

Conrad Eydmann
Cardiff & Vale Area Planning Board
Cardiff and Vale Public Health Team
Whitchurch Hospital
Park Road
Cardiff
CF14 7XB

October 8th 2015

Cardiff and Vale Substance Misuse Area Planning Board

Response to City of Cardiff Council: Statement of Licensing Policy

Cardiff and Vale Substance Misuse Area Planning Board supports the revision to the City of Cardiff Council Statement of Licensing Policy and are grateful for the opportunity to respond to the draft.

The APB exists as a public and voluntary sector partnership that oversees all aspects of substance misuse strategy, policy and service delivery across Cardiff and the Vale of Glamorgan. (<http://cardiffandvaleapb.org/>). It would be helpful if the APB could be cited in the list of consulted partners, to clarify the role that the board has in relation to this agenda.

There are a number of observations that the board would like to make in relation to the current policy draft as follows:

3.1 (Pg 9 of 61) – Premises licenses

It is felt that a stronger obligation in relation to related local strategies is needed than simply being aware, and that operating schedules should be expected to evidence where they have taken these into account.

On the same theme, it is felt that applicants should be expected to evidence how they have taken the wider local concerns and issues into account.

5.2 (Pg 21 of 61) – Licensing Conditions

It is recommended that the statement is expanded to provide capacity for *conditions* to be included that ensure the delivery of commitments made

A) in relation to local strategies and plans, and

B) in taking wider local concerns and issues into account,

as described above in 3.1

6.2 (Pg 24 of 61) – Other legislation and strategies

Following the list of strategies, it is recommended that the policy states that applicants will be expected to have shown due consideration of these strategies and plans within the application.

7.4(b) (Pg 33 of 61) – Public Safety

It is recommended that the suggested bullet points are expanded to include

- ♣ An appropriate, and quality assured response policy for the management of individuals identified with medical, clinical or health needs

7.5 (Pgs 38-39 of 61) – Cumulative Impact

The APB is concerned that the onus lies on representative organisations to evidence cumulative impact, in the absence of an objective statement that articulates what the licensing authority has agreed to be a saturation point. It is strongly recommended that work is carried out outside of this policy in order to use an evidence based approach to

identifying total licensed capacities for different geographical sectors of the night time economy i.e. a maximum licensed capacity of all venues combined in a given street, or area.

The evidence sources given in section 8 (Pg 41), can be challenged in every instance by a license applicant, as none of these can be attributable to any one application.

Without agreeing baseline information regarding maximum licensed capacity per area, the required evidence base cannot be produced, rendering the cumulative impact function relatively ineffective.

The APB hopes that you find these responses helpful in progressing development of the policy statement. Please do not hesitate to contact me if you require any further information at this stage.

Sincerely,

A handwritten signature in black ink, appearing to read 'Conrad Eydmann', with a long horizontal flourish extending to the right.

Conrad Eydmann

**Head of Partnership Strategy and Commissioning
(APB Lead Officer)
Cardiff and Vale University Health Board**

RESPONSE TO CARDIFF STATEMENT OF LICENSING POLICY CONSULTATION

The Chameleon Group is a young, dynamic, independently owned and operated group that consists of seven very unique venues within the cosmopolitan City of Cardiff. These venues are:

- Meating Place, St Mary Street CF10: Contemporary grill house
- Potted Pig, High Street CF10: Modern British food and wonderful gins through ever-changing, seasonal menus
- Porro, High Street CF5: Modern British food with Italian influences
- Mocka Lounge, Mill Lane CF10: Lounge bar and restaurant

With each and every venue we have tried to break the mould of what people expect and receive when they visit one of our venues, whether it's a private event, corporate function, or simply a drink or a meal where our customers expect the best for their guests, company or friends and family.

We also create tailor made packages for groups and companies, where we can arrange dinner at The Potted Pig or Porro followed by cocktails at The Mocka Lounge.

We are ideally placed therefore to comment on Cardiff City Council Licensing Policy and the effects it has on us as an operator.

Executive Summary

We have focussed on comments that are more general in nature and may be of value in terms of finessing the policy to give the most scope to be a source of valuable information for applicants, residents and responsible authorities.

In essence, the points we make are as follows, with full reasons below:

- 1 References to any other documents (such as the 'guidance for applicants') need to include details of where they can be found, preferably with a link to the relevant web-page;
- 2 The section dealing with Live Music Act 2012 and deregulation contains some factual errors and does not deal with the recorded music deregulation;
- 3 The list of potential decisions on review either ignores or misses issuing a warning to the licence holder and would benefit from being re-ordered;
- 4 The Temporary Event Notice section makes no reference to use of TENs by licensed premises and would benefit from a tightening of the language used in the policy;
- 5 The responsible authority list should contain all responsible authorities
- 6 The role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority;
- 7 The section on anonymous representations materially differs from that issued in the S182 Guidance;
- 8 The section on conditions would benefit from setting out the expectations of the council in terms of proposed conditions by officers;
- 9 The enforcement section does not appear to encourage dialogue between a complainant and premises prior to seeking a review;

- 10 The list of matters for applicants to consider in relation to the crime prevention objective would benefit from revision as it loses impact from having too many bullets;
- 11 The policy appears to suggest that Cardiff City Council takes a different approach to the use of glassware than the Government;
- 12 The suggestion that frequent use of discounted drinks somehow undermines the licensing objectives in and of themselves cannot be correct for the reasons set out below;
- 13 The prevention of public nuisance section makes no reference to the live Music Act or recorded music deregulation;
- 14 The expansion of the cumulative impact zone gives cause for concern;
- 15 In the 'Report on Community Safety Issues Within the Cardiff City Centre' document, the analysis of crime and disorder and the conclusions drawn from it appear to be at odds. The brief given to the analysts and proper disclosure of the data sources and how it was filtered needs to be included to make sense of what the conclusions.

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Page 11 makes reference to 'The City of Cardiff Council's Licensing Act 2003: Guidance for applicants- New Premises and Variation Applications'. A link to the document needs to be provided.

The section on the Local Heath Board (page 18) makes reference to information made available to the licensing authority. Where possible, such information should be made available to applicants to assist in making applications and drafting operating schedules.

Reference is made (page 23) to 'Cardiff Council's Licensing Enforcement Policy' and 'established protocols'. A link to these documents needs to be provided.

References are made at page 29 to Cardiff Business Crime Reduction Partnership, National Pubwatch and Safer Clubbing Guide: Links to all 3 would be useful to applicants.

Reference is made to the 'Council's Events Liaison Panel'. A link or contact details would be of value to applicants.

Reference is made on pages 32 and 41 to the 'traffic light policy'. Links to any supporting documents would be valuable.

Reference to licensing fees is made throughout the document without any link or other means to establishing what the fee is. This would provide useful

All such links could be contained in a useful link page at the back, or as footnotes, so long as readers are notified at the appropriate points where references are made.

Point 2

The section dealing with Live Music Act 2012 and deregulation contains some factual errors and does not deal with the recorded music deregulation

An analysis of the advice given in relation to Live music Act 2012 and Deregulation Act 2015 misses some important points and in the first bullet is incorrect in the hours it suggests unamplified music can take place.

