

LICENSING COMMITTEE: 8th September 2015

Report of the Head of Regulatory Services

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

1. Background

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

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

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

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

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

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

2. Changes to the Statement of Licensing Policy

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

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

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

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

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

City Centre CIA

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

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

Cardiff East CIA (City Road & Crwys Road)

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

3. Consultation

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

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

- 5.1 Section 5 of the Licensing Act 2003 places a statutory requirement on licensing authorities to issue a Statement of Licensing Policy every five years. The Council is required to approve the SLP for publication.
- 5.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

6. Financial Implications.

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

7. Recommendation

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

Dave Holland
HEAD OF REGULATORY SERVICES

13 August 2015

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

Background Papers: None