

BRIDGEND COUNTY BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

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Note for published version:

**This document is also available in the Welsh Language, and
in other formats on request, and at www.bridgend.gov.uk**

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Proposed changes to the policy, together with typographical matters, clarifications or updating of statistical data are highlighted in bold.

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1. INTRODUCTION

- 1.1 Bridgend County Borough Council is responsible for the local implementation of the licensing regime created by the Licensing Act 2003. This Statement of Licensing Policy sets out the policies the licensing authority will apply when making decisions on licensing applications and reviews. This policy has been prepared in accordance with above legislation, and the Statutory Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport. The Statutory Guidance document is available at www.culture.gov.uk.
- 1.2 This Statement of Licensing Policy will expire three years after the published date. The Statement of Licensing Policy and any special policies will be reviewed regularly and further consultation exercises undertaken prior to determining any interim amendments to the Statement of Licensing Policy.
- 1.3 The licensing authority will publish separate information for applicants as appropriate. None of the information issued within this policy or separately is intended to suggest that applications should be completed in a specific manner, other than that prescribed in regulations.

2. PROFILE OF BRIDGEND COUNTY BOROUGH

- 2.1. The Council area contains a mix of urban and rural communities, and has a population of just over 128,000. The largest town is Bridgend (pop: 39,773), followed by Maesteg (pop: 20,700) and the seaside resort of Porthcawl (pop: 19,238). The Council has approved the following themes for the community strategy:
 - **Strong Communities.**
 - **Proud Past.**
 - **Healthy Living.**
 - **New Opportunities.**
 - **Young Voices.**
 - **Green Spaces.**
- 2.2 The licensing authority supports the view that the private sector, including licensees, and local residents and community groups all have a vital role to play in partnership with public bodies to promote the licensing objectives. The licensing authority's role is to regulate licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The authority recognises that the industry is a contributor to the economy and an employer within the County Borough. Entertainment venues and entertainment and art in its many forms (live music, dancing, theatre, etc) also contribute to the cultural diversity and to the life of communities and young persons within the County Borough. The licensing authority is mindful that the absence of cultural provision can itself lead to young people being diverted into anti-social activities that damage communities and the young persons themselves. This policy links to many of the corporate themes and strategies of the Council but the duty of the Council, as the licensing authority is to promote the following licensing objectives.

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance and,
- the protection of children from harm.

2.3 The Live Music Forum has reported on the impact of the Licensing Act 2003 on the performance of live music. Whilst the promotion of any particular form of entertainment is not one of the licensing objectives, the licensing authority is mindful of the effect of decision making on the provision of live music and that there are still concerns that the indirect costs of conditions acts as a deterrent to events which may be of benefit to the community. The Council will therefore continue to explore the possibility of obtaining premises licences for Council owned land and public spaces.

2.4 Whilst any applicant is free to seek independent advice, they may also contact Council and the responsible authorities listed in this policy for advice on promoting the licensing objectives irrespective of the type of event or premises.

2.5 New businesses or businesses contemplating major refurbishments are also invited to discuss the proposals with the responsible authorities and other Council departments prior to submitting an application.

2.6 Whenever possible, the Council will enter partnership arrangements, working closely with the South Wales Police, South Wales Fire and Rescue Service, local businesses, community representatives and local people in developing future Statements of Licensing of Policy and meeting the licensing objectives. **The authority has adopted a Memorandum of Understanding and enforcement protocol with partner responsible authorities. The licensing authority also holds regular responsible authority meetings to discuss best practice, share information and to promote the licensing objectives through a risk based and targeted approach to compliance. The group also supports measures to assist and work with the local licensed trade. Copies of protocols can be accessed at www.bridgend.gov.uk**

2.7 Organisers of local community events **must** be aware that the licensing authority must have respect and regard for the concerns of local residents, and organisers **must** be aware of their legal responsibilities with regard to health and safety, noise pollution, temporary structures, pyrotechnics etc., and the sale of alcohol. **Organisers are strongly advised to contact the Council's Events Safety Advisory Group for advice on planning and running an event.**

3. SCOPE AND LIMITATION

3.1 Bridgend County Borough Council (hereinafter referred to as "the Council") is the licensing authority as defined in the Licensing Act 2003 (hereinafter referred to as "the Act").

3.2 In discharging its licensing functions, the licensing authority will promote the licensing objectives which are as follows:

- the prevention of crime and disorder,

- public safety,
- the prevention of public nuisance and,
- the protection of children from harm.

Each of the above objectives has equal importance.

3.3 The scope of the Statement of Licensing Policy covers the following licensable activities **and any** that are defined in the Licensing Act 2003.

- Retail sale of alcohol (including via the internet or mail order)
- The wholesale of alcohol to members of the public
- The supply of alcohol to members of registered clubs
- The provision of regulated entertainment when it is performed in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience, including performance of a play; film exhibitions; indoor sporting events; boxing or wrestling events; live music; any playing of recorded music; a performance of dance; entertainment of a similar description; provision of facilities for dancing and provision of facilities for making music.

This Statement of Licensing Policy applies to all applications in respect of:

- Personal licences
- Premises licences
- Club premises certificates
- Temporary Event Notices

3.4 The Statement of Licensing Policy sets out a general approach to the making of licensing decisions by the licensing authority but does not seek to undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

3.5 The Statement of Licensing Policy does not seek to override the right of any person to make representations in relation to an application or seek a review of a licence or certificate where there is provision in the Act to do so.

3.6 Nothing in this policy should be taken as indicating that any requirement of licensing law or any other law may be overridden by the terms of this policy.

4.0 APPLICATIONS

4.1 **An application or notice for licensing purposes will be accepted as being lawfully made only where it contains all of the required details specified by the Act and/or regulations.** The licensing authority will, however, exercise appropriate discretion and not reject applications where they contain minor or factual errors which can easily be rectified.

4.2 To avoid unnecessary representations being made in respect of an application, applicants are advised to complete all relevant parts of an application form. Some parts of the form are mandatory and where matters have been considered, but are deemed not to be relevant to the application, it is suggested

that, for the avoidance of doubt, the particular section is marked “not applicable”.

4.3 The grant of an application does not obviate the need for the applicant to satisfy the requirements of any other regulatory regime or statutory requirement.

4.4 All persons preparing operating schedules, including those for temporary events, **should** note that the following documents are available to assist them:

- 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 07176 15804
- Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances published by the Independent Street Arts Network www.streetartsnetwork.org/pages.publications
- The Event Safety Guide – A guide to health , safety and welfare at music and similar events (HSE 1999) (The Purple Book) ISBN 0 7176 2453 6
- Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
- Safer Clubbing Checklist for club owners, managers and event promoters (included with the Secretary of State’s Guidance) also available at www.drugs.gov.uk
- [Fire Safety Risk Assessment – Open Air Events & Venues ISBN 13:978 1 85112 823 5](#)

5. DECISION MAKING - GENERAL POLICY

5.1 In determining a licensing application, the overriding principle adopted by the licensing authority will be that any individual has a right to apply under the terms of the 2003 Act for a variety of permissions and has a right to have any such application considered on its individual merits. In discharging its functions the licensing authority will have regard to the guidance issued under Section 182 of the Licensing Act but may depart from it when there are compelling reasons to do so and following receipt of relevant representations.

5.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or interested parties, the licensing authority will grant the application, subject only to conditions that are consistent with the operating schedule and the relevant mandatory conditions.

5.3 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of relevant representations, and it has been satisfied at a hearing, of the necessity to impose conditions due to the representations raised. It will then only impose conditions as are necessary to promote the licensing objectives and will not impose standard conditions or those which duplicate other regulatory regimes as far as possible. Conditions will be tailored to individual premises but the authority may draw on pools of conditions where deemed appropriate to do so.

- 5.4** Responsible authorities are advised that representations to impose conditions on licences must not duplicate existing legislation, and should be tailored to the size, style, characteristics and activities taking place at the premises concerned. Standard conditions will not be imposed and therefore all representations should be proportionate and properly recognise differences between venues.
- 5.5** Wherever practical, officers of the licensing authority will endeavour to forward any representations to the applicant as soon as they are received and not at the end of the period given for making representations. The licensing authority would expect responsible authorities to commence discussions with applicants at an early stage of the consultation process in order seek clarification on any points and prior to submitting representations to the licensing authority. The authority has agreed with responsible authorities that it will accept electronic submission of representations.
- 5.5.1** In the interests of transparency and fairness, the licensing authority will normally make personal details of interested parties available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the interested party concerned.
- 5.5.2** Representations must be in written format and may be amplified at the subsequent hearing or may stand in their own right. Representations may be submitted electronically to the licensing authority via licensing@bridgend.gov.uk to include the name and postal address of the person or persons making representations.
- 5.5.3** The licensing authority maintains a register of applications received at www.bridgend.gov.uk. The licensing authority and its officers have not adopted any measures for notifying interested parties of applications received beyond the statutory requirements to maintain a register of applications and the requirements for an applicant to give public notice of certain applications.
- 5.6** Prior to the determination of an application, the licensing authority will determine whether any representation or objection is irrelevant, frivolous or vexatious. The licensing authority may delegate this function to a Sub-Committee or officer.
- 5.7** The decisions taken by the licensing authority will be focused on matters within the control of individual licensees and others granted relevant permissions. These matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. In addressing this matter, the authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The authority does not seek to define the term “vicinity” and will examine each case on its merits.
- 5.8** In taking its decisions the licensing authority will take into account the fact that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual club or business

holding the licence, certificate or permission concerned. The authority will assess the steps taken by applicants to prevent crime and disorder and public nuisance immediately outside their premises for example on the pavement or in a beer garden to the extent that these matters are within their control.

- 5.9 When carrying out its functions as a licensing authority under the 2003 Act the licensing authority will have regard to its obligations under Section 17 of the Crime and Disorder Act 1998.
- 5.10 The licensing authority is under a duty to protect the rights of residents to privacy and family life under Article 8 of the European Convention on Human Rights in accordance with the Human Rights Act 1998. At the same time, it respects the rights of commercial organisations to operate their premises without unnecessary restraint.
- 5.11 When determining applications the authority will be mindful that the licensing objectives cannot be regarded as a panacea for community problems or anti-social behaviour. The public should note that there are other mechanisms for addressing this issue which **the Council** or its partners will recommend as being appropriate. These could include:
- Planning controls
 - Police enforcement
 - Police powers to close down premises
 - The Anti-Social Behaviour Act 2003 and partnership working to promote enforcement of the law concerning disorder and anti-social behaviour
 - **Designated Public Places Orders**
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.
 - Violent Crime Reduction Act 2006
 - The Health Act 2006 and related smoke free regulations
 - The Clean Neighbourhoods and Environment Act 2005
- 5.12 The licensing authority may not vary a licence so as to vary substantially the premises to which it relates. The authority considers that any physical addition to the footprint of the premises, including outside areas, where additional licensable activities could take place would constitute a substantial variation of the premises. Each case, however, must be examined on its merits and applicants are therefore encouraged to discuss the proposals with the licensing authority and fire authority prior to commissioning any works. **Applicants are invited to consider whether the application falls within the definition of Minor Variation set out in the Licensing Act 2003. When assessing applications in this category, the licensing authority will assess each case on its merits having regard to the latest guidance issued by the Secretary of State under Section 182 of the Act.**
- 5.13 When determining applications for longer licensing hours, consideration will be given to the individual merits of the case having regard to the Guidance issued by the Secretary of State for Culture Media and Sport in respect of this issue.
- 5.14 **The licensing authority will not introduce any form of zoning policy within the County Borough. [redundant paragraph to be deleted]**

- 5.14 In determining applications for shops, stores and supermarkets, the licensing authority will consider the individual merits of the case but such premises will normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless relevant representations are received that there are good reasons, based on the promoting the licensing objectives, for restricting those hours.
- 5.15 In determining applications generally, the authority will not have regard to the commercial need for a premises but may have regard to the cumulative impact of premises within an area (irrespective of whether a special policy applies) if relevant representations are received.
- 5.16 When assessing applications for extended hours it will also consider the following criteria in the context of public nuisance:
- 5.16.1 environmental quality
 - 5.16.2 residential amenity
 - 5.16.3 character of function of a particular area, and
 - 5.16.4 nature of the proposed activities to be provided at the premises.
- 5.17 The licensing authority will normally consider favouring applicants wishing premises in noise sensitive areas to remain open after the regular closing time on a specified number of occasions (such as on Bank Holidays and weekends preceding Bank Holidays or special occasions) providing that:
- The number of extensions has been included in their operating schedule and steps to address public nuisance have been considered,
- AND
- The authority is given prior notice of each proposed later opening.
- In the absence of relevant representations, however, the authority will grant the application.
- Applicants may also consider using the Temporary Event Notice procedure for special occasions or Bank or special Holidays.
- 5.18 Where relevant representations are received, the licensing authority will consider stricter conditions with regard to noise control in noise sensitive locations such as residential areas.
- 5.19 Nothing in this Statement of Licensing Policy will oblige the holder of the premises licence or club premises certificate to remain open for the entire period permitted by the licence or certificate. However, to promote the licensing objective of the prevention of public nuisance, the licensing authority encourages licensees of premises to be closed to the public and cleared of patrons within a reasonable time after licensable activities have ceased and for these times to be stipulated within the operating schedule.