The section misses out the requirement that the live and recorded exemption (bullet 2) is only available during hours that alcohol can be sold.

There is no mention of how the exemptions and deregulations are applied in outside areas of premises licensed to sell alcohol and when conditions do apply (such as in beer gardens shown on plans but not licensed).

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The list of potential decisions on review ignores/ misses issuing a warning to the licence holder and would benefit from being re-ordered;

The list of actions a licensing committee can take on review (page 15) appears to go from the least to most draconian in terms of order with the exception of 'take no further action' which appears at the bottom. We suggest that this should appear at the top, with a new bullet under it stating: 'Issue a formal warning to the premises licence holder'.

Point 4

The Temporary Event Notice section makes no reference to use of TENs by licensed premises and would benefit from a tightening of the language

In presenting the purpose of TENs on page 16, there is no reference in the opening paragraph to their use at licensed premises. This is factually incorrect. There is no distinction made (except in relation to what conditions can be added to a TEN) between licensed and non-licensed premises for the purpose of TENs.

Point 5

The responsible authority list should be complete and role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority

The list of responsible authorities (page 17) would be of more assistance to applicants if it were a complete list. Where responsible authorities, such as waterways, need only be consulted/ included in specific circumstances, these could be highlighted as such at the bottom of the list.

Point 6

The role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority

Local authorities are obliged in law to ensure that not only do all decision making bodies act in a fair and unbiased way, but they are *seen* to be acting in a fair and unbiased way. An applicant whose application was administered by the same person objecting to it could legitimately say that this could lead to bias, in particular where the administering officer is writing the committee report, whether or not they then appear as an objector.

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The section on anonymous representations materially differs from that issued in the S182 Guidance

Page 19 makes reference to anyone wishing to make representations but requiring they remain anonymous to make their representation through their local councillor. This goes further than the S182 Guidance. Paragraphs 9.25 to 9.29 of the March 2015 Guidance suggests other alternatives. There is a chance, in simply suggesting that parties wishing remain anonymous should go through their councillor that they will not be able to make their legitimate representations in time, either due to absence of their councillor or a reluctance to approach them.

Point 8

The section on conditions would benefit from setting out the expectations of the council in terms of proposed conditions by officers

Section 5.2 (page 21) would benefit from having a paragraph setting out the principles the council expect to be taken into account by responsible authorities and other parties when making representations that suggest conditions to be added to an operating schedule. One of the significant frustrations for applicants and their advisers is when responsible authorities make representations to applications which include lists of conditions drawn from their standard representation, irrespective of whether they are appropriate to the application or not. We suggest the following factors should be considered:

- The size, nature and style of operation
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition

Imposition of conditions at hearings

It would also be helpful to establish a principle in the Policy that conditions that have not been discussed by all parties in a hearing, but which are raised as a potential resolution to a point of dispute by a licensing sub-committee in closed session when discussing their determination will be brought back to the parties for consideration and submission prior to any final determination on whether to add them. This will save time and costs, in particular in relation to appeals which are often brought because of conditions have been added by licensing sub-committees without taking into account the views of the relevant parties.

Point 9

The enforcement section does not appear to encourage dialogue between a complainant and premises prior to seeking a review

Section 6, page 23 encourages businesses and local residents to seek to review premises licences if they are believed to cause nuisance. It would be in all parties' interests to have sought to engage in dialogue beforehand and the Policy should reflect this. Review should only occur where other options have been exhausted. In the same way applicants coming before a committee having refused to engage in dialogue without good reason are considered by the policy not to have acted properly, the same principle should apply to any other party seeking a review.

Point 10

The list of matters for applicants to consider in relation to the crime prevention objective would benefit from revision

Page 30 lists factors operators should take into account when drafting operating schedules.

In relation to CCTV, the Information Commissioner has made it clear that CCTV is often demanded or installed where it shouldn't be and in breach of data protection law. This needs to be reflected in this section.

The list also tacitly suggests that the use of glass can have criminal connotations. It is submitted that this is a public safety issue, not an issue of crime and disorder. When consideration is given to the number of glasses used in Cardiff on any given day and the number of offences where glass is used as a weapon, the issue could almost be dismissed under the de-minimis rule. However, there are rare occasions where a pattern is established in relation to a particular premises and the removal of glassware needs to be considered to prevent crime and disorder. The usual reasons for imposing plastic or non-glass receptacles is for public safety reasons on match days or in particularly busy premises where alcohol is ancillary to entertainment or dancing. To include it in a list of crime prevention measures is disproportionate.

It is questionable whether other bullets included such as restricting alcohol to sales of food or those repeating mandatory conditions (drinks promotions) simply dilute the list. A shorter more considered list, if submitted, is better than a longer less focussed one.

Point 11

The policy appears to suggest that Cardiff City Council takes a different approach to the use of glassware than the Government

The section on drinking vessels, final paragraph (page 31) appears to suggest that the Policy does not agree with the Government policy on risk-based approach to use of glasses rather than a blanket approach. It would be useful if the policy clarified this one way or the other.

Point 12

The suggestion that frequent use of discounted drinks somehow undermines the licensing objectives in and of themselves cannot be correct

The opening line on discounting and sales promotions (page 31) suggests that 'frequent use of discounted drinks' has the potential to promote drunkenness and disorder. We suggest that the only factor, as recognised in the Mandatory Conditions is the appropriateness of the promotion. We suggest reference is made to the Mandatory condition and that the reference to frequency of promotions is removed.

Point 13

The prevention of public nuisance section makes no reference to the live Music Act or recorded music deregulation

The section on public nuisance (pages 22-36) makes no reference to the Live Music Act, or deregulation of recorded music. It is important insofar as it determines when conditions will have effect or not. In addition, it would probably assist to remind applicants and potentially residents that other legislation, such as Environmental Protection Act offers protection against noise nuisance for residents/ businesses and operators relying on the Live Music Act or deregulation need to be aware that noise abatement notices can be served, as well as 24-hour closures for premises causing a nuisance.

Point 14 The expansion of the cumulative impact zone gives cause for concern

Whilst we understand the reasons for measures such as cumulative impact policies, we question their effectiveness and in particular the reasons for the expansion of the city centre area.

We question whether the expansion in terms of size of the cumulative impact zone into new areas will actually discourage investment into the city centre. Visitor numbers coming to the city have increased greatly in recent years, which is testament to the operators, police and licensing authority working hard to change the image of the city from as recently as 10 years ago.

We look to take on and run innovative venues with a range of activities. Cardiff City Centre has benefited from new operators like us coming in and helping to improve standards. Others who would like to come into Cardiff may be put off by the increased cumulative impact area.

We have a concern that expanding the area will put off innovation by creating a 'closed shop' mentality, unintentionally supporting those premises that have licences but do not want to invest in Cardiff City Centre. We fear that it may actually lead to standards decreasing, not because certain premises won't get new licences, but simply because new and exciting concepts are likely to be deterred by what they will consider to be a risky venture.

