of alcohol related activities is down on pre-covid levels. Alcohol related activities include when patients report to EU or ACT following an alcohol related incident in a public place or where the patient's last drink was captured.

Although a large amount of data isn't available due to the ACT closing for a considerable period, it is clear that Queen Street, St Mary Street, Caroline Street, Mill Lane and Greyfriars Road continue to be the prime areas for last drink locations for those attending the ATC and EU as a result of alcohol related activities.

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. 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 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, and it is recommended that this is considered by applicants when drafting their operating schedules. 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.

Data from **Appendix B** shows the number of offences recorded at off-licence premises within the City Centre between 07:00 hours and 02:00 hours. The data shows a significant increase over the past 4 years,

excluding the year 2020 which would have been impacted by the pandemic. The number of recorded offences are:

Year	Number of Offences
2019	212
2020	196
2021	226
2022	344

These offences include theft, violence, drugs, sexual offences and public order offences. The highest number of recorded offences is between 11:00 hours and 18:00 hours which suggests restricting later hours for off-licences would have less of an impact than restricting super strength alcohol, single can sales and the sale of miniature bottles of spirits. Although the data provided cannot directly relate these offences to licensable activities, it is a good indication of the current level of crime and disorder facing off-licences.

Chief Inspector Dan Howe, Head of Partnerships for Cardiff/Vale and South Wales Police Night Time Economy Lead has detailed daytime street drinking as an emerging challenge for the City Centre when discussing the Police support for the policy in a statement detailed in **Appendix F**. Extensive body-cam footage of street drinkers in the city centre has also been submitted by South Wales Police which demonstrates the problems faced when tackling this issue at various times of the day, this footage is detailed in **Appendix B**.

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. The police data in **Appendix B** details a total of 151 offences and incidents occurring in licensed takeaways within the city centre between 1 April 2019 and 31 March 2023. All of these incidents, took place between the hours of 23:00 and 05:00, which is the time period that requires late night refreshment to be licensed. The offences have been recorded as Violence, Drugs, Sexual offences, Public order offences, as well as incidents relating to anti-social behaviour.

As we can see from the below table (taken from police data in **Appendix B**), the number of incidents taking place at late night refreshment venues dropped during covid years (2020/2021) but has since risen to 52 incidents in 2022 which is higher than in 2019, pre-covid.

Year	Number of Incidents/offences:
2019	45
2020	14
2021	29
2022	52
2023 (part year)	11
Total:	151

The peak period of crime reported at late night refreshment venues was between 03:00 and 03:59 hours, this suggests that premises offering food to customers later into the early hours, between these times are more likely to attract higher levels of crime and disorder along with potential anti-social behaviour.

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 anti-social behaviour which shows high levels of incidents in Caroline Street and Queen Street despite having very little licensed premises authorising the sale of alcohol and instead (particularly Caroline Street) consists primarily of late night refreshment venues.

CCTV footage provided by South Wales Police (detailed in **Appendix B**) demonstrates the high number of people that gather outside late night refreshment venues such as those on Caroline Street and St Mary Street, as well as detailing violence and antisocial behaviour both in and outside late-night refreshment venues.

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. It has been well documented in the [Press](#) that on major event days the rubbish associated with the increased number of people using late night refreshment venues within the city centre becomes excessive and extra street cleaners are required to deal with the fallout from the cumulation of late-night refreshment venues.

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

Conclusion

The licensing authority considers that the number of premises licences and/or club premises certificates in Cardiff City Centre is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

The Licensing Authority has received satisfactory evidence (detailed in the separate annexes) 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.

In addition to the data, South Wales Police have also provided an overview of the crime/disorder in Cardiff City Centre's and have detailed their support for the policy (detailed in **Appendix F**).

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
- Noise from licensed premises and on the street
- 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 below.

4. Application of the Policy

Having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, 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**.

This document should be read in conjunction with Cardiff Council's Statement of Licensing Act Policy 2020-2025.