- 5.20 In determining applications, the licensing authority will be mindful of the aim to encourage the use of licensed premises by families and their children and will not seek to limit the access of children unless it is necessary for the prevention of physical, moral and psychological harm.
- 5.21 This policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made to do so in the 2003 Act.
- 5.22 Nothing within this policy will override the right of an individual to a right of appeal to the Bridgend Magistrates' Court against the decisions of the licensing authority.

6. SPECIAL POLICY IN RESPECT OF CUMULATIVE IMPACT

- 6.1 The licensing authority has adopted a special policy in respect of the cumulative impact of premises in Bridgend town centre. The Secretary of State's Guidance has outlined cumulative impact in the following terms:

"Cumulative impact is not mentioned specifically in the 2003 Act but means in this Guidance the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the licensing authority to consider in developing its licensing policy statement." (Paragraph 13.24).

- 6.2 **Having considered the evidence submitted by the South Wales Police, the Council will be considering whether the special policy should be adopted for the period 2011 to 2013 in respect of the negative cumulative impact of licensed premises in Derwen Road, Market Street, Wyndham Street and Nolton Street (from its junction with Ewenny Road, to its junction with Merthyr Mawr Road, but not the area between Merthyr Mawr Road and the junction with Court Road Bridgend).**

- 6.3 **The authority will consider the following factors when considering whether to adopt a special policy.**

- **The identification of serious and chronic concern from a responsible authority (The South Wales Police) about crime and disorder and public nuisance in Derwen Road, Market Street, Wyndham Street and Nolton Street Bridgend.**
- **Evidence and assessment that crime and disorder and public nuisance are arising and are caused by the customers of licensed premises.**
- **Evidence identifying the area from which problems are arising and the boundaries of the area.**
- **The results of a consultation process in respect of the general and special policies.**

- 6.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations which are likely to add to the existing cumulative impact will normally be refused, if relevant representations to that effect are received, unless applicants **can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives**. Whilst each case will be determined on its merits the term variation is taken to mean an increase in the hours during which licensable activities may take place, additional licensable activities, or an increase in the extent of the premises, insofar as these are likely to add to the negative cumulative impact.
- 6.5 Applicants will need to address the special policy issues in their operating schedules in order to rebut the presumption, i.e. that the operation of the premises would not add to the negative cumulative impact experienced. However, if no relevant representation is received, the licensing authority will grant the application in terms which are consistent with the operating schedule.
- 6.6 This special policy will be reviewed regularly.
- 6.7 The licensing authority will be mindful of the Statutory Guidance issued by the Secretary of State on the term “need” and when discharging its functions will not take into consideration the “need” for a licensed premises or places.
- 6.8 The licensing authority will not pre-determine the merits of any application by the use of quotas or terminal hours in a particular area. It will give proper regard to the different types of premises and the differing impact they will have on the local community.
- 6.9 Notwithstanding the special policy, applicants are asked to note that each application will be dealt with on its merits. Following receipt of representations in respect of a new application in the above mentioned streets, the licensing authority will and must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case.
- 6.10 The special policy will not be used as a ground for revoking an existing licence or certificate.
- 6.11 The absence of a special policy in other areas of the County Borough does not prevent any responsible authority or interested party making representations on a new application for the grant, or variation, of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

7. PROVISIONS IN RESPECT OF THE PROTECTION OF CHILDREN FROM HARM

- 7.1 The body designated to advise on the protection of children from harm is **The Bridgend Local Safeguarding Board (BLSCB)**.
- 7.2 The licensing authority considers the following areas will give rise to particular concern in respect of children:

- Premises where entertainment or services of an adult or sexual nature are commonly provided
- Premises where there have been convictions of members of the current staff at the premises for serving alcohol to minors
- Premises with a known association with drug taking or dealing
- Premises where there is a strong element of gambling
- Premises where the supply of alcohol is the exclusive or primary purpose of the serve
- Premises where children's entertainment is provided and there is insufficient evidence that proper supervision of the access, egress, safety and welfare of children is provided.

7.3 Where the exhibition of films is permitted on the premises, the licensing authority will expect age restrictions to be complied with, in accordance with the British Board of Film Classification recommendations in respect of the film to be exhibited but in exceptional cases, it will consider a variation of this general rule.

7.4 If applicants intend to permit children to frequent licensed premises, then they will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified to protect children, relevant to the style and characteristics of the event and premises. The licensing authority endorses the range of alternatives provided in the Secretary of State's Guidance as those which may be considered for limiting the access of children where that is necessary for the prevention of harm to children.

8. INTEGRATING STRATEGIES

8.1 The Council will make every effort to integrate its various strategies to achieve the licensing objectives in the interests of clarity and effective determination.

8.2 The authority's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent but applications for licences may be made before any relevant planning permission has been sought or granted. As these regimes are separate, a licensing application will not be a re-run of the planning application and will not cut across decisions taken by that committee. Licensing Committees are not bound by decisions made by a Planning Committee and vice versa. The granting by a Licensing Committee of any variation of a licence which involves a material alteration of a building does not relieve an applicant of the need to apply for planning permission or building control where appropriate. The licensing authority also recognises that terminal hours for planning consents may differ from licensing hours and therefore an applicant must observe the earlier closing time.

8.3 The Council will, as appropriate, take account of any relevant information in relation to community safety, substance misuse, disability, equality, transport, tourism, economic development and cultural issues. The Council will monitor

these areas and where it is shown that licensing activities are impacting adversely on these areas it will be reported to the committee having responsibility for these areas. Applicants are reminded that the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups. Applicants are referred to the Council's Race Equality Scheme published at www.bridgend.gov.uk.

- 8.4 The licensing authority will not impose restrictions without proper regard to the individual merits of an application and the location of the premises. They will not be imposed where the Council has separate powers (for example under the Environmental Protection legislation).
- 8.5 **Similarly, licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public; health and safety at work or fire safety legislation, for example. The authority will not therefore impose: fire safety conditions where the provisions of the Regulatory Reform (Fire Safety) Order 2005 apply; or conditions which would duplicate or conflict with the provisions of disability or equalities legislation.**
- 8.6 The **Council** itself will also have regard to wider considerations including community safety, crime and disorder, litter, noise and the ability of the police and the street and public transport infrastructure to cope with an influx of customers into particular areas for entertainment. It will be mindful of other areas of community safety, particularly regarding the issues of substance misuse but in determining an application **the licensing authority** will do so only on individual merits of a case and the impact on the licensing objectives.
- 8.7 **Mandatory conditions will apply to authorisations to cover irresponsible drinks promotions, the provision of free tap water, age verification schemes and the availability of alcohol in a variety of measures. The licensing authority will have regard to the Secretary of State's Guidance issued under Section 182 of the Licensing Act when dealing with matters which relate to the mandatory conditions.**
- 8.8 The licensing authority will have regard to cultural strategies which relate to the wider cultural and economic benefits to the community of the promotion of live music, dance and theatre. In coming to a decision, the potential for disturbance in neighbourhoods will be carefully balanced with these wider benefits and focus on the licensing objectives and the individual merits of the application.
- 8.9 Copies of Council policies are available on www.bridgend.gov.uk or from individual Council Departments. The licensing authority webpages can be found under Licensing in the A-Z of Services.

9. STEPS TO PROMOTE THE LICENSING OBJECTIVES

- 9.1 The Secretary of State expects applicants to have had regard to the statement of licensing policy for their area and to be aware of the expectations of the licensing

authority and responsible authorities in respect of the steps that are necessary for the promotion of the licensing objectives.

- 9.2 Whilst the licensing authority acknowledges that applications need only be completed in the manner prescribed by regulations, it would be sensible for all applicants to seek advice from responsible authorities when they are drawing up operating schedules, particularly for new premises or significant changes to existing licensed premises. It would also be in the applicant's own interests to have a copy of the risk assessment (licensing objectives) available so that responsible authorities can be aware of the reasoning behind a proposed application.
- 9.3 The licensing authority will strive to draw the applicant's attention to any other relevant legislation but the responsibility for ensuring compliance with non-licensing legislation rests with the applicant.
- 9.4 When drawing up an operating schedule applicants must comply with the regulations in respect of completing applications. They may also wish to consider the following points but are under no statutory obligation to do so. The licensing authority recognises that licensees should consider only those matters which are relevant to the individual style and characteristics of their premises and/or events.
- 9.5 Applicants and responsible authorities are reminded that they should not offer conditions which replicate offences set out in the Licensing Act 2003.
- 9.6 All the following licensing objectives have equal importance. Applicants are **requested** to note that the licensing authority may also develop pools of conditions based on the Secretary of State's Guidance from which necessary and proportionate conditions may be drawn should relevant representations be received.
- 9.7 Applicants are not expected to offer conditions in respect of all the under-mentioned issues or conditions which duplicate existing legislation and some issues are reproduced as examples of recommended best practice only.

9.8 The Prevention of Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Council and licensing authority to consider crime and disorder reduction in the exercise of their duties. When addressing crime and disorder, applicants should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these issues should be included within the operating schedule or considered as best practice.

- a) The installation and maintenance of CCTV inside and outside the premises
- b) A written drugs policy covering searches of patrons, seizures, and storage of seized drugs at the premises.
- c) The use of SIA registered Door Staff and an agreed per capita rate of door persons to customers.