Point 15 In the 'Report on Community Safety Issues Within the Cardiff City Centre' document, the analysis of crime and disorder and the conclusions drawn from it appear to be at odds. The brief given to the analysts and proper disclosure of the data sources and how it was filtered needs to be included to make sense of what the conclusions.

We are concerned that some of the data used in evidence to support the expansion of the cumulative impact zone appears to have come from sources where there is not enough information given to fully understand the conclusions drawn from them.

We also dispute some of the key findings in terms of increases in crime and disorder in the night time economy, where statistically there has actually been a real fall in numbers. It also concerns us that there is an acknowledgement that recording methods for crime and disorder offences have changed in recent years, but no indication that this has been taken into account in the statistics. Indeed, we are given to understand that these changes have led to increases in figures without any real demonstrable increase in crime and disorder. The general trend has been downward in terms of offences associated with the night time economy and this needs to be acknowledged.

Further there is a lack of correlation between visitor numbers and crimes based on a 'per head' basis. We suspect this is because it would show a significant decrease in crimes per 1000 visitors, which in turn would not support the contention that crime is rising.

FOR AND ON BEHALF OF THE CHAMELEON GROUP

RESPONSE TO STATEMENT OF LICENSING POLICY CONSULTAION

This response is made on behalf of the operator of the following three premises in Cardiff:

- **For your Eyes Only**
- **Playhouse Gentlemen's Club**
- **Fantasy Lounge**

All 3 premises are within the CF10 postcode and all 3 premises hold sexual entertainment venue licences under the Local Government (Miscellaneous Provisions) Act 1982, as well as premises licences under the Licensing Act 2003.

The premises licensing regime, when it came into force in 2005, did not anticipate the changes brought about by the Policing and Crime Act, which from 6 April 2010 classified lap dancing clubs as sexual entertainment venues ('SEV's'). This change permitted councils to adopt a policy regulating the activities of SEV's, which Cardiff has done, thereby requiring SEV premises to hold 2 separate licences in order to undertake lap dancing or striptease, as well as sell alcohol. The SEV licensing regime requires that certain conditions are complied with in order to operate (standard conditions), many of which would ordinarily be covered by the premises licence regime, where the provisions of the Local Government (Miscellaneous Provisions) Act 1982 have not been adopted. In Cardiff therefore, there is significant overlap between the two regimes, one of which is more general in nature (premises licensing under the Licensing Act 2003) and one specific to the nature of the premises (Local Government (Miscellaneous Provisions) Act 1982).

The sale of alcohol is ancillary to the activities of each of the above premises and the entertainment provided is specific in nature, rather than more generally found in late night premises in Cardiff city centre. The exemption and deregulation of various activities under the Licensing Act, such as 'background' music and provision of facilities for dancing, for example, has further diluted the potential undermining of the licensing objectives by such premises and further ensured that the SEV licensing regime is the primary means by which SEV licensed premises are controlled.

In light of the above, this consultation response has concentrated on the mater raised in the draft policy likely to affect such premises.

Executive Summary

In essence, the points we make are as follows, with full reasons below:

- 1 References to any other documents (such as the 'guidance for applicants') need to include details of where they can be found, preferably with a link to the relevant web-page;
- 2 The list of potential decisions on review either ignores or misses issuing a warning to the licence holder and would benefit from being re-ordered;
- 3 The role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority;
- 4 The section on anonymous representations materially differs from that issued in the S182 Guidance;
- 5 The section on conditions would benefit from setting out the expectations of the council in terms of proposed conditions by officers, especially where there is an overlap with other legislative controls;
- 6 The policy appears to suggest that Cardiff City Council takes a different approach to the use of glassware than the Government;

- 7 References to SEV licences need to reflect the true nature of the control of such premises, in particular in relation to the ancillary nature of alcohol sales.

Point 1

References to any other documents (such as the 'guidance for applicants') need to include details of where they can be found, preferably with a link to the relevant web-page

Page 11 makes reference to 'The City of Cardiff Council's Licensing Act 2003: Guidance for applicants- New Premises and Variation Applications'. A link to the document needs to be provided.

The section on the Local Health Board (page 18) makes reference to information made available to the licensing authority. Where possible, such information should be made available to applicants to assist in making applications and drafting operating schedules.

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References are made at page 29 to Cardiff Business Crime Reduction Partnership, National Pubwatch and Safer Clubbing Guide: Links to all 3 would be useful to applicants.

Reference is made to the 'Council's Events Liaison Panel'. A link or contact details would be of value to applicants.

Reference is made on pages 32 and 41 to the 'traffic light policy'. Links to any supporting documents would be valuable.

Reference to licensing fees is made throughout the document without any link or other means to establishing what the fee is. This would provide useful

All such links could be contained in a useful link page at the back, or as footnotes, so long as readers are notified at the appropriate points where references are made.

Point 2

The list of potential decisions on review ignores/ misses issuing a warning to the licence holder and would benefit from being re-ordered

The list of actions a licensing committee can take on review (page 15) appears to go from the least to most draconian in terms of order with the exception of 'take no further action' which appears at the bottom. We suggest that this should appear at the top, with a new bullet under it stating: 'Issue a formal warning to the premises licence holder'.

Point 3

The role of administrator of an application should always be distinct from the officer making a representation on behalf of a licensing authority

Local authorities are obliged in law to ensure that not only do all decision making bodies act in a fair and unbiased way, but they are *seen* to be acting in a fair and unbiased way. An applicant whose application was administered by the same person objecting to it could legitimately say that this could lead to bias, in particular where the administering officer is writing the committee report, whether or not they then appear as an objector.

Point 4

The section on anonymous representations materially differs from that issued in the S182 Guidance

Page 19 makes reference to anyone wishing to make representations but requiring they remain anonymous to make their representation through their local councillor. This goes further than

the S182 Guidance. Paragraphs 9.25 to 9.29 of the March 2015 Guidance suggests other alternatives. There is a chance, in simply suggesting that parties wishing remain anonymous should go through their councillor that they will not be able to make their legitimate representations in time, either due to absence of their councillor or a reluctance to approach them.

Point 5

The section on conditions would benefit from setting out the expectations of the council in terms of proposed conditions by officers, especially where there is an overlap with other legislative controls

Section 5.2 (page 21) would benefit from having a paragraph setting out the principles the council expect to be taken into account by responsible authorities and other parties when making representations that suggest conditions to be added to an operating schedule. In particular, where an SEV licence is in place, many of the standard conditions requested by officers are dealt with in detail in the SEV licence mandatory conditions. As such, they should not be repeated in the premises licence.

One of the significant frustrations for applicants and their advisers is when responsible authorities make representations to applications which include lists of conditions drawn from their standard representation, irrespective of whether they are appropriate to the application or not. We suggest the following factors should be considered:

- The size, nature and style of operation, including other licences held
- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition

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The section on drinking vessels, final paragraph (page 31) appears to suggest that the Policy does not agree with the Government policy on risk-based approach to use of glasses rather than a blanket approach. It would be useful if the policy clarified this one way or the other.

