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Received by DMS: 28/02/07

Date / Dyddiad: 26 February 2007

Simon Richardson,  
Licensing Guidance Review Team,  
Tourism Division,  
6<sup>th</sup> Floor,  
Department of Culture Media and Sport,  
2-4 Cockspur Street,  
London. SW1Y 5DH

Dear Sir,

**Re: Consultation on Revised Guidance made under Section 182 of the  
Licensing Act 2003.**

I refer to your consultation request of January 2007.

For your information I attach details of my responses to the questions you raise in the consultation document.

I hope this information is of assistance. Please do not hesitate to contact me if you require any additional details or wish to discuss the matter further.

Yours faithfully,

Sean Hannaby  
Chief Strategic Planning and Environment Officer.

**PLEASE REPLY TO:** Strategic Planning and Environment Services, Licensing and Strategic Services,  
Cardiff Council, City Hall, Cathays Park, Cardiff, CF10 3ND [REDACTED]  
e-mail [licensing@cardiff.gov.uk](mailto:licensing@cardiff.gov.uk)

## QUESTIONS

Question 1: Do you agree that the current Guidance on vicinity should remain unchanged?

No.

Question 2: If not, what factors do you think should be considered and why?

The current guidance should be amended to clarify that in terms of councillors, vicinity should be defined as within their ward.

Question 3: Do you agree that the current Guidance on incidental music should be amended to expand on the factors that licensing authorities might wish to consider in determining what is incidental?

Yes.

Question 4: If not, please explain why and outline any alternative.

Question 5: Do you agree that the current Guidance on cumulative impact policies should remain unchanged?

Yes.

Question 6: If not, what amendments do you think should be made, and why?

Question 7: Do you agree that the pools of conditions in Annexes D-H should be:

Option 1: Removed from the current Guidance, but consider establishing an alternative central source of good practice advice? Or

Option 2: Retained and updated/expanded as necessary.

Agree with Option 1. Best practice can change and be improved. Including in statutory guidance would be a barrier to adding to and amending the pool at short notice.

Question 8: Do you think that there are any other options that should be considered?

No.

Question 9: Do you think that, if retained, there is a risk that the pools of conditions may increasingly be considered exhaustive and therefore inhibit the promotion of innovative conditions by the police, other responsible authorities and interested parties to address emerging problems? If so, why?

No, the pool of conditions would simply become out of date and irrelevant if retained in statutory guidance rather than promoted elsewhere.

Question 10: Do you think that the pools of conditions have value in promoting consistency and/or best practice?

Yes.

Question 11: Do you agree that the current guidance on the role of ward councillors should be further clarified and expanded as proposed?

Yes. However 8.8 would seem to indicate that a member may not attend any meeting at which something in which they have a prejudicial interest is being discussed. This should be amended to indicate that the member need only withdraw if they have any role in determining the matter. I see nothing wrong in a member attending a meeting as an observer, or to make personal representations, provided they have no part in the decision making process.

Question 12: If not, please explain why and provide brief details of any alternative proposal.

In addition to representing others and acting as an interested party in their own right, members should also, in order to carry out their community representation role, have the right to make representations on any application from premises within their ward.

Question 13: Do you agree with the proposed amendments to the guidance on authorisation of sale?

Yes.

Question 14: If not, please explain why.

Question 15: Do you agree that the Guidance on variations should be amended as proposed?

**Absolutely. The proposed amendments make the situation much clearer. To reflect this change the Guidance Notes on a Premises Licence Variation Application Form should also be amended to remove the reference to vary substantially.**

Question 16: If not, please explain why.

Question 17: Do you agree that the Guidance on evidence to support representations should remain unchanged?

**Yes.**

Question 18: If not, please explain why.

Question 19: Do you agree that it would be useful to add guidance on how licensing authorities might manage concerns about potential intimidation of interested parties?

**Yes.**

Question 20: If not, please explain why.

Question 21: Do you agree that guidance on the control of nuisance/crime and disorder outside licensed premises should be clarified/expanded as proposed?

**Yes.**

Question 22: If not, please explain why.

Question 23: Do you agree that the Guidance on longer hours should be amended to reflect the Secretary of State's letter of 30 September 2005 and the current situation?

**Yes.**

Question 24: If not, please explain why and outline any alternatives.

Question 25: Do you agree that Chapter 11, explaining police powers to close premises, should be removed from the Guidance and incorporated in specific and separate advice for police officers?

Yes. The advice provided to police officers should however be in a public document available to all.

Question 26: If you do not agree, please explain why.

Question 27: Do you agree that Chapters 12 (Sale and Supply of alcohol to children) and 14 (Other Offences) should be deleted from the Guidance?

Yes.

Question 28: If you do not agree, please explain why.

Question 29: Are you happy with the overall format of the revised Guidance?

Yes.

Question 30: If not, please explain why and what format you would prefer instead.

Question 31: Are there any other issues that you would like to see addressed in the revised Guidance? If yes, please specify.

None.