- d) The premises' management training policy with regard to dealing with crime and disorder
- e) Information on and/or the provision of transport for customers
- f) The adoption of Nitenet or similar direct radio link
- g) Membership of schemes with other licensees to prevent crime and disorder
- h) Maintenance of incident books to highlight crime and disorder
- i) Adherence to the advice given in the Safer Clubbing Guidance issued by the Government for nightclubs, dance venues, outdoor dance events and the like
- j) The use of plastic containers and toughened glass at all times or at specific times, or for specific events or periods during the year.
- k) A policy with regard to the management of patrons drinking outside the premises in order to minimise the potential for crime, disorder anti-social behaviour and nuisance to the public, which may include measures to prevent glasses and bottles being taken outside.
- l) A written policy to advise staff on protection of young persons and vulnerable adults
- m) The use of clickers or other measures to prevent overcrowding
- n) A last admission or **re-admission policy** at the premises including measures to **manage customers who smoke where there is no suitable area within the premises curtilage for such customers**
- o) Measures to prevent crime and disorder arising if entertainment of an adult or sexual nature is provided and/or involves strong or offensive language
- p) Measures to prevent under age sales, for example till prompts and refusals registers
- q) **Crime prevention/Get Home safely posters**
- r) **A prohibition on the admittance of customers carrying open or sealed bottles into the premises**
- s) **A prohibition on customers taking alcoholic and other drinks from the premises in glasses and open bottles to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.**
- t) **Queue management systems inside and outside the premises.**
- u) **Internal patrols by management**

9.9 Public Safety

Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, he or she should identify in their operating schedule the steps which will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events which will take place, the following issues may be of relevance or be considered as best practice:

- a) The number of people attending the premises
- b) Customer profile (age, disability etc)
- c) Fire safety and fire prevention measures not covered by other regulatory regimes
- d) Measures of **management** control within the premises
- e) Design, construction and operation of premises, including toilets, lighting, strobe lighting etc
- f) Staff training in disability awareness and evacuation procedures
- g) The use of special effects such as pyrotechnics, lasers, smoke machines, foam machines
- h) Regular testing of electrical systems and the provision of RCD protection
- i) Awareness of the effect of alcohol and other substance misuse
- j) Adherence to the Safer Clubbing Guidance issued by the Government for nightclubs, dance venues, outdoor dance events and the like (note: the provision of drinking quality (potable) water should be in public areas and not in toilets) but subject to the mandatory conditions applicable to authorisations.

9.10 Public Nuisance

Licensed premises have the potential to impact adversely on the local community. The licensing authority recognises that a balance should be struck between the rights of licensees to develop their businesses, cultural diversity and the need to protect the local residents. The licensing authority understands public nuisance to include the following: noise and disturbance, odour, litter and anti-social behaviour.

The licensing authority recognises that where there are gardens or tables and chairs placed outside the premises, users of these can cause nuisance. If residential premises overlook tables and chairs on the frontage of the licensed premise or in beer gardens and relevant representations are received, the licensing authority will be likely to adopt the standards contained in the Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs" and not permit the use of these areas before the start of normal trading hours, and after dusk or 9.00 pm whichever is the earlier.

When addressing public nuisance, the applicant should identify any particular issues (having regard to the vicinity of the premises, the type of premises and the type of entertainment or activity) which are likely to adversely affect the promotion of the objective to prevent public nuisance. The licensing authority will expect the operating schedule to indicate that, in respect of those premises which are located in primarily residential areas, steps will be taken to reduce the impact of noise from patrons congregating outside.

Such steps as are required to deal with these identified issues should be included within the operating schedule or considered as best practice and may include:

- a) Measures to control amplified and non amplified sound, music and speech within and outside the premises.
- b) Sound proofing measures to contain sound and vibration
- c) Reducing sound levels and installing a sound limiting device to prevent amplified music exceeding the level agreed by the Council.
- d) Keeping doors and windows closed and providing adequate alternative mechanical ventilation (and ensuring the mechanical ventilation itself does not cause a noise problem).
- e) The management of gardens, play and other outside areas to ensure minimal disruption to the neighbourhood – this may include restricting areas where alcoholic drinks may be consumed in order, or the times they may be consumed.
- f) Providing quieter areas for patrons
- g) Where there are beer gardens or similar outdoor areas, ensuring the amplified music is not relayed to such areas and that these areas are properly screened
- h) The operation of plant and machinery so as to minimise disruption to the neighbourhood
- i) The impact of car parks at the premises and access roads on the local community
- j) The impact of deliveries on the local community
- k) The location of premises in relation to residential properties, hospitals, places of worship etc
- l) The adoption of a “last admission” policy
- m) Erecting prominent notices at the exists to premises asking customers to leave quietly and not to slam car doors and at appropriate times making announcements to the same effect
- n) Instructing door staff or other staff to ask customers leaving the premises to leave the area quietly

- o) Regular assessments by staff or managers to assess whether there are problems and how best to deal with them
- p) Reducing the volume of music towards the end of the evening and, where appropriate, playing quieter more soothing music as the evening winds down
- q) Considering excluding people from the premises who often leave in a noisy fashion
- r) Increasing outside lighting levels (but in such a manner that does not cause a nuisance to the local residents)
- s) Vacating smoking shelters, patios or any other such areas where customers smoke, by no later than 2300 hours
- t) encouraging patrons to return indoors as quickly as possible e.g. preventing drinks from being taken outdoors, restricting the number of tables and chairs, refraining from erecting smoking shelters and from using patio heaters
- u) Provision of door staff or other staff to supervise the smoking areas and to ensure that doors are kept closed when amplified music is being played

9.11 The protection of children from harm

When addressing the protection of children, the applicant should identify any issues which are likely to cause concern in relation to children. Applicants should have regard to the type of premises and all the activities and entertainments taking place. Such steps as are required to deal with these concerns should be included within the operating schedule or considered as best practice and may include:

- a) Types of entertainment provided
- b) Applicants should specify whether entertainment of an adult or sexual nature is involved or involves strong or offensive language to enable the Council to consider the risk to the promotion of the licensing objectives, particularly the protection of children from harm
- c) Staff training for awareness of offences
- d) Staff training for the protection of children, young persons and vulnerable adults at the premises including **proof of age measures and awareness of proxy sales of alcohol**
- e) Active support and enforcement of a Proof of age Scheme (e.g. Validate Scheme)
- f) Age limitations
- g) Exclusion of children from certain areas
- h) Requirements for adult supervision
- i) Risk assessment of hazards

- j) The location of cigarette machines in areas that can be easily seen by staff.

The Council's Trading Standards Department can give advice on Proof of Age Schemes.

Note: This document was prepared before the implementation of the Policing and Crime Act 2009 and proposed changes to the licensing of sexual entertainment venues came into effect. Any subsequent policies or guidelines will be available for applicants.

10. ENFORCEMENT

- 10.1 Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat issued by the Government and the Hampton Principles.
- 10.2 The Council is developing a strategy with responsible authorities which provides for the targeting of agreed problem and/or high risk premises which require greater attention, while employing a "light touch" approach to low risk premises or those which are well run. A "Traffic Light" Management System is being piloted from 2010. The licensing authority and responsible authorities will give licence holders and businesses early warning of problems, clear explanations of what needs to be done, action plans, and timescales in order to resolve problems. Formal action will be taken if this is deemed essential to promote the licensing objectives.**
- 10.3. The licensing authority will carry out inspections to determine if licence conditions are being complied with. These visits may be carried out as joint inspections with other statutory bodies or responsible authorities.
- 10.4 Interested parties such as local residents or businesses who are affected by a premises can make complaints to the **Council** in the first instance. They may also request a review of a licence or certificate at any time.

11. ADMINISTRATION, EXERCISE AND DELEGATION OF FUNCTIONS

- 11.1 In determining applications, the licensing authority will adopt the principle of delegation as laid down in the Act and Guidance in the interests of speed, efficiency and cost effectiveness. The Council's Constitution, Scheme of Delegation to Officers and Member Code of Conduct can be accessed at www.bridgend.gov.uk

12. REVIEWS OF LICENCE

- 12.1 Reviews of premises licences represent a key protection for the local community in respect of problems which may arise during the term of a premises licence. Interested parties or responsible authorities have the right to make representations in respect of an application or seek a review of a licence or certificate within the provisions of the Act.
- 12.2 Such representations will be considered on their merits and will be expected to relate to the licensing objectives. The licensing authority will reject representations if they

are shown to be irrelevant, vexatious, frivolous or repetitious. The licensing authority considers that it is good practice for responsible authorities to give licence holders early warning of problems and of the need to improve.

12.3 Individuals or groups may request a representative to make representations on their behalf, for example a legal representative, friend, Member of Parliament, Member of the National Assembly for Wales. Licensing Authority Members acting as interested parties (including Members of the Licensing Committee) are bound by the Member Code of Conduct when participating in the licensing process.

12.4 Where the licensing authority makes a decision on an application it will provide reasons in writing for the decision.

12.5 In the interests of transparency and fairness, the licensing authority will normally make personal details of interested parties available as part of the hearing process unless the person withholds permission or there are exceptional and compelling reasons why this is necessary. Each case will be determined on its merits in consultation with the interested party concerned.

12.6 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. **Interested Parties may submit representations electronically to the licensing authority via licensing@bridgend.gov.uk to include the name of the person or persons making the representations and a postal address.**

13. TEMPORARY EVENT NOTICES

13.1 A temporary event is described as one which lasts no more than 96 hours and the maximum number of persons attending at any one time is less than 500 with other limitations as to frequency. The most significant aspect of the system of temporary event notices is that no licence is required for these events, but there is a legal requirement to provide advance notice to the South Wales Police and the licensing authority. The Police can object to a Temporary Event Notice (TEN) if the event is likely to undermine the crime prevention objectives.

13.2 The licensing authority is mindful that many organisers act on behalf of charities, community and voluntary groups, schools and churches all of which may stage public events to raise funding at which licensable activities will take place. Section 100 of the Licensing Act 2003 requires the organiser of an event to give the Licensing Authority and South Wales Police at least ten working days notice of an event. "Ten working days" means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

13.3 However in some cases this time period would not be sufficient to enable liaison and consultation between the Council, South Wales Police and other responsible authorities. **Whilst not a mandatory requirement, early engagement and discussion with the South Wales Police around proposed TENS can often reduce the likelihood of an objection notice on the grounds of crime and disorder.** The Council would **strongly urge** all persons to give the Council at least 28 days notice of an event (and at least two to three months notice or longer for

larger outdoor events) in order that the organiser can access Events Safety Information, contact points and advice through the Council.

- 13.4 Organisers must be aware that the licensing authority must have respect and regard for the concerns of local residents, and organisers must be aware of their legal responsibilities with regard to health and safety, noise pollution, temporary structures, pyrotechnics etc., and the sale of alcohol. The Council's Events Safety Advisory Group may ask organisers to give a presentation outlining their event. The purpose of the group is to advise organisers on the issues they should consider when planning and running an event and to offer advice on sources of information available.
- 13.5 Applicants are advised that it may also be possible to obtain funding in the future from the Bridgend County Borough Council Tourism Unit for a strategically important event, subject to certain conditions being met.
- 13.6 The South Wales Police request that in order that the crime prevention objectives are not undermined, Temporary Event Notices are served at South Wales Police, F Division, Bridgend, Bridgend Police Station, Brackla Street, Bridgend, CF31 1BZ **and that the envelope is marked for the Chief Officer of Police. Although not a mandatory requirement, the envelope should also be marked "Temporary Event Notice"**.

14. SPECIAL NOTES

- 14.1 The Bridgend County Borough Council is the licensing authority for the purposes of the Gambling Act 2005. A separate Statement of Policy is available at www.bridgend.gov.uk
- 14.2 Where extracts from the Licensing Act 2003 are reproduced, they are provided as an information guide only. They are not a full and authoritative statement of the new licensing law. In particular, it must be noted that, although the Council has made every effort to ensure that the information in these pages is correct, changes to the law and the implementation of specific regulations for licensing mean that the supporting information in these pages may be subject to change.

15. CONSULTATION

- 15.1 The Council consulted the following before adopting the Statement of Licensing Policy:
- The Chief Officer of Police
 - The South Wales Fire and Rescue Service
 - Persons representative of holders of premises licences
 - Persons representative of holders of club premises certificates
 - Persons representative of holders of personal licences
 - Persons representative of businesses and residents in its area
 - Safer Bridgend Community Safety Partnership
 - Responsible Authority representatives
 - Bridgend Events Safety Advisory Group
 - County Borough Council Members and Town and Community Councils

- Local Health Board
- Representatives of the transport infrastructure
- Representatives of persons with disabilities
- Representatives of faith groups **and community cohesion representative**
- Any other bodies or persons who requested a copy of the Draft Statement of Licensing Policy

The consultation was published via the Bridgend County Borough Council website between 21 April 2010 and 30 June 2010.