Point 7

References to SEV licences need to reflect the true nature of the control of such premises, in particular in relation to the ancillary nature of alcohol sales

There are occasional references to SEV's, or sections of relevance to them in the draft policy. These appear in relation to protection of children from harm and where SEVs are excluded from premises with ancillary alcohol sales in Table 2 of the cumulative impact policy section.

In our experience, there is often a specific section in licensing policies dealing with SEV premises. In the case of Cardiff, and because of the adoption of the Local Government (Miscellaneous Provisions) Act 1982, a dedicated section may not be necessary, albeit it provides clarity to do so. In such circumstances any reference to SEV licensed premises in the draft policy should make reference to the adoption of the Local Government (Miscellaneous Provisions) Act 1982 regime and the existence of a specific policy dealing with such premises.

The specific exclusion of SEV's from the list of premises identifying alcohol as ancillary is misleading given that alcohol is clearly ancillary to the main purpose of the premises (for the reasons set out above). The effect of making such an exclusion from the list invites representations to applications made by premises licence holders that also benefit from having an SEV where there is no potential undermining of the licensing objectives, for instance on an application to change the layout which by its nature falls outside of a minor variation. Such representations could be made on the basis of cumulative impact of premises even though there may be nothing to suggest that the application would undermine the licensing objectives.

As an operator in Cardiff, we maintain a close working relationship with the police and authorities in general in order to ensure that the licensing objectives are promoted. The existence of a specific SEV policy gives added protection in terms of standard of operation required and it is the SEV licensing regime, we suggest, that is better suited for the enforcement of any problems with the running of the premises, rather than the alcohol licensing regime. In these circumstances there is no reason to exclude SEV licensed premises from the list of premises where alcohol is ancillary to other activities and therefore outside of the cumulative impact policy.

We are aware of at least one premises in Cardiff which has an SEV but that operated primarily as a bar and nightclub. In order to ensure that there is no loophole permitting such premises to claim that the cumulative impact policy does not apply, we suggest that the wording in table 2 is amended to exclude from the definition of SEV licensed premises: 'premises that hold SEV licences but operate otherwise than solely as a sexual entertainment venue'.

For and on behalf of:

For your Eyes Only

Playhouse Gentlemen's Club

Fantasy Lounge

Draft response: Leamgate Limited

This response is made on behalf of Leamgate Limited, the operator of the following premises in Cardiff:

Le Monde

Situated at the bustling end of St Mary Street and a stone's throw from the fantastic St David's II retail development, Le Monde offers the freshest choice of fish, shellfish, steak and poultry. Atmospherically lit and with banquet style tables and magnificent art deco style décor Le Monde is famous for its fresh display cabinets, live kitchen and unique environment.

Soda

Soda has been designed to meet the demand of a growing crowd of people who had become disenchanted by the corporate chains dominating the city. These people wanted a more personal, intimate experience; to hang out with friends and like-minded people in a stylish, yet comfortable environment; somewhere they could listen to good music, enjoy good drinks and experience good service.

Attic

Exclusive Members Bar offering the ultimate VIP experience. The Attic- One of Soda's best kept secrets, has vintage furniture & chilled out beats and offers a new clubbing experience. With its prominent location, elegant interior and team of experienced event coordinators, The Attic is the perfect place to hold exclusive events and celebrations. As well as a changeable layout, we are able to tailor a number of factors including lighting and music to create a general atmosphere to suit any mood.

Executive Summary

We have focussed on comments that are more general in nature and may be of value in terms of finessing the policy to give the most scope to be a source of valuable information for applicants, residents and responsible authorities.

In essence, the points we make are as follows, with full reasons given below:

- 1 References to any other documents (such as the 'guidance for applicants') need to include details of where they can be found, preferably with a link to the relevant web-page;
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- 12 The suggestion that frequent use of discounted drinks somehow undermines the licensing objectives in and of themselves cannot be correct for the reasons set out below;
- 13 The prevention of public nuisance section makes no reference to the live Music Act or recorded music deregulation;
- 14 The proliferation of, and harm caused by, off-licensed premises
- 15 The introductions of minimum pricing/ ban on below cost alcohol sales for on and off-licensed premises would benefit Cardiff

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- The size, nature and style of operation
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- The cumulative effect of conditions in terms of cost and practical implementation
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- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition

Imposition of conditions at hearings

It would also be helpful to establish a principle in the Policy that conditions that have not been discussed by all parties in a hearing, but which are raised as a potential resolution to a point of dispute by a licensing sub-committee in closed session when discussing their determination will be brought back to the parties for consideration and submission prior to any final determination on whether to add them. This will save time and costs, in particular in relation to appeals which are often brought because of conditions have been added by licensing sub-committees without taking into account the views of the relevant parties.

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number of offences where glass is used as a weapon, the issue could almost be dismissed under the de-minimis rule. However, there are rare occasions where a pattern is established in relation to a particular premises and the removal of glassware needs to be considered to prevent crime and disorder. The usual reasons for imposing plastic or non-glass receptacles is for public safety reasons on match days or in particularly busy premises where alcohol is ancillary to entertainment or dancing. To include it in a list of crime prevention measures is disproportionate.

It is questionable whether other bullets included such as restricting alcohol to sales of food or those repeating mandatory conditions (drinks promotions) simply dilute the list. A shorter more considered list, if submitted, is better than a longer less focussed one.

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Point 14: The proliferation of, and harm caused by, off-licensed premises

Table 1 of the cumulative impact policy (page 44) designates off-licensed premises in the CIP as 'amber', therefore only including them as subject to the CIP outside of 'core hours' (7am to 9pm). The purchase of alcohol from the early morning would appear to be within one of the key reasons for the policy which is to try to discourage street drinkers from the area. Making such early sales fall outside of the CIP appears contrary to this stated aim.

There is also a conflict between the statement in page 28 'key message' in relation to off-sales premises being expected to provide alcohol sales during their hours of operation in the CIP 'core hours' policy.

Finally, there are 2 reasons for restricting off-sales of alcohol in the city centre: pre-loading and prevention of street drinking. The only legitimate reasons for off-sales therefore is to provide residents and workers in the city with somewhere to purchase alcohol to take home. It is hard to argue that the majority of alcohol sold in the various shops in the city centre is being sold for

that purpose, particularly on event days and at the weekends, from Friday evening and as such it is hard to justify the need for more off-licences in the city centre cumulative impact zone.

In addition, whilst we commend Cardiff on not suggesting model conditions in relation to applications, it would be useful to expand upon the issues off-licence applicants would want to consider prior to making an application (page 31), perhaps by way of a list of considerations, such as:

- Stocking cheap high ABV products (in relation to street drinking, pre-loading and event management)
- Identification of source of products sold
- Additional restrictions during event days and at weekends
- Percentage of premises given over to the sale of alcohol
- Notices warning of designated controlled drinking zones
- Sales of single cans or bottles, or smaller bottles of spirits
- Discounts

The link between pre-loading and street drinking and crime/ disorder has been amply recognised in the draft policy but there is not enough said about that is expected of applicants for off-licences in the city centre to combat these concerns.

