



Cardiff Council Cumulative Impact Assessment: Cardiff City Centre

DRAFT

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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 and the future redevelopment of the Central Square area the Licensing Authority has extended the CIPA 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 of the Council's Statement of Licensing Act Policy.

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.

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

Pub/bars/nightclubs

Data from the 'Report on Community Safety Issues With Cardiff City Centre During the Night Time Economy 2018/19' (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. Whereas anti-social behaviour across Cardiff has decreased over the last 8 years, it has actually increased in the City Centre by 3.3% The main hotspot times for crime in the City Centre is Friday and Saturday evening until the early hours (4am/5am) 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:

- The latest taxi demand survey (conducted 2016) indicates that the peak passenger demand for taxis on weekends shifted to one hour later to 03:00 in 2016 compared with 02:00 in 2013; 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. 1389 offences of 'violence against a person' were recorded for the City Centre. The peak period for these incidents are between 21:00 and 05:00 Friday into Saturday, and between 17:00 and 06:00 Saturday into Sunday.
- Queen Street was also recorded as the 'top reporting location' for referrals to the Emergency Unit (EU) or Alcohol Treatment Centre (ATC) following an alcohol related incident. Further details can be found in the Summary of Local Health Board EU/ATC data in **Appendix B**.
- 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 around 40 complaints a year from residents in the City Centre regarding noise from licensed premises, the majority of which were concerned with amplified music from pubs, bars and nightclubs. Details of Pollution Control complaint numbers are detailed in **Appendix C**.
- Of all the noise complaints received by Pollution Control in relation to licensed premises in the City Centre, the majority of complaints were in Westgate Street and High Street in 2017 and in St Mary Street in 2016.
- 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.
- A South Wales Police review of policing the night time economy in the city centre (See Appendix F) also details the high levels of crime associated with the night time economy. There were 7,046 occurrences recorded for 2017 between the hours of 18:00 and 06:00, with the highest recorded occurrence type being 'violence against the person', followed by 'theft & handling', and 'concern for safety'.

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.

Police evidence shows that there are large numbers of thefts (excluding shoplifting) taking place in the City Centre between 18:00 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 The Hayes.

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, 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 shown in **Appendix D** details 60 incidents relating to the sale of alcohol taking place at 7 off licences in the city centre over a 7 month period between April – November 2018. These incidents all take place before 23:00. The majority of incidents relate to shoplifting (all of which relate to alcohol), but there are also incidents of assault, fear or provocation of violence, and harassment.

The South Wales Police review of policing the night time economy in the city centre (See **Appendix F**) identifies street drinking in Cardiff city centre as an emerging challenge, this will continue to put an increased demand on police resources.

There is also extensive Police body-cam footage of street drinkers in the city centre which demonstrates the problems faced by South Wales Police in tackling this issue at various times of the day.

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, around 5% were reported from fast food outlets that were not licensed to sell alcohol. This is however a reduction of 43% compared with reporting from fast food restaurants in 2014.

The police data in Appendix E details a total of 57 incidents occurring in 4 licensed takeaways in the city centre between April 2018 and November 2018. All of these incidents take place during the hours of 23:00 to 05:00, which is the time period that requires late night refreshment to be licensed. include assault, concern for safety, theft, and drunk and disorderly.

The South Wales Police review of policing the night time economy in the city centre (detailed in Appendix A) also makes reference to the high levels of incidents relating to violence, ASB and concern for safety recorded from Late Night refreshment premises on Queen Street and St Mary Street.

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. 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 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 night-time economy (detailed in Appendix F) and numerous video footage clips demonstrating problems caused by licensable activities.

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 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 2018-2023.

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 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:-

- At the time of publication of this Policy, there are proposals to introduce a Public Space Protection Order under the Anti-social Behaviour, Crime and Policing Act 2014 in Cardiff. The Order provides the Police with the power to require a person in the designated area not to drink alcohol or 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.
- 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 representation 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 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.

Table 1

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

Table 2

Premises Type	Criteria
<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.</p> <p>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>Takeaways/Fast food outlets</p>	<p>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.</p>
<p>Pubs/Bars/Nightclubs</p>	<p>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</p>

Off-Licences

Premises that supply alcohol primarily for the consumption off the premises

This includes convenience stores and supermarkets.

Core Hours:

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.

MAP 1: City Centre CIA Area



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

Bakers Row

Boulevard de Nantes

Canal Street

Cathedral Walk

Barrack Lane

Bridge Street

Caroline Street

Central Square

Barry Lane

Bute Terrace

Castle Street

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
Stuttgarter Strasse	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		