15.2 This Statement of Licensing Policy was prepared by the Licensing and Registration Section, Legal and Regulatory Services, Bridgend County Borough Council and approved by the Bridgend County Borough Council at their meeting held on *****.

16.0 DEFINITIONS: LICENSING ACT 2003

16.1 Interested Parties

- A person living in the vicinity of the premises
- A body representing persons who live in that vicinity
- A person involved in a business in that vicinity
- A body representing persons involved in such businesses
- **A Member of the relevant licensing authority**

16.2 Responsible Authorities

- The Chief Officer of Police (South Wales Police)
- The Fire Authority (South Wales Fire and Rescue Service)
- The enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated
- The Local Planning Authority (Bridgend County Borough Council)
- The local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health (Bridgend County Borough Council).
- A body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm and is recognised by the licensing authority for that area as being competent to advise it on such matters. (Bridgend County Borough Council Area Child Protection Committee).

16.3 The bodies listed below may be approached informally for advice on promoting the licensing objectives.

17.0 PREMISES LICENCES

17.1 A premises licence authorises the use of any premises (which is defined in the 2003 Act a vehicle, vessel or moveable structure or any place or a part of any premises) for the licensable activities, which are:

- The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment from 11.00 pm to 5.00 am

Regulated entertainment covers entertainment of the following nature:

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment (indoor and outdoor)
- A performance of live music
- Any playing of recorded music
- A performance of dance
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

(Subject to certain exemptions)

- **and** provision of entertainment facilities (making music, dancing, and entertainment of a similar description)

18. APPEALS

- 18.1 In the case of a premises licence, an appeal should be made to the magistrates' court for the petty sessions area in which the premises are situated. **(Bridgend Magistrates' Court).**
- 18.2 In the case of a personal licence, an appeal should be made to the magistrates' court for the petty sessions area where the personal licence was granted.
- 18.3 Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Schedule 5 to the Licensing Act 2003.

RESPONSIBLE AUTHORITIES

The Chief Officer of Police	The Chief Constable South Wales Police Bridgend Police Station, 'F' Bridgend Division Brackla Street Bridgend CF31 1BZ
The Fire Authority	The Chief Fire Officer South Wales Fire and Rescue Service Fire Safety Department Forest View Business Park Llantrisant CF72 8LX
The enforcing authority for Section 18 of the Health and Safety of Work etc Act 1974	Health and Safety Executive Government Buildings Ty Glas Llanishen Cardiff CF14 5SH
The Local Planning Authority	Bridgend County Borough Council Development Control Communities Directorate Civic Offices, Angel Street Bridgend CF31 4WB
The local authority by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health	Bridgend County Borough Council Public Protection Department Legal and Regulatory Services Address as above (01656) 643260 publicprotection@bridgend.gov.uk
The body which represents those who are responsible for, or interested in, matters relating to the protection of children from harm	Bridgend County Borough Council Children's Directorate Safeguarding and Family Support Sunnyside, Bridgend

These details may change from time to time and applicants are advised to contact the Licensing Section for up to date contact details

**REQUEST FROM THE SOUTH WALES POLICE FOR CONSIDERATION BY THE
BRIDGEND COUNTY BOROUGH COUNCIL IN RESPECT OF A CUMULATIVE IMPACT
POLICY FOR BRIDGEND TOWN CENTRE**

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Central West

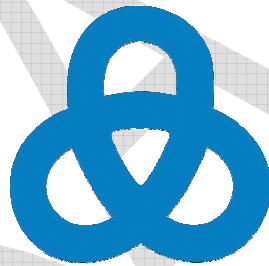


Problem Profile

Saturation Area

Period: September 2007 to December 2009

Pen-y-bont ar Ogwr
Mwy Diogel



Safer Bridgend

www.saferbridgend.org.uk

Date: 12th February 2010
Author: Tracy Jones, Partnership Researcher

Foreword

This report has been commissioned by the Bridgend Community Safety Partnership, to produce analysis of Bridgend Town Centre. The purpose of the report is to inform the Licensing Authority of the profile of Bridgend, and subsequently be used for consideration as part of the review of the statement of Licensing Policy for the next three year period.

The aims are to:-

- Present the levels of Alcohol related Public Disorder, Crime and Anti Social Behaviour in Bridgend Town Centre.

All data has been collected using the South Wales Police NICHE System Nexus and PAFC Mapping system.

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Summary

The following data relates to Bridgend Town Centre Saturation Area, the table show the levels of Crime and ASB taking place from September 2007 – December 2009.

For 2007 the data is only over a **4 month period** (Sep to Dec 2007).

Crime Code	2007	2008	2009
CR6 Violence against the person other	168	354	294
CR22 Theft - Other	114	264	192
CR35 Unlisted Crime Other	71	193	183
CR21 Shoplifting	75	179	155
CR26 Criminal Damage	27	72	68
CR31 Drugs	37	70	55
CR30 Fraud, Forgery and Similar	4	27	17
CR11 Burglary Dwelling/Other	10	27	17
CR36 Public Order	6	11	14
CR10 Sexual Offences Other	4	7	11
CR34 Road Crime	1	24	9
CR19 Auto Crime	8	11	3
CR16 Robbery - Personal	1	8	2
Total	526	1247	1020

Of the above Crimes:-

- 21% of the crimes in 2007 (Sep – Dec) were alcohol related.
- 18 % of the crimes in 2008 were alcohol related.
- 22% of the crimes in 2009 were alcohol related.

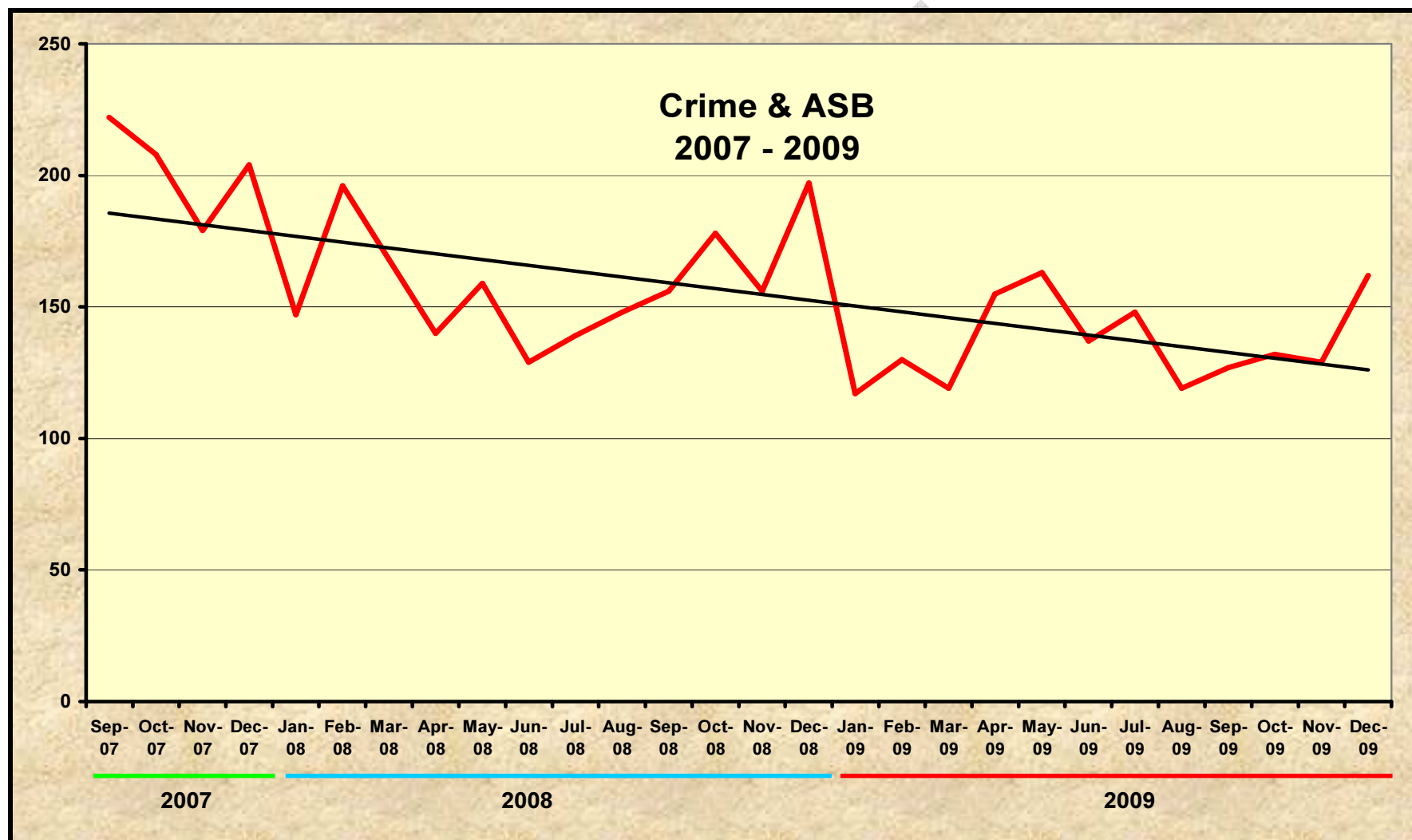
AN Code	2007	2008	2009
AN12 Rowdy/Nuisance - Rowdy & Inconsiderate	246	584	529
AN16 Vehicle Nuisance/Inappropriate Vehicle Use	11	18	43
AN13 Street Drinking	10	30	14
AN10 Rowdy/Nuisance - Environmental Damage/Littering	0	10	4
AN3 Begging/Vagrancy	6	7	0
AN1 Abandoned Vehicles	5	8	3
AN5 Hoax call to emergency services	3	4	14
AN14 Solvent Misuse	3	1	0
AN7 Malicious/Nuisance Communications	2	1	6
AN11 Rowdy/Nuisance - Neighbours	1	1	1
AN8 Noise	0	1	0
AN2 Animal Problems	0	0	3
Total	287	665	617