Point 15

The introductions of minimum pricing/ ban on below cost alcohol sales for on and off-licensed premises would benefit Cardiff

The prevalence of cheap alcohol, in particular discounts on alcohol used as a loss-leader in supermarkets, promotes both binge drinking and pre-loading. Both add to the problems of ensuring the night time economy remains a safe and happy place for visitors to Cardiff. Many potential customers prefer to drink at home or in discount on-licensed premises to make the most of the offers available. They then often look to move onto better managed venues later, which effectively passes the buck and creates problems for those operators trying to ensure that customers are not already intoxicated. A minimum pricing policy that ensured alcohol could not be bought at such low prices would do a great deal to assist with this issue. It would also assist in raising standards across Cardiff.

RESPONSE TO CARDIFF LICENSING POLICY

This response is made on behalf of **SA BRAIN** ('Brains').

Brains is Wales' most famous drink. It is the toast of a nation. Still owned by the descendants of the founders that took over a fledgling brewery in a small stone building behind a Cardiff pub in 1882, you can now find the Brains name above the door of over 250 pubs, bars and hotels across Wales and the West of England.

Brewed at The Cardiff Brewery, Brains' award-winning beers are now widely available across Wales and can increasingly be found throughout the rest of Britain in Sainsbury's, Waitrose and Morrison's, as well as in pubs all over the country as guest ales.

The pub estate has expanded rapidly over the past 10 years and nearly every pub now offers a good range of quality food. And if you are looking for somewhere to stay, entertain or celebrate, many Brains pubs now offer bedrooms and function rooms.

Brains has always had close links with Welsh sport. For six years the family name was emblazoned across the national rugby team's chests, during which Wales famously won two Grand Slams in the RBS 6 Nations. Today Brains is the official ale of the WRU. As well as sponsoring the Welsh Rugby Union, Brains is also the official beer of the Football Association of Wales and Glamorgan Cricket.

The company is proud of its independence and the way that it has evolved over its colourful history.

The Brains estate comprises both managed and tenanted premises, split almost 50/50. Brains hold the premises licences for the tenanted estate which gives the company a level of control over the licences without directly running the premises. Each tenant is responsible for appointing the DPS and ensuring the staff have the right qualifications to carry out their roles. As such, the leased estate would be directly affected by any changes that lead to conditions being applied to premises licences despite not actually having staff at the premises who will be personal licence holders.

The managed estate is made up of premises that are directly managed by Brains employees. It is estimated that currently 200 employees of Brain's managed estate hold personal licences and that in the last 12 months approximately 60 employees will have been put through the personal licence course. As a matter of good practice, the area managers that look after this part of the business are also personal licence holders, with a majority having come through the pub trade before being promoted to their current roles.

We fully support the view that all premises should be well run and promote the four licensing objectives. We do not however, support the view that those premises or indeed any premises should be subject to a potential further administrative burden from ad-hoc local requirements contained in licensing policies. For a company with premises spread over a significant number of local authorities, these locally imposed burdens on licence holders and operators, create additional work and can undermine the objectives by creating burdens on managers and staff where not strictly necessary.

We believe that the Licensing Act 2003 and associated relevant legislation contain sufficient safeguards and means of dealing with premises that cause or contribute to crime and disorder.

Executive Summary

We have focussed on comments that are more general in nature and may be of value in terms of finessing the policy to give the most scope to be a source of valuable information for applicants, residents and responsible authorities.

In essence, the points we make are as follows, with full reasons below:

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Point 14 The expansion of the cumulative impact zone gives cause for concern

Whilst we understand the reasons for measures such as cumulative impact policies, we question their effectiveness and in particular the reasons for the expansion of the city centre area.

We question whether the expansion in terms of size of the cumulative impact zone into new areas will actually discourage investment into the city centre. Visitor numbers coming to the city have increased greatly in recent years, which is testament to the operators, police and licensing authority working hard to change the image of the city from as recently as 10 years ago. Brains has played a part in, as well as benefited from, that growth in numbers; but has also worked very hard to provide safe and fun environments for our customers.

We have a concern that expanding the area will put off innovation by creating a 'closed shop' mentality, unintentionally supporting those premises that have licences but do not want to invest in Cardiff City Centre. We fear that it may actually lead to standards decreasing, not because certain premises won't get new licences, but simply because new and exciting concepts are likely to be deterred by what they will consider to be a risky venture.

Whilst it may sound counter-intuitive for the single largest holder of premises licences in Cardiff to want to ensure there is healthy competition, we recognise that if Cardiff thrives, so do we.

Point 15 In the 'Report on Community Safety Issues Within the Cardiff City Centre' document, the analysis of crime and disorder and the conclusions drawn from it appear to be at odds. The brief given to the analysts and proper disclosure of the data sources and how it was filtered needs to be included to make sense of what the conclusions.

We are concerned that some of the data used in evidence to support the expansion of the cumulative impact zone appears to have come from sources where there is not enough information given to fully understand the conclusions drawn from them.

We also dispute some of the key findings in terms of increases in crime and disorder in the night time economy, where statistically there has actually been a real fall in numbers. It also concerns us that there is an acknowledgement that recording methods for crime and disorder offences have changed in recent years, but no indication that this has been taken into account in the statistics. Indeed, we are given to understand that these changes have lead to increases in figures without any real demonstrable increase in crime and disorder. The general trend has been downward in terms of offences associated with the night time economy and this needs to be acknowledged.

Further there is a lack of correlation between visitor numbers and crimes based on a 'per head' basis. We suspect this is because it would show a significant decrease in crimes per 1000 visitors, which in turn would not support the contention that crime is rising.

FOR AND ON BEHALF OF SA BRAIN

About TLT

TLT LLP are a full-service commercial solicitors practice. TLT's main office is in Bristol, with the firm being created in the city in 2000 from the merger of 2 established Bristol firms. TLT currently employs approximately 615 people in our 2 Bristol offices. In addition, TLT has UK offices in Manchester, London, Glasgow, Edinburgh and Belfast, employing just under 1,000 people across the offices

TLT offers licensing advice to a number of the countries largest pub companies, as well as a range of 'bespoke' clients and large retail chains. TLT's licensing team is recognised as a market leader, being ranked first in both the Chambers legal Guide and joint first in the Legal 500 solicitors guides for licensing advice in the west of England.

The size and scope of TLT's licensing practise mean that we have advised clients with premises in every licensing area in England and Wales. As such, when it comes to comparative assessments of local authority licensing policies, TLT can talk with authority.

TLT have provided licensing advice to a significant number of licensed premises in Cardiff, including advising SA Brain on all licensing matters within the city. We have also acted for clients across the spectrum of licensed premises within Cardiff, from major nightclubs to striptease venues and from property developers to fish and chip shops.

Matthew Phipps, head of licensing for England and Wales, has had a long association with Cardiff, being born and bred in south Wales. He has appeared on panels and at various Cardiff licensing forums over the years. TLT has also attended functions in support of the Cardiff Street Pastor scheme.

The breadth and range of experience in Cardiff means that TLT are very well placed to comment on the Cardiff licensing policy consultation.