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 Policy Area (CIPA)'s defined boundary, and where those representations raise a material impact on the CIPA, 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 data provided by South Wales Police
- Alcohol related injuries reported to A&E/Alcohol Treatment Centre
- Last drink data
- Noise complaints
- Street Pastor Reports
- 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:-

- 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. Nighttime 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 meets 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 within the Statement of Licensing Policy.
- 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.
- For Cardiff (Cardiff Business Improvement District) – A business-led, not for profit organisation with the goal of improving the City Centre. Initiatives include provision of Street Ambassadors, Cardiff Night Marshals, schemes aimed at reducing homelessness.
- Cardiff Against Business Crime – A Business Crime Reduction Partnership with the aim of reducing business related crime through partnership working with various partners including the Licensees Forum, South Wales Police, City of Cardiff Council, For Cardiff, St David’s Shopping Centre etc.

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 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 normally 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 would normally fall outside the CIP will be treated as a ‘standard’ application and the rebuttable presumption of refusal created by the CIP will not apply. However, this 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/premises undefined type

Certain applications will not fall neatly into one of the categorised premises types or 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.

This Policy cannot cover all eventualities. 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 for premises within the Cumulative Impact Area 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.

5. Table 1 – Types of City Centre Premises and Their Category

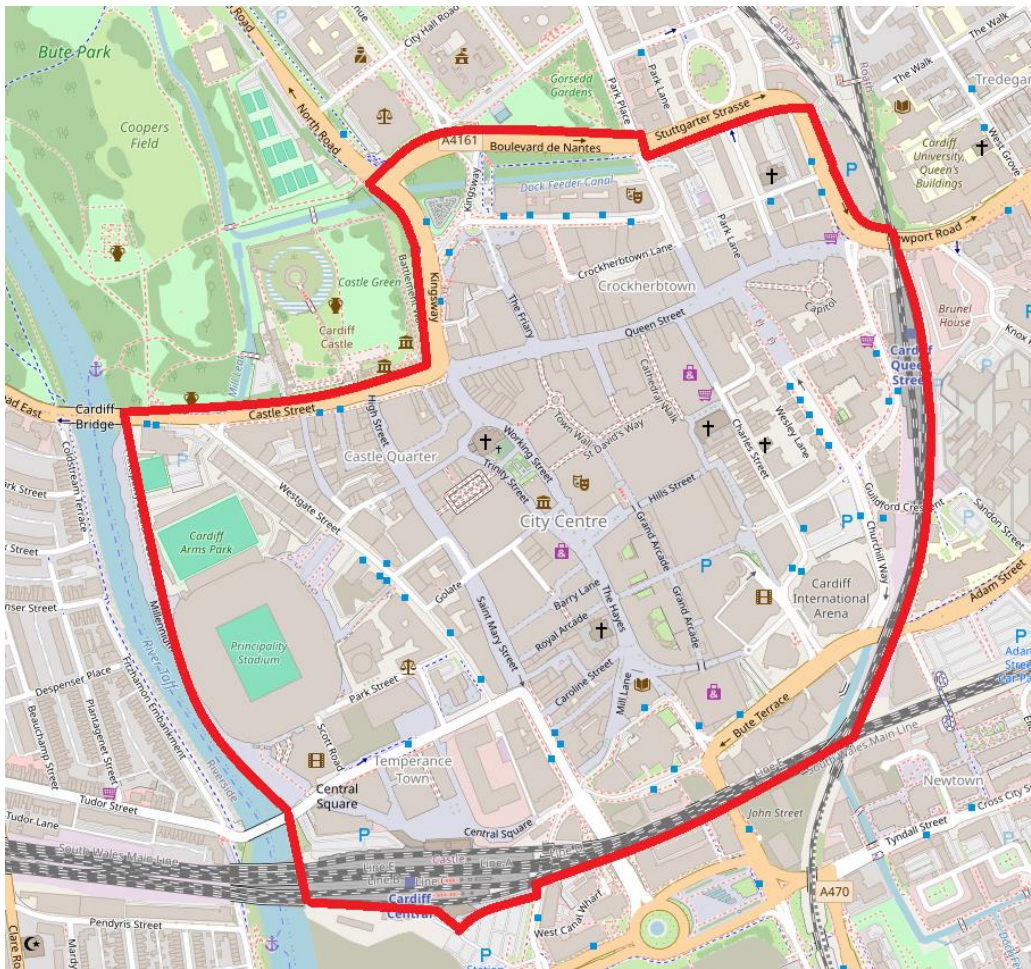
	Premises Type (see criteria in Table 2)		Category Type
	Pubs Members clubs Bars Nightclubs	Policy always applies	Red
	Takeaways Fast food restaurants	Policy always applies	Red
	Off-licences	Policy always applies	Red
	Restaurants	Policy only applies if the application is outside the 'Core Hours' or if applicant is unwilling to adopt the 'Additional Measures'	Amber
	Ancillary alcohol sales	Policy does not apply	Green