Of the above ASB Occurrences:-

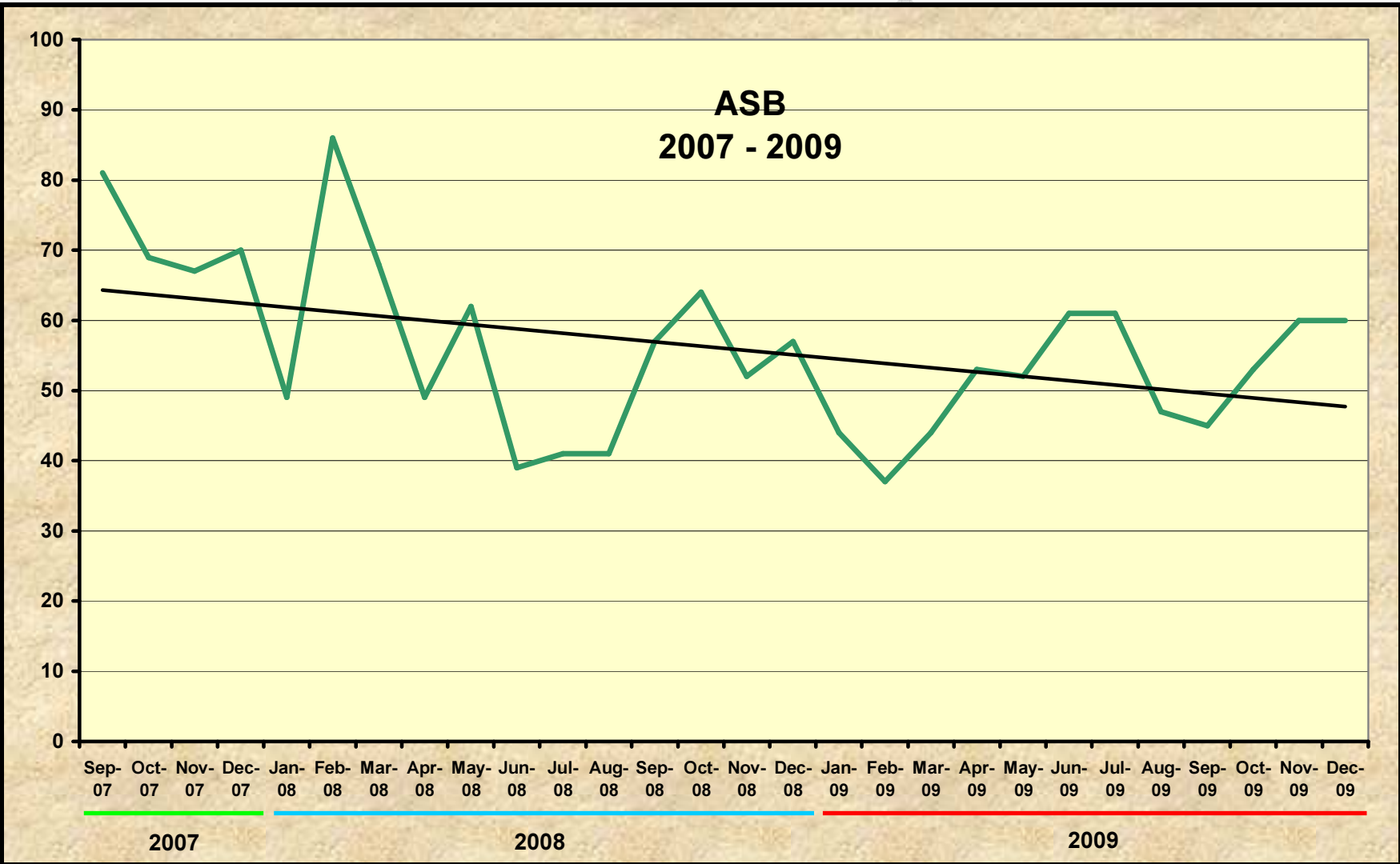
- 24% of the ASB Occurrences in 2007 (Sep – Dec) were alcohol related.
- 8% of the ASB Occurrences in 2008 were alcohol related.

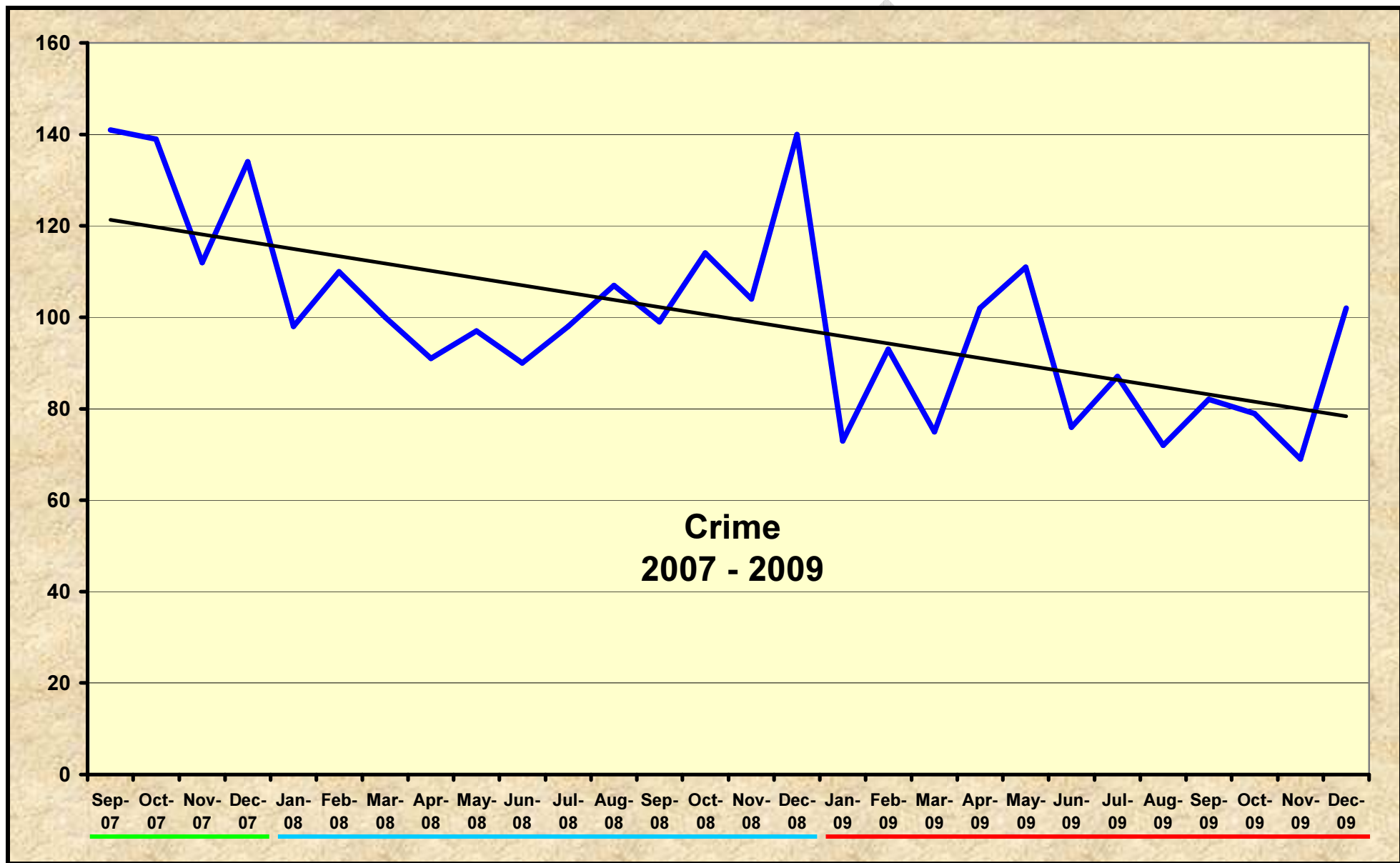
- 12% of the ASB Occurrences in 2009 were alcohol related

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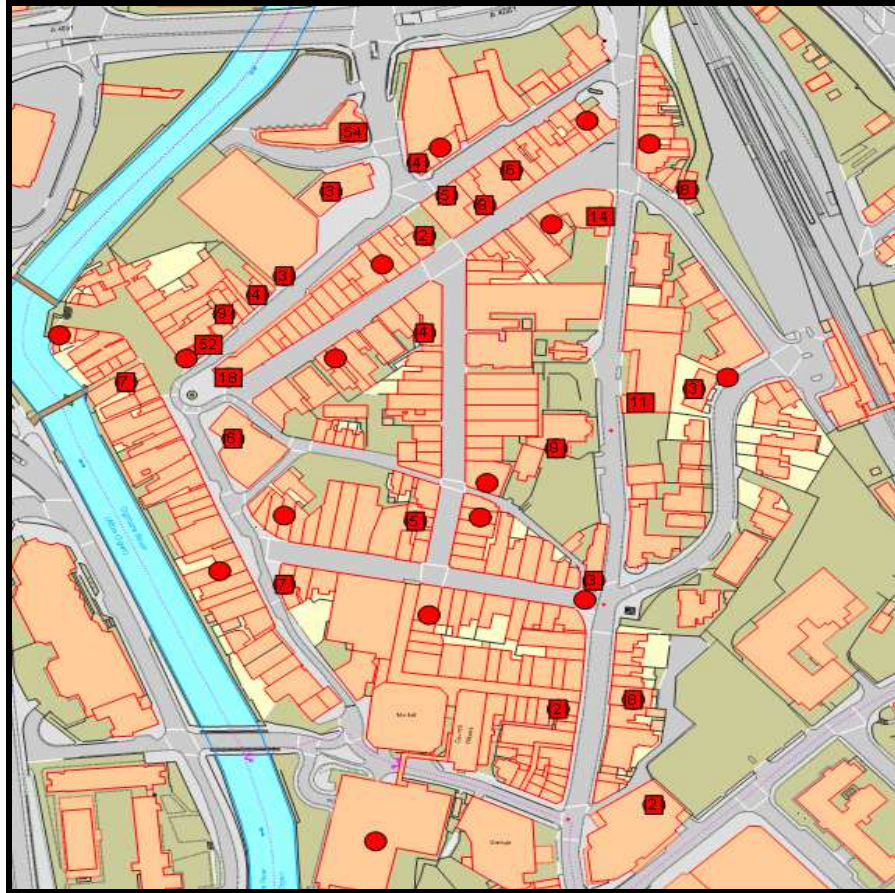


The chart shows varying peaks and trough through each year which can be attributed to the changing seasons, the main factor is that the levels are decreasing year on year with the trend line showing an overall decrease over the 2 and half year period, this was also the case when you looked at Crime and ASB separately see following charts.