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- Whether the premises is part of a multiple operator's chain and therefore more likely to have an operating schedule that is tried and tested
- The cumulative effect of conditions in terms of cost and practical implementation
- The likely cost of the condition(s) for the operator
- Whether a simpler or better way of dealing with a perceived problem could be found
- Whether there is an actual risk of undermining an objective, as opposed to a conceivable risk. In the latter case, there is no need for the condition

Imposition of conditions at hearings

It would also be helpful to establish a principle in the Policy that conditions that have not been discussed by all parties in a hearing, but which are raised as a potential resolution to a point of dispute by a licensing sub-committee in closed session when discussing their determination will be brought back to the parties for consideration and submission prior to any final determination on whether to add them. This will save time and costs, in particular in relation to appeals which are often brought because of conditions have been added by licensing sub-committees without taking into account the views of the relevant parties.

Point 9

The enforcement section does not appear to encourage dialogue between a complainant and premises prior to seeking a review

Section 6, page 23 encourages businesses and local residents to seek to review premises licences if they are believed to cause nuisance. It would be in all parties' interests to have sought to engage in dialogue beforehand and the Policy should reflect this. Review should only occur where other options have been exhausted. In the same way applicants coming before a committee having refused to engage in dialogue without good reason are considered by the policy not to have acted properly, the same principle should apply to any other party seeking a review.

Point 10

The list of matters for applicants to consider in relation to the crime prevention objective would benefit from revision

Page 30 lists factors operators should take into account when drafting operating schedules.

In relation to CCTV, the Information Commissioner has made it clear that CCTV is often demanded or installed where it shouldn't be and in breach of data protection law. This needs to be reflected in this section.

The list also tacitly suggests that the use of glass can have criminal connotations. It is submitted that this is a public safety issue, not an issue of crime and disorder. When consideration is given to the number of glasses used in Cardiff on any given day and the number of offences where glass is used as a weapon, the issue could almost be dismissed under the de-minimis rule. However, there are rare occasions where a pattern is established in relation to a particular premises and the removal of glassware needs to be considered to prevent crime and disorder. The usual reasons for imposing plastic or non-glass receptacles is for public safety reasons on match days or in particularly busy premises where alcohol is ancillary to entertainment or dancing. To include it in a list of crime prevention measures is disproportionate.

It is questionable whether other bullets included such as restricting alcohol to sales of food or those repeating mandatory conditions (drinks promotions) simply dilute the list. A shorter more considered list, it is submitted, is better than a longer less focussed one.

Point 11

The policy appears to suggest that Cardiff City Council takes a different approach to the use of glassware than the Government

The section on drinking vessels, final paragraph (page 31) appears to suggest that the Policy does not agree with the Government policy on risk-based approach to use of glasses rather than a blanket approach. It would be useful if the policy clarified this one way or the other.

Point 12

The suggestion that frequent use of discounted drinks somehow undermines the licensing objectives in and of themselves cannot be correct

The opening line on discounting and sales promotions (page 31) suggests that 'frequent use of discounted drinks' has the potential to promote drunkenness and disorder. We suggest that the only factor, as recognised in the Mandatory Conditions is the appropriateness of the promotion. We suggest reference is made to the Mandatory condition and that the reference to frequency of promotions is removed.

Point 13

The prevention of public nuisance section makes no reference to the live Music Act or recorded music deregulation

The section on public nuisance (pages 22-36) makes no reference to the Live Music Act, or deregulation of recorded music. It is important insofar as it determines when conditions will have effect or not. In addition, it would probably assist to remind applicants and potentially residents that other legislation, such as Environmental Protection Act offers protection against noise nuisance for residents/ businesses and operators relying on the Live Music Act or deregulation need to be aware that noise abatement notices can be served, as well as 24-hour closures for premises causing a nuisance.

Point 14 The expansion of the cumulative impact zone gives cause for concern

Whilst we understand the reasons for measures such as cumulative impact policies, we question their effectiveness and in particular the reasons for the expansion of the city centre area.

We question whether the expansion in terms of size of the cumulative impact zone into new areas will actually discourage investment into the city centre. Visitor numbers coming to the city have increased greatly in recent years, which is testament to the operators, police and licensing authority working hard to change the image of the city from as recently as 10 years ago.

We have a concern that expanding the area will put off innovation by creating a 'closed shop' mentality, unintentionally supporting those premises that have licences but do not want to invest in Cardiff City Centre. We fear that it may actually lead to standards decreasing, not because certain premises won't get new licences, but simply because new and exciting concepts are likely to be deterred by what they will consider to be a risky venture.

Point 15 in the 'Report on Community Safety Issues Within the Cardiff City Centre' document, the analysis of crime and disorder and the conclusions drawn from it appear to be at odds. The brief given to the analysts and proper disclosure of the data sources and how it was filtered needs to be included to make sense of what the conclusions.

We are concerned that some of the data used in evidence to support the expansion of the cumulative impact zone appears to have come from sources where there is not enough information given to fully understand the conclusions drawn from them.

We also dispute some of the key findings in terms of increases in crime and disorder in the night time economy, where statistically there has actually been a real fall in numbers. It also concerns us that there is an acknowledgement that recording methods for crime and disorder offences have changed in recent years, but no indication that this has been taken into account in the statistics. Indeed, we are given to understand that these changes have lead to increases in figures without any real demonstrable increase in crime and disorder. The general trend has been downward in terms of offences associated with the night time economy and this needs to be acknowledged.

Further there is a lack of correlation between visitor numbers and crimes based on a 'per head' basis. We suspect this is because it would show a significant decrease in crimes per 1000 visitors, which in turn would not support the contention that crime is rising.

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Bwrdd Iechyd Prifysgol
Caerdydd a'r Fro
Cardiff and Vale
University Health Board

Ysbyty'r Eglwys Newydd
Whitchurch Hospital

Park Road, Whitchurch.
Cardiff, CF14 7XB

Heol Parc, Yr Eglwys Newydd
Caerdydd, CF14 7XB

Cheryl Williams
Cardiff & Vale Public Health Team
Cardiff & Vale UHB

☎ (029) 2033 6200
e.mail : cheryl.williams9@wales.nhs.uk

08 October 2015

Response to City of Cardiff Council: Statement of Licensing Policy

Cardiff and Vale University Health Board welcome the development of the City of Cardiff Council Statement of Licensing Policy 2016-2021 and are grateful for the opportunity to respond to the draft.

The UHB hopes that you find the responses helpful in progressing development of the policy statement. Please do not hesitate to contact me if you require any further information at this stage.

Yours sincerely,

Cheryl Williams
Principal Health Promotion Specialist
Cardiff & Vale Public Health Team

Cardiff and Vale University Health Board Response to Statement of Licensing Policy

Cardiff and Vale University Health Board (UHB) welcome the development of the City of Cardiff Council Statement of Licensing Policy 2016-2021 and are grateful for the opportunity to respond to the draft. The UHB aims to fulfil its function as a Responsible Authority by providing expert knowledge of the harm caused by alcohol and coordinating health evidence to support responses to applications for alcohol licenses. Our aim is to work within the structure of alcohol licensing to help minimise and reduce individual and population level harm resulting from the misuse of alcohol.