6. Table 2 – Criteria of City Centre Premises and Additional Measures

	Premises Type	Criteria	Category Type
	Pubs Members clubs Bars Nightclubs	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	Red
	Takeaways Fast food restaurants	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.	Red
	Off-licences	<p>Premises that supply alcohol primarily for the consumption off the premises. This includes convenience stores and supermarkets.</p> <p>Additional Measures to consider:</p> <ul style="list-style-type: none"> • There shall be no sale of any stronger beers, lagers, or ciders over 5.5% abv (except for genuine artisan or craft beers, lagers, and ciders). A notice to this effect will be on clear display in the shop. • There shall be no single sales of beer, lager and cider (cans and bottles). A notice to this effect will be on clear display in the shop. • There shall be no sale of miniature bottles of spirits less than 20cl in size. A notice to this effect will be on clear display in the shop. • In the absence of the DPS a nominated person shall be in control of the premises – this nomination will be in writing and a record of this will be available for inspection. • On occasions when South Wales Police consider to be a major event is taking place in the Principality Stadium, the following conditions will apply: <ul style="list-style-type: none"> • No alcohol shall be sold on the day of the event between agreed times from at least two hours prior to the start of the event • A minimum of 1 SIA registered Door Supervisor shall be on duty from at least two hours prior to the start of the event until the sale of alcohol ends • No alcohol in glass containers shall be sold on the day of the event between agreed times. 	Red

	<p>Restaurants</p>	<p>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.</p> <p>Core Hours: Sale of alcohol 09:00 – 01:00</p> <p>Additional Measures:</p> <ul style="list-style-type: none"> • 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. 	<p>Amber</p>
	<p>Ancillary alcohol sales</p>	<p>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. This may include:</p> <ul style="list-style-type: none"> • Cinemas • Theatres • Bowling alleys, hairdressers, florists • Hotels/B&Bs where alcohol is provided for consumption on the premises by people staying in overnight accommodation • Art galleries. • Workplace Bar solely for use of employees of the premises <p>This does not include:</p> <ul style="list-style-type: none"> • Sexual Entertainment Venues • Hotel bars with public access (not just available to customers staying in overnight accommodation) 	<p>Green</p>

7. Map of the City Centre Cumulative Impact 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
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	Saunders Road
Scott Road	St John Street	St Mary Street	Station Terrace
The Friary	The Hayes	Tredegar Street	Trinity Street
Union Street	Victoria Place	Wesley Lane	Westgate Street
Wharton Street	Wharton Place	Windsor Place	Windsor Lane
Womanby Street	Wood Street	Working Street	

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Appendix B - Draft Cumulative Impact Assessment - Consultation Responses

Date/Source	Details of Representation	Response	Details of Amendment
<p>26.10.2023</p> <p>Alex Tomlinson, Poppleston Allen solicitors</p>	<p>Thank you for the below information in relation to the consultation on the Cumulative Impact Assessment.</p> <p>We note on the agenda 2.3 f) that Stuttgarter Strasse has been removed from the streets listed within the CIA.</p> <p>However, on the map of the draft CIA under Annex A it has been included within the red line.</p> <p>Could you clarify this matter for us please?</p>	<p>Agree</p>	<p>Stuttgarter Strasse removed from within the red line on the map annexed in the CIA.</p>
<p>20.01.2024</p> <p>NTE ASB Newman, on behalf of the Cardiff Licensees Forum</p>	<p>The Forum committee and I are grateful to have had the opportunity to comment on the CIP Consultation document. My apologies for having let the time slip before responding.</p> <p>Apart from 1 considered response from a committee member (see below) the remainder are generally minded to <u>agree</u> that the CIP should remain in place. (In other times this might have been seen, or referred to as businesses seeking to create a 'closed shop' so as to prevent new competitors coming in to an area). With the caveat (which we think the document covers) to say that applications, or full variations are still considered 'on merit'</p> <p>However, the committee and I agree wholeheartedly that a very negative picture is portrayed of Cardiff's Night Time Economy (NTE) businesses particularly in a) the main Cumulative Impact Assessment Document and b) Appendix F, the policing overview of the NTE in Cardiff. In other settings (for example during Purple Flag assessments and</p>	<p>Comments noted in relation to the forum being in favour of the proposed Cumulative Impact Assessment.</p> <p>The draft Cumulative Impact Assessment (CIA) is a supplementary document to the Council's <u>Statement of Licensing Policy</u> and as such its scope is relatively narrow. A CIA is used to show that the number or density of licensed premises in an area are contributing to problems that undermine the licensing objectives.</p> <p>The draft CIA acknowledges that Cardiff's City Centre has a thriving day and nighttime economy, and that people are drawn to the City Centre for its numerous shops, bars, restaurants and entertainment venues. However, the intention of the document is to consider the negative impact from the number and density of licensed premises in order to justify the continuation of the policy. Whilst there is evidence of a downward trend in ASB incidents and referrals to A&E, there are still a significant number of negative issues attributed to the NTE that officers feel justifies the policy, but</p>	<p>N/A</p>