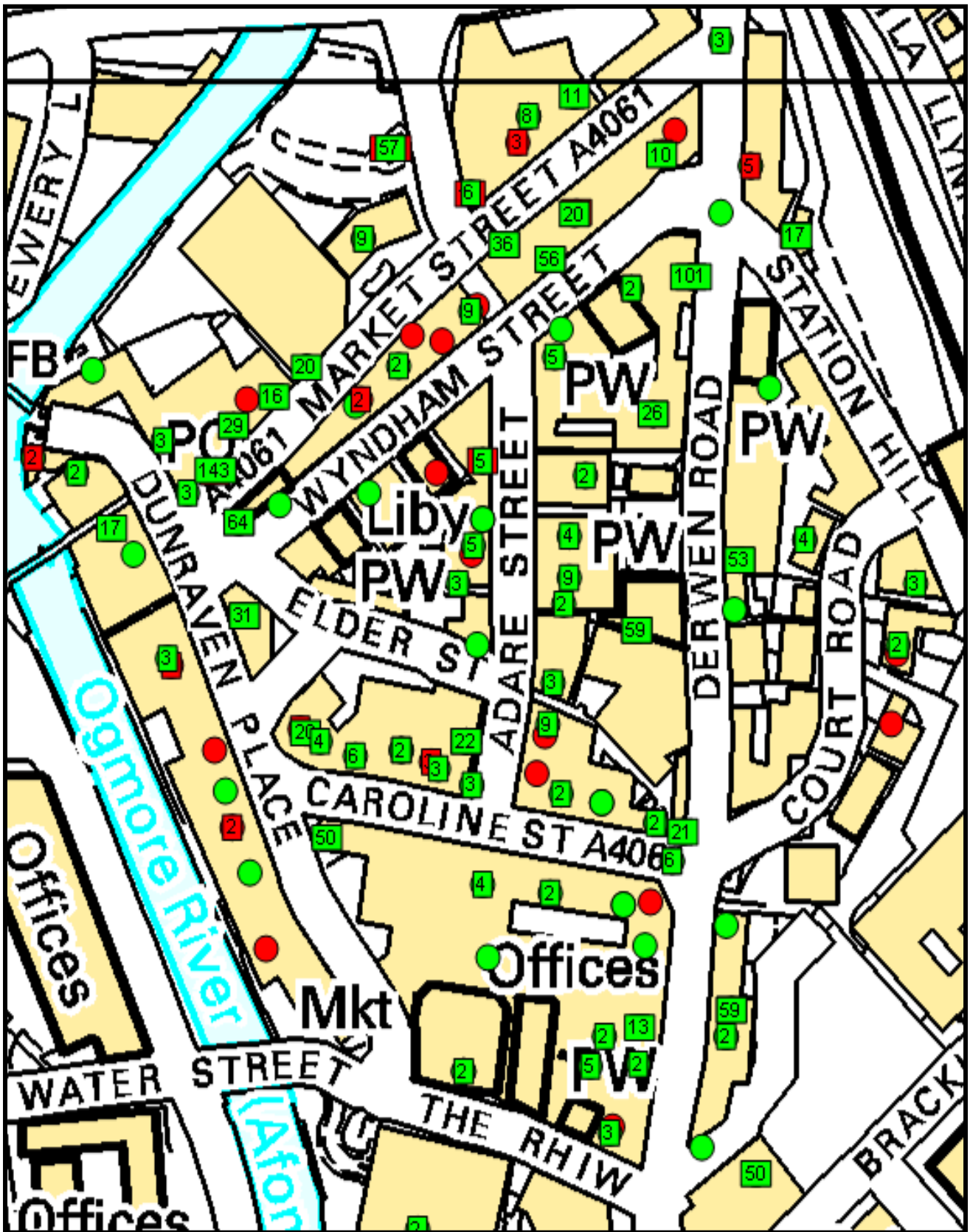
ASB 07



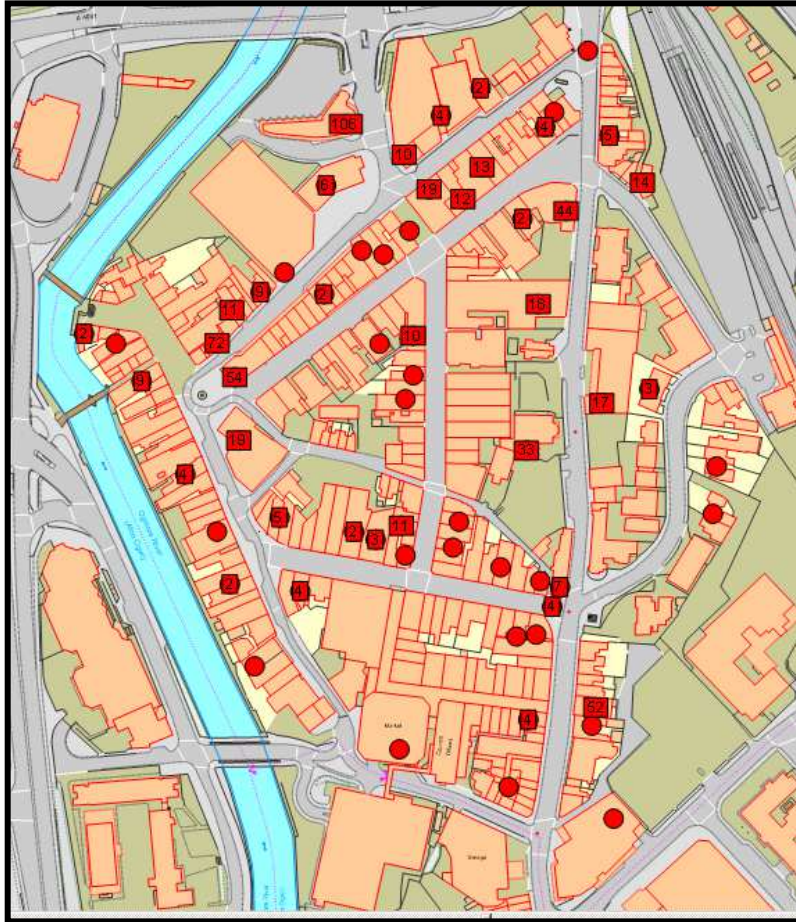
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Crime 07