The UHB would like to re-emphasise the international evidence base that highlights an undoubted connection between affordability and availability of alcohol and the resulting affect of alcohol related harm on individuals and the population. Locally, the short term impact of this is picked up at UHB services including the Emergency Unit (EU) at the University Hospital Wales, and the Alcohol Treatment Centre (ATC). Longer term impacts of alcohol consumption impact on Secondary Care services across the organisation. We believe that there is opportunity to work with partner Responsible Authorities in the area to reduce the affordability and availability of alcohol, thus minimising and reducing harm that alcohol causes to the population along with the avoidable negative impact on local services.

Professionals from within the UHB and colleagues from Public Health Wales who represent the UHB within its role as a Responsible Authority were consulted on the draft Statement of Licensing Policy, and the following is a collated response from the organisation. The UHB would like to commend Cardiff Council on the draft of the Statement of Licensing Policy and particularly the focus on harm reduction throughout the document. The following comments on specific sections of the Policy are the areas that we wish to draw particular attention to.

The role of the Local Health Board (p.18)

We would like to draw attention to the fact that the UHB does more than hold information that can be used for alcohol licensing. We would like the policy to acknowledge that the UHB *actively monitors alcohol related harm* in order to contribute to the licensing process. We would like the policy to recognise that the UHB actively monitors:

- Emergency Unit attendances
- Hospital admissions
- Last Drink Data

All of this data is used to contribute to the understanding of the effects, levels and patterns of alcohol consumption within the UHB area, and is used to inform responses to alcohol license applications. Examples of events that may trigger reviews include:

The prevention of crime and disorder

The UHB may submit a representation citing a large number of patients presenting at the Emergency Unit from assaults within a licensed premise.

Public safety

The UHB may submit a representation following a trend with last drink data and Emergency Unit data indicating a high number of alcohol poisoning cases coming from a particular premise or from within its near vicinity.

Prevention of public nuisance

The UHB may support local resident representations on a premises' application for the extension of trading hours. The UHB may submit a representation requesting noise related conditions or object to an extension of hours using evidence of the health impacts that sleep deficit can have on local residents.

The protection of children from harm

The UHB may submit evidence on the rates of alcohol related domestic abuse towards children in an area, to object to an application for an off-licence to extend its opening hours, based on the cumulative impact this would have on the rates of abuse towards children in the area.

Additionally our clinical academics within the UHB generate new evidence regarding what works to reduce harm related to alcohol. This evidence contributes to the wider evidence base, but crucially, provides evidence to local alcohol licensing decisions. Representations for all future applications for alcohol licenses will be based on up to date and emerging evidence from within this area.

Discounting and sales promotions (p.31)

The UHB fully supports imposing appropriate licence conditions to restrict alcohol discounting and sales promotions.

We believe that conditions should be imposed on applications where it is perceived that the premise will promote excessive and harmful alcohol consumption. This includes promotions such as:

- Happy hours
- Two for one promotions
- Prepaid drinks packages

and any discount and sales promotion that encourages excessive and harmful alcohol consumption.

Additionally, the UHB believes that conditions should be imposed on licenses to prevent sub-companies to be licensed to carry out drinks promotions within licensed premises. Examples of this would include companies running promotions of 'shots' within a premise with an existing licence.

The UHB believes it has an important role to play in discussing the detail of these conditions with partner Responsible Authorities, and would welcome regular discussion on these issues.

Drinking vessels (p.31)

The UHB fully supports imposing appropriate licence conditions for the use of non glass drinking vessels in premises within the city centre and close to large sporting venues.

We believe that serious consideration should be made, to impose appropriate conditions on new licenses within the city centre and close to large sporting venues during major events, and during particularly busy nights throughout the year.

The UHB believes it has an important role to play in discussing the detail of these conditions with partner Responsible Authorities, and would welcome regular discussion on this issue.

Cumulative Impact Policies (p.40)

The UHB fully supports the adoption of Cumulative Impact Policies (CIP) and in particular supports the widening of the Cumulative Impact Area (CIA) to incorporate the whole of the city centre.

The UHB also supports the principles of how the CIP will be applied to the following premise types:

- Ancillary alcohol sales
- Pubs / Members Clubs / Bars / Nightclubs
- Restaurants
- Takeaways / Fast Food Restaurants

However, we believe that the CIP should be applied to new applications of Off-Licenses within the CIA of Cardiff city centre, along with any proposed variations to existing Off-License premises. We believe that this will make a positive contribution to the identified dangers and problems related to pre-loading and street drinking within the city centre area, and contribute to minimising and reducing alcohol related harm.

Late Night Levy (P.13)

The UHB fully supports the option of implementing a Late Night Levy to contribute to Policing and supporting the management of the night time economy. We believe that a Late Night Levy would begin to contribute to the costly impact of alcohol on local services.

Petrol / Service Stations (p.10)

The UHB supports restrictions to alcohol licenses at petrol / service stations.

Even when documentation such as trading figures to demonstrate primary use of the premise are provided, we would like to reiterate the dangers related to availability of alcohol, and the normalisation of alcohol availability.

‘Alcohol misuse is already one of the most serious public health challenges in Wales’

(Chief Medical Officer for Wales, 2010)

- Every year, alcohol contributes to around 1000 deaths in Wales¹.
- 1.5% of all hospital admissions in Wales are alcohol related¹.
- Trend data show that alcohol related hospital admissions are increasing¹.
- Alcohol related incidents cost the NHS in Wales between £70 and £85 million per year².
- 44% of adults in Wales report drinking alcohol above the recommended alcohol limits in the previous week and 27% of adults in Wales report that they binge drink³ – this is likely to be a substantial under-estimate of the true number.
- It is estimated that for every drinker in Wales there is a disparity of a bottle of wine between reported drinking levels and alcohol purchased⁴.
- Alcohol and its misuse is associated with significant health, social and economic costs, to individuals, families, communities, workplaces, organisations and society as a whole.
- As well as potentially causing harm to the individual who is drinking, alcohol consumption can also have an effect on wider society through alcohol-related crime.
- In 2007/8, there were estimated to be around 18,000 incidents of violent crime attributable to alcohol in Wales¹. This figure is likely to substantially under-estimate the contribution of alcohol to crime.

¹ Gartner et al (2009) *A profile of alcohol and health in Wales*. Cardiff: Wales Centre for Health. Available at: [http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/\\$FILE/Alcohol%20and%20health%20in%20Wales_WebFinal_E.pdf](http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/$FILE/Alcohol%20and%20health%20in%20Wales_WebFinal_E.pdf) [Accessed 23rd April 2013]

² Welsh Assembly Government (WAG) (2008a) cite Coles and Pates (unpublished)

³ Welsh Government (2012) *Welsh Health Survey: Local authority and Local Health Board results, 2010 and 2011*. Available at: <http://wales.gov.uk/topics/statistics/theme/health/health-survey/results/?lang=en> [Accessed 23rd April 2013]

⁴ Alcohol Concern (2009) *Off Measure: How we underestimate the amount we drink*. Available at: <http://www.alcoholconcern.org.uk/assets/files/Publications/Off%20Measure%20-%20FINAL.pdf> [Accessed 23rd April 2013]



In Cardiff and Vale...