accreditation visits), both Cardiff Council and SWP are to be found celebrating the partnership processes that go into making Cardiff City Centre one of the safest when compared to other, comparable UK city centre NTEs. However, in this consultation document, little, if any mention is made of the positive impact NTE businesses have on Cardiff specifically (in economic and employment terms) and Cardiff/Wales more generally in the sense that ours is an extremely welcoming and friendly city with a worldwide reputation.

This negative view of NTE businesses is often seen across the media when it comes to reporting the sector. One of our committee members often says we're like the awkward relative that never gets invited to family occasions. This despite the fact that in statistical terms (I think I'm right in saying), the number of assaults/hospital visits directly attributable to on-licensed premises are in decline, and have been for some time. (Appendix A. Senior Partnership Analyst, Peter King: "Further analysis has been carried out by the Cardiff University Violence in Society Research Group into the number of patients attending A&E because of an assault. The following charts show weekly violence related attendances at Cardiff University Hospital Accident & Emergency Department it will be noted that since January 2000 there has been a **steady decrease** in the number of attendees".)

In terms of the 'need' for a Cumulative Impact Policy, we are also of the view that the Council, in particular has it in its own gift to reduce alcohol-related street violence by desisting from granting off-licences in the city centre. From the CIP Assessment Document itself it is clear that on-licensed premises (Forum member businesses) can only be

this should not be taken as criticism of individual businesses.

In response to the comment that "In terms of the 'need' for a Cumulative Impact Policy, we are also of the view that the Council, in particular has it in its own gift to reduce alcohol-related street violence by desisting from granting off-licences in the city centre". The CIA creates a rebuttable presumption that an application will be refused unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact caused by the number and density of premises in the area. Where a CIA doesn't apply, there is a presumption to grant applications unless there is evidence that the application will undermine the licensing objectives, following a relevant representation. The CIA is to provide evidence that may assist an objection.

Notwithstanding the above, the comments in relation to the positive impact that licensed premises have on the city centre are noted and will be considered when the overarching Statement of Licensing Policy is next reviewed.

said to be referred to in bullet points 4 and 6 (below) and with regard to point 6, as already mentioned from Peter King's report, these instances are on a long-term decline

- Street drinking and associated anti-social behavior
- Crime hot spots as a consequence of late opening fast food premises
- Significant nuisance arising from Litter
- *Noise from licensed premises and on the street*
- 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.*

Appendix F (p.3) refers to a figure of £8-13billion as a cost to the Police/taxpayer. The OBR estimates duty **alone** on alcohol sales for 2023-24 will be £13 billion. We do not seek to downplay the costs that can be associated with alcohol but our view is that on-licensed premises **in particular** are an entirely positive part of a thriving, internationally-renowned capital city. We are licensed, we are legal, and we are a more than significant employer

To conclude therefore. As a committee, we are in favour of the Cumulative Impact Policy. We are also in favour of more clearly defining anti-social/illegal acts attributed to 'alcohol' in such a way as to draw a distinction between those attributable to 'off-sales' versus those attributable to Forum member businesses (the 'on' trade)

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