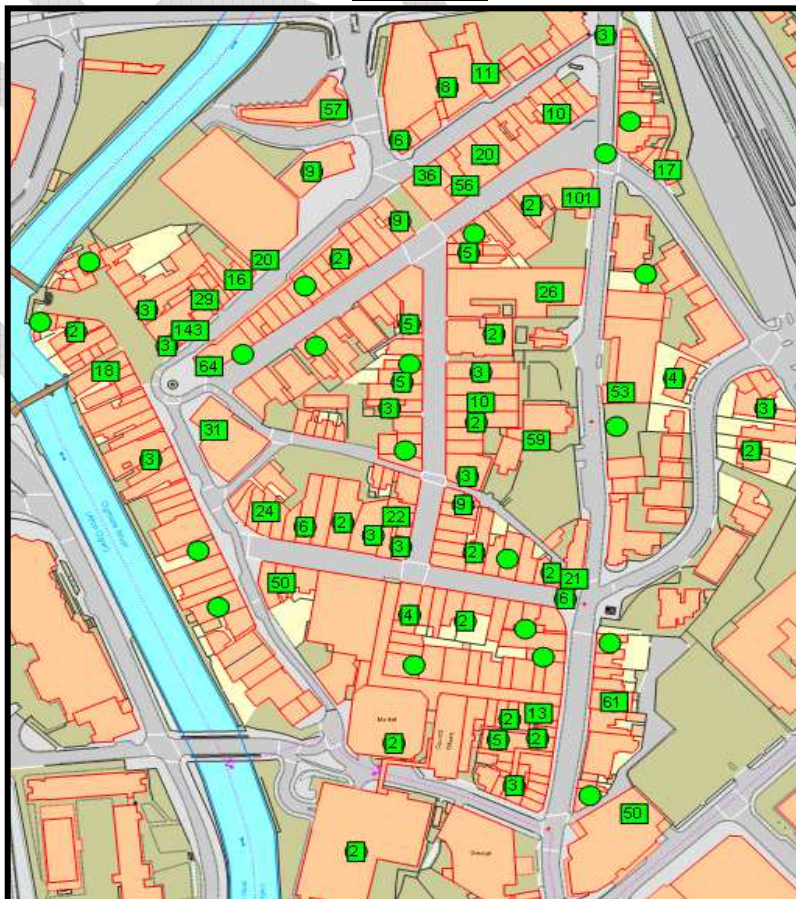




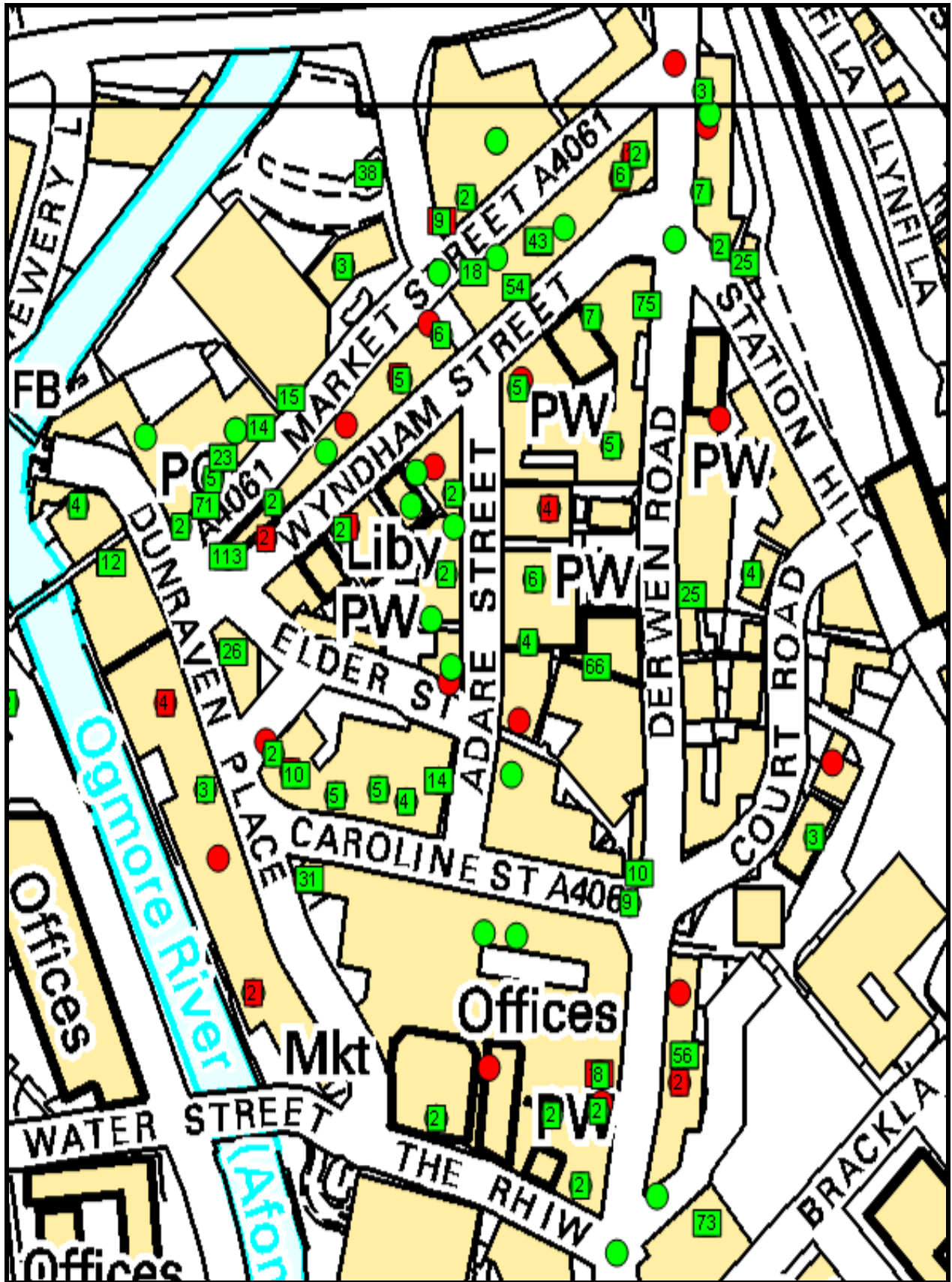
ASB 08



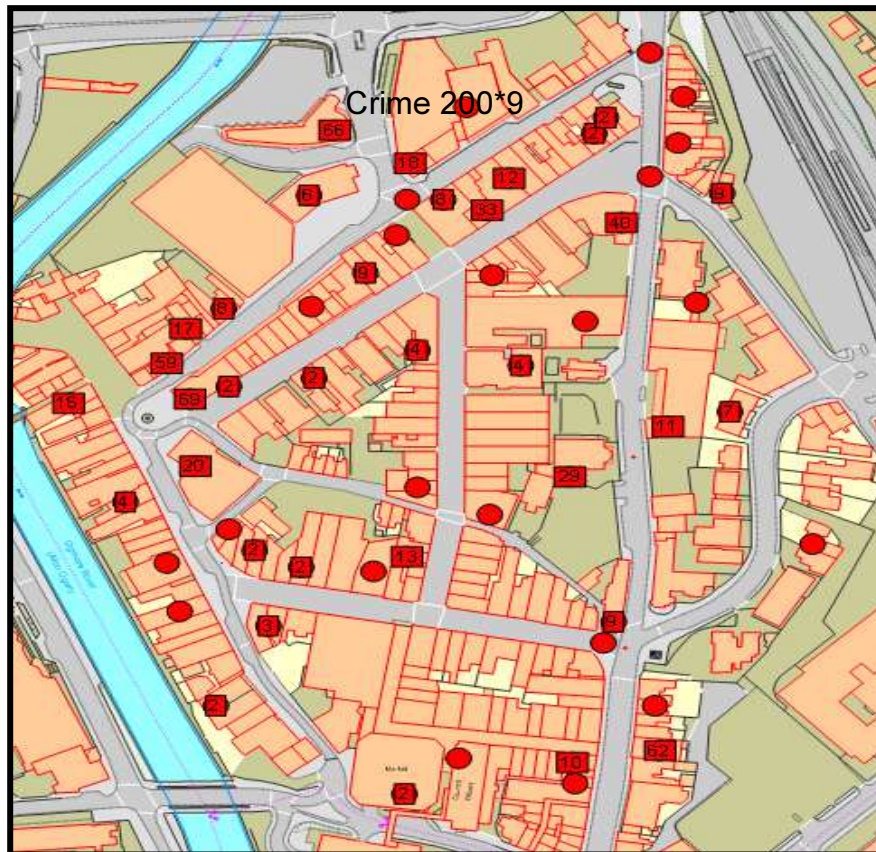
Crime 08



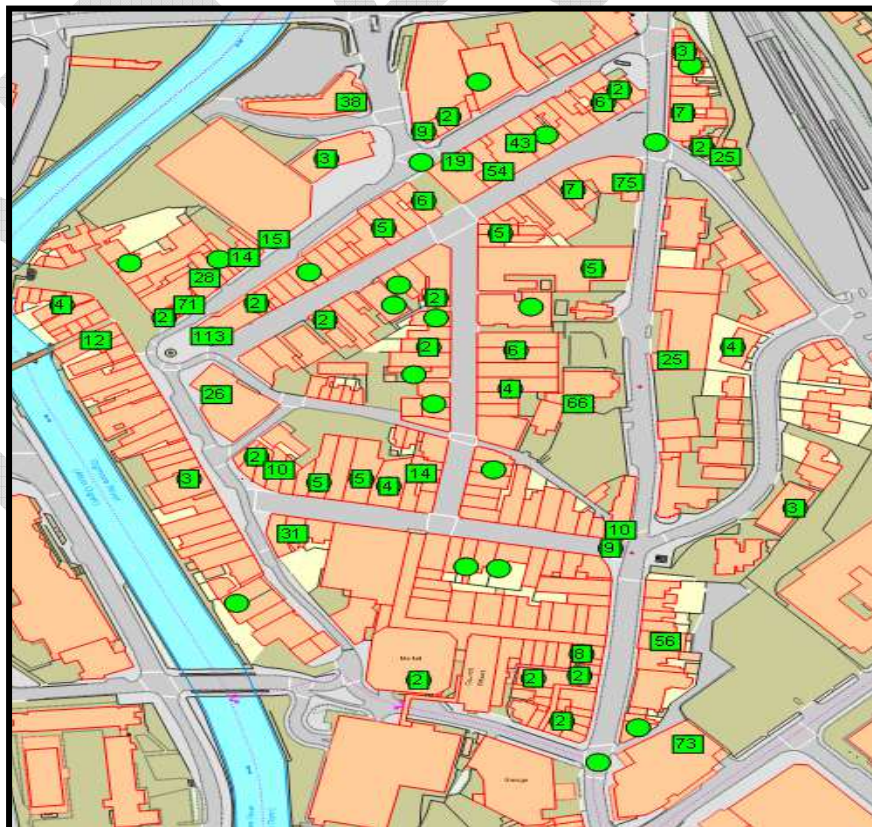
Crime and ASB 2008



ASB 09



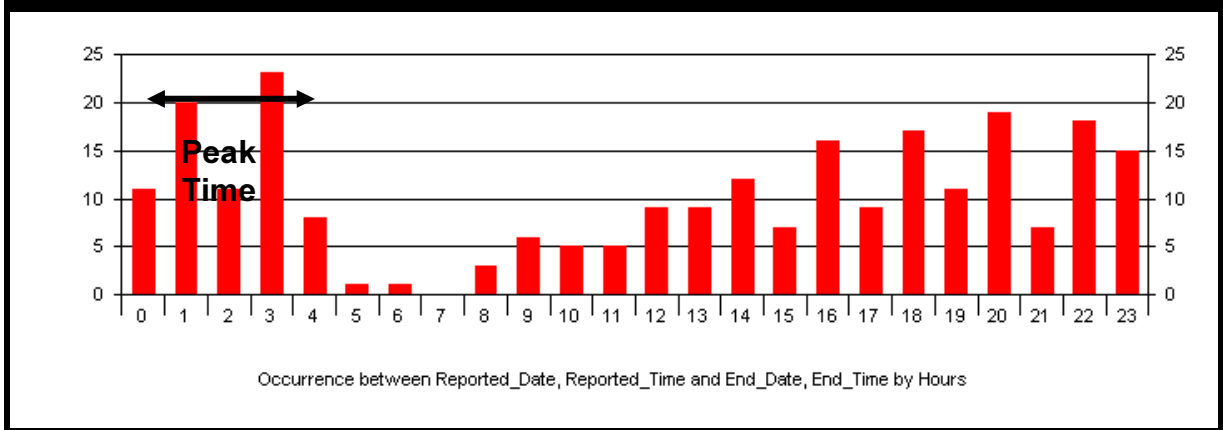
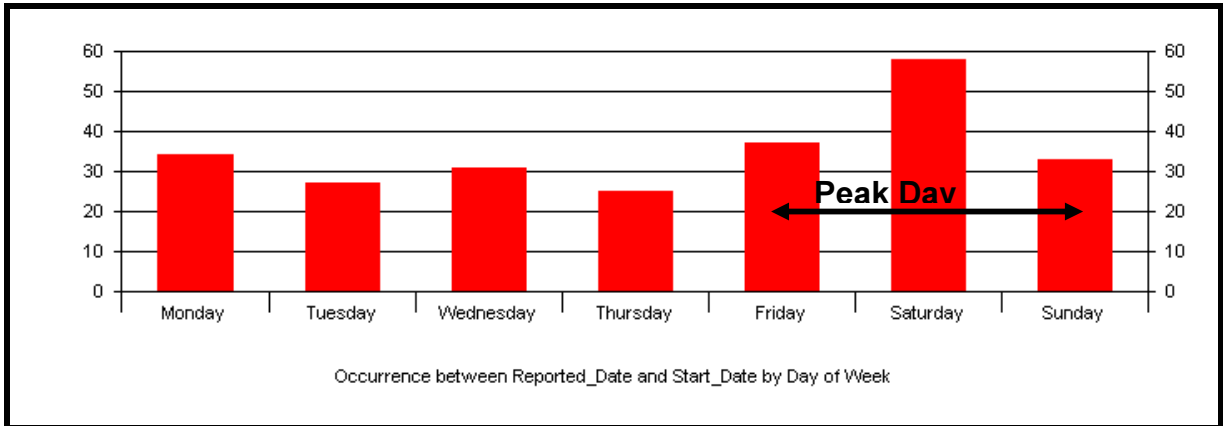
Crime 2009



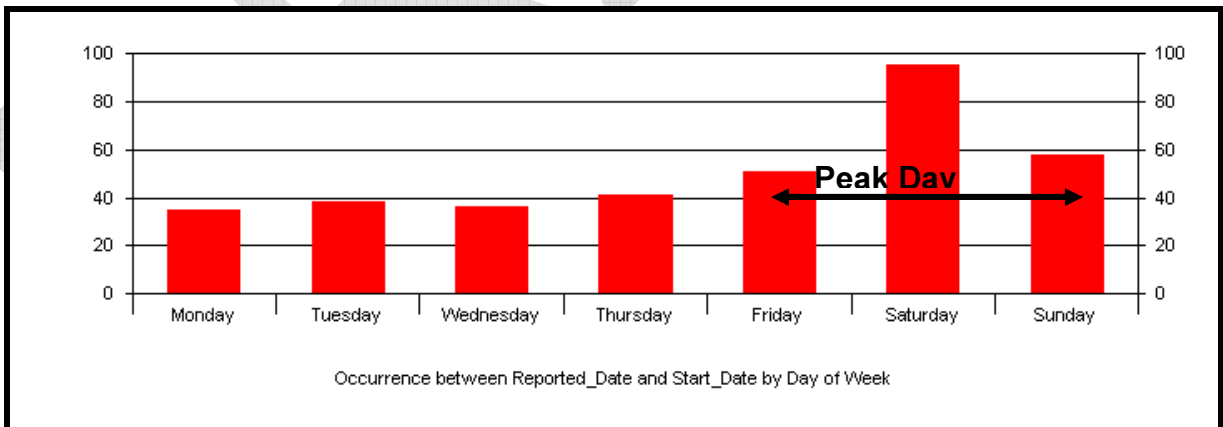
The following tables illustrate the peak time and day for both crime and ASB. For each year

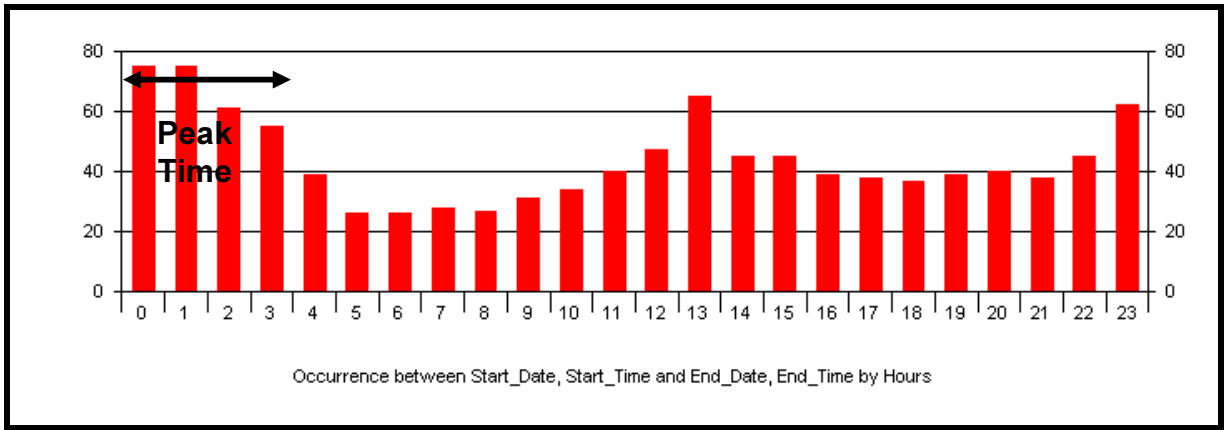
2007 (Sep – Dec)