- Cardiff and Vale has higher levels of alcohol misuse than Wales in general.
- 46% of adults report drinking alcohol above the recommended alcohol limits on at least one day in the previous week⁵.
- Men drink above the guidelines more often than women, with the 45-54 year olds drinking over the guidelines most⁶.
- 28% of adults in Cardiff and the Vale report that they binge drink⁵.
- Binge drinking in Cardiff and Vale is on or above the national average, and is likely to be centred on hotspots such as Cardiff City Centre.
- Alcohol related hospital admissions in Cardiff and Vale, for males and females, are slightly lower than the Wales average⁷, but this trend is rising.
- Alcohol related violent crime is lower in the Vale of Glamorgan than across all-Wales average but, this may be due to under reporting of these crimes.
- Crime in Cardiff is above the national average and while the residences of the offenders are unknown (many may be from other areas) the impact on Cardiff's services is considerable.

⁵ Welsh Government (2012) *Welsh Health Survey: Local authority and Local Health Board results, 2010 and 2011*. Available at: <http://wales.gov.uk/topics/statistics/theme/health/health-survey/results/?lang=en> [Accessed 23rd April 2013]

⁶ Welsh Government (2012) *Welsh Health Survey 2011*. Available at: <http://wales.gov.uk/topics/statistics/headlines/health2012/120919/?lang=en> [Accessed 23rd April 2013]

⁷ Gartner et al (2009) *A profile of alcohol and health in Wales*. Cardiff: Wales Centre for Health. Available at: [http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/\\$FILE/Alcohol%20and%20health%20in%20Wales_WebFinal_E.pdf](http://nww2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/0400558233b1c95c802576ea00407a33/$FILE/Alcohol%20and%20health%20in%20Wales_WebFinal_E.pdf) [Accessed 23rd April 2013]

Why does licensing matter?

- Opening hours and density of alcohol sales outlets influence alcohol consumption, drinking patterns and damage due to alcohol⁸.
- It has been concluded that restricting the availability of alcohol is an effective way of reducing alcohol related harm.
- The number of alcohol outlets is strongly related to alcohol related hospital admissions⁹.
- There is a significant link between the density of 'pubs and clubs' and numbers of assaults¹⁰ and also to crime rates in general¹¹
- Reducing alcohol availability and access is key to preventing alcohol related problems in the community¹².
- Extensions to opening hours are most often used by problem drinkers to increase their access to alcohol¹³.
- Increasing the density of alcohol outlets increases competition, usually leading to lower prices and increased alcohol consumption¹⁴.
- Marginalised drinkers are most affected by changes in alcohol availability¹⁴.

⁸ Popova S et al (2009) Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol & Alcoholism*. 44, pp. 500 – 16.

⁹ Tatlow et al (2000) The relationship between the geographic density of alcohol outlets and alcohol-related hospital admissions in San Diego County. *Journal of Community Health*, 25 (1), pp. 79–88.

¹⁰ Gouvis Roman et al (2008) Alcohol Outlets as Attractors of Violence and Disorder: A Closer look at the Neighbourhood Environment. Available at: http://www.urban.org/UploadedPDF/411663_alcohol_outlets.pdf [Accessed 23rd April 2013].

¹¹ Gruenewald et al (2006) Regulating Availability: How access to alcohol affects drinking and problems in youth and adults. *The Journal of the National Institute on Alcohol Abuse and Alcoholism*. 24 (2), pp. 258-267. Available at: <http://pubs.niaaa.nih.gov/publications/arh342/248-256.htm> [Accessed 5th June 2013]

¹² Gorman and Horel (2005) Drug 'hot-spots', alcohol availability and violence. *Drug and Alcohol Review*. 24, pp. 507 – 513. Available at: <http://onlinelibrary.wiley.com/doi/10.1080/09595230500292946/abstract> [Accessed 5th June 2013]

¹³ McLaughlin et al (1992) and Smith (1986)

¹⁴ Livingston et al (2007) Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug and Alcohol Review*, 26 (5) pp. 557-566.

Hartrey, Claire

From: Wynford Ellis Owen [info@welshcouncil.org.uk]
Sent: 13 September 2015 17:06
To: Hartrey, Claire
Cc: carolhardy2013@yahoo.com
Subject: Review of Statement of Licensing Act Policy
Follow Up Flag: Follow up
Flag Status: Red

Dear Claire,

In response to your Review of Statement of Licensing Policy.

The document is detailed and comprehensive, and the highlighted objectives are commendable. Where the document is disappointing is in its cold and legalistic tone, and it doesn't give an objective overview of the effect of alcohol on the consumer. There are moral, social, economic and health issues that are not referred to in the document. The LA would probably argue that such matters are not their direct concern, nor are such matters accommodated within licensing laws. The issue remains to be dealt with – who does ensure that the misuse of alcohol is seen as a collective concern?

The police deals with the events on the street, the courts receive the cases where examples of violence must be punished, and the hospitals and medical centres respond to the physical damage of those who are drunk and injured. The long-term damage is another facet that society needs to confront. Yet the Licensing Authority can stand back and disclaim responsibility. The distillers and brewers would walk away from accepting liability. There needs to be a collective view on the welfare of the whole community, and this document fails to recognize the consequence of the over lenient attitude to the provision of alcohol in society.

One accepts that restaurants and bars would keep an overview of behavioural concerns and would need to maintain certain standards from their staff and managers. They would have limited opening hours.

The clubs seem to be less stringent in their discipline and probably the social problems are heightened in consequence.

The document does not refer to the circumstances where an application would be refused. Would the Authority grant a licence to a grocery store that might be open at 5.00 am or where a shop would offer alcohol after 11.00pm in a residential area?

Outside London, Cardiff is seen as the most attractive location to the south of Birmingham. Drawing alcohol based visitors may offer business to many in Cardiff, but surely the LA must take a broad view of all the alcohol related issues. How many hospital beds are occupied by alcohol related illnesses and how many cases in the Magistrates Courts are alcohol related?

The document may be well written and within the letter of licensing laws, but it falls short of having a caring and protective mind-set of those who live in the communities of our city. We would encourage the relevant committee to revisit the document, especially with regard to the outlets where the customers don't drink on site and to the standards expected in the city centre clubs. The police, hospitals and social workers must have an input into the document, as the people who deal with the consequences on the other side of the street. A discussion with groups such as 'Street Pastors' and 'The Living Room Cardiff' could offer another insight before this document is rubber stamped for another three years.

Yours sincerely,

21/10/2015

Wynford

Wynford Ellis Owen
Chief Executive *Prif weithredwr*
58 Richmond Road
Cardiff *Caerdydd*
CF24 3AT

T: 029 2049 3895

E: LivingRoom-cardiff@cais.org.uk



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