ASB



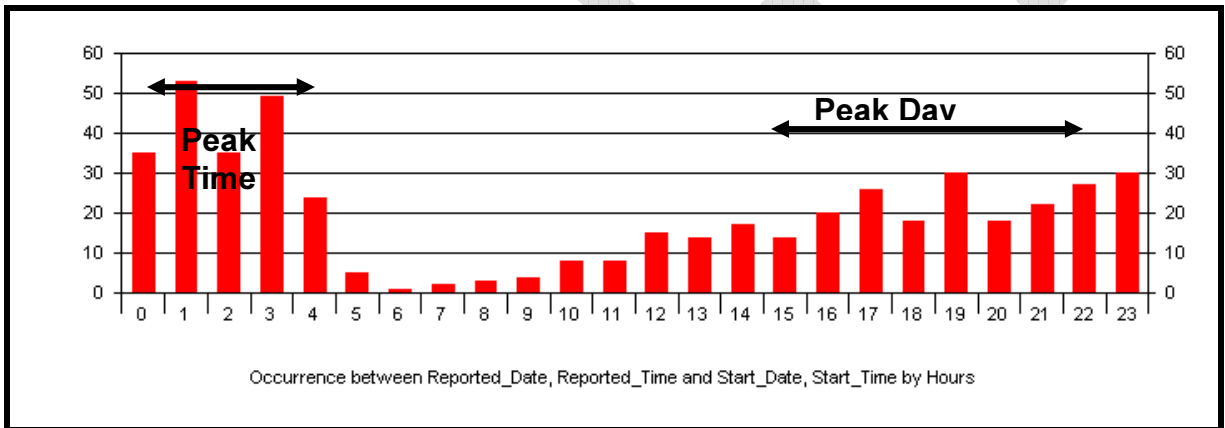
Crime



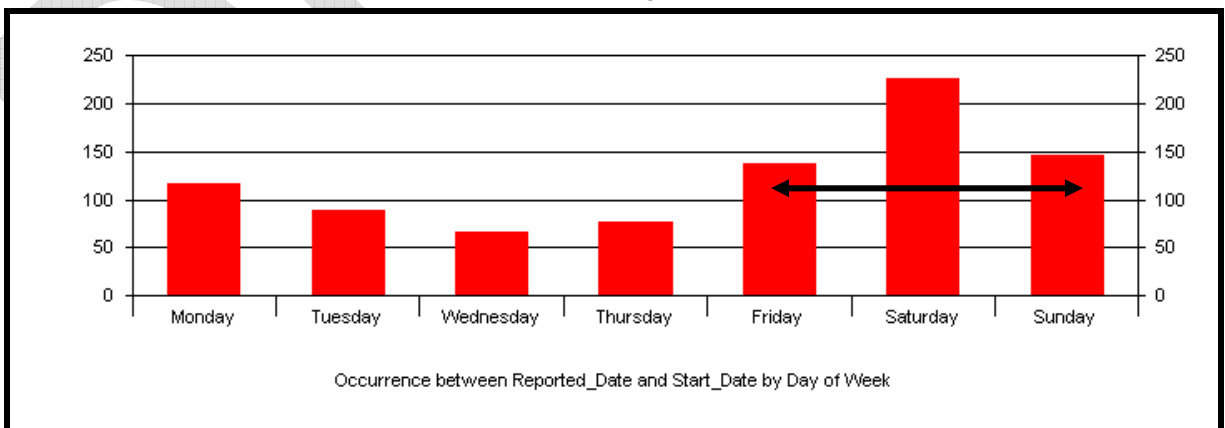


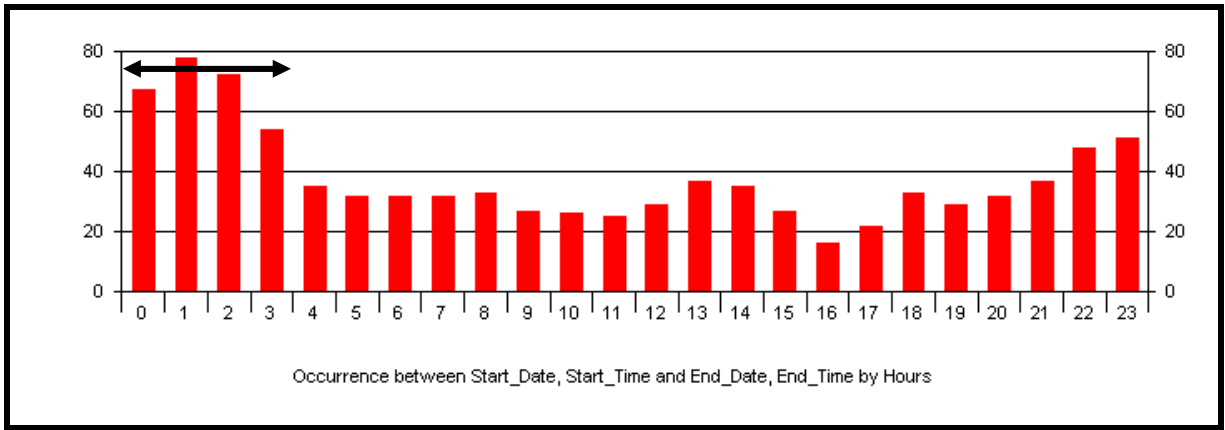
2008

ASB



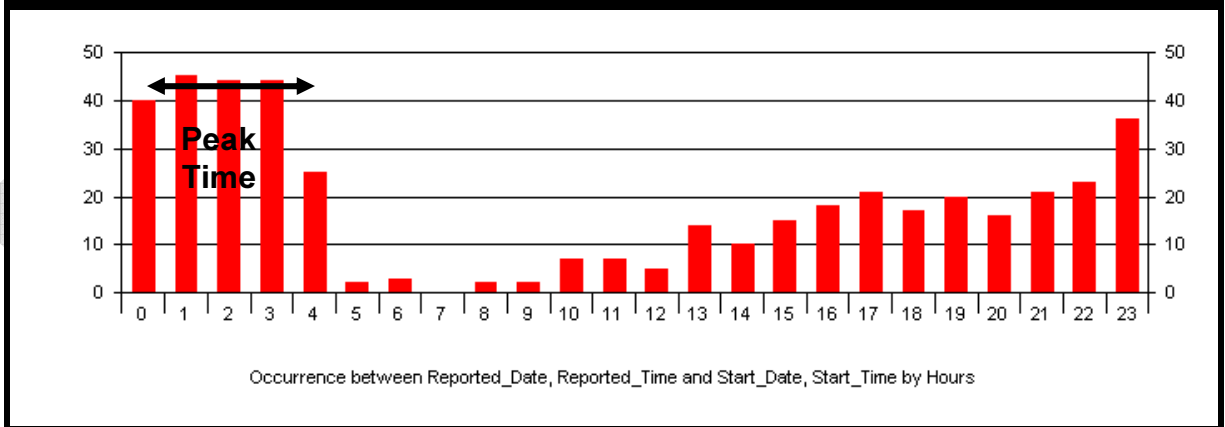
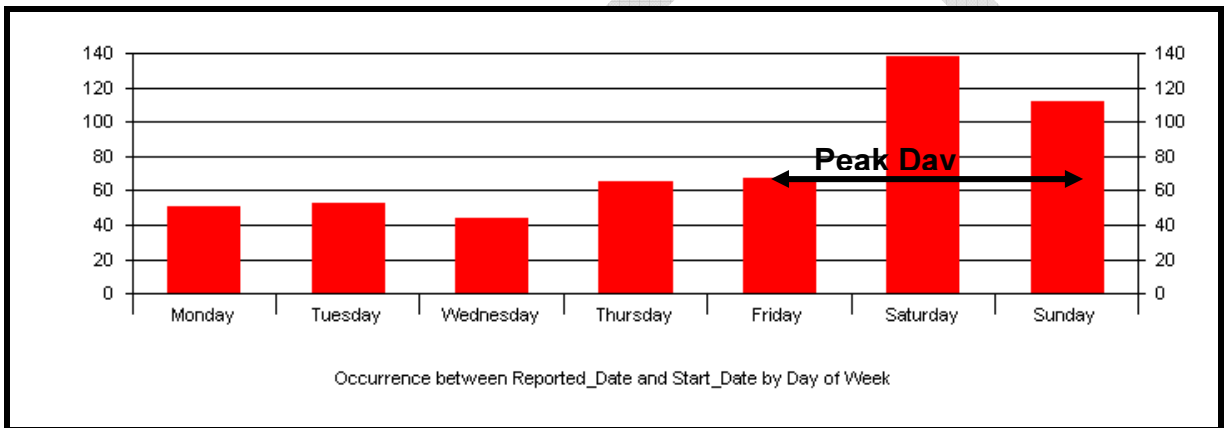
Crime



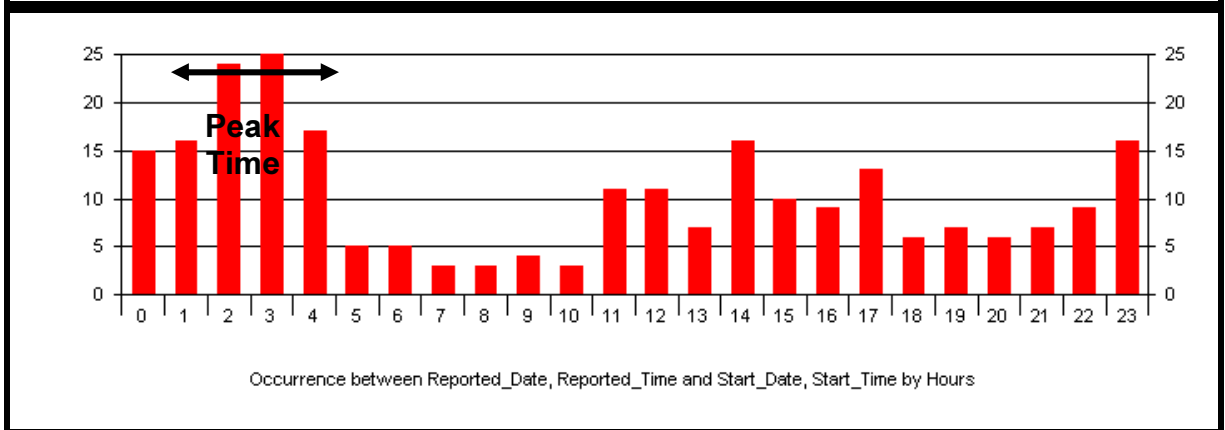
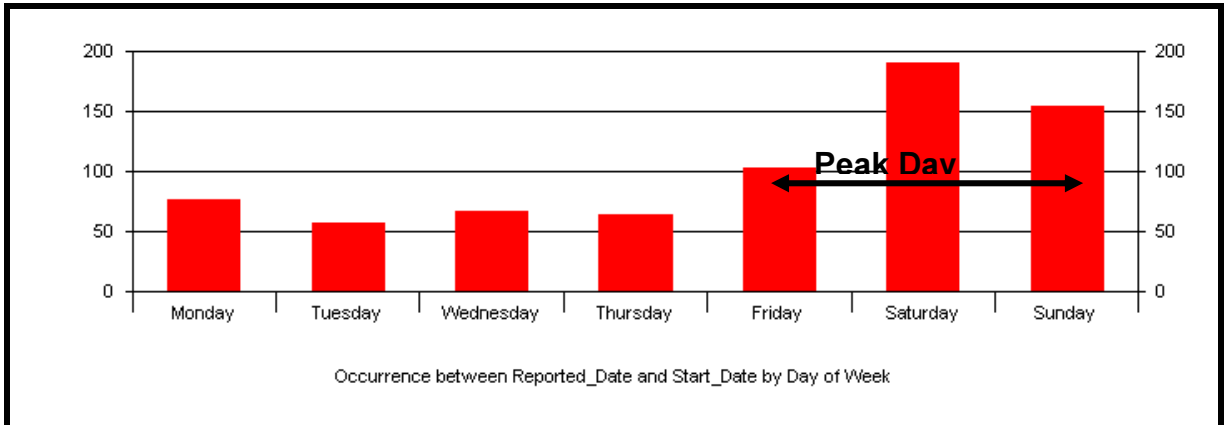


2009

ASB



Crime



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Conclusion

The profile covers a period of two and a half years and you can clearly see the differences from year to year, albeit the profile only shows 6 months of 2007, both Crime and Anti Social Behaviour has increased slightly in 2008 compared with 2007.

A number of factors could have affected this increase, the main one being that in 2007 South Wales Police had a complete overhaul of its computer software and the way calls relating to Crime and ASB were logged changed dramatically, with the introduction of NICHE the new computer program that SWP adopted recording incidents changed, a new dedicated department was created.

They began receiving all non emergency calls to SWP. This could have contributed to an increase, owing to the fact that there was a greater number of staff available at peak times to process the public calls. In 2007 – 2008 the national crime Recording Standards were introduced as a national set of guidelines as how to appropriately record crime. This again could have had an impact on the crime levels, given that there was a heavy focus on third party reporting and victim focus. This witnessed an increase in 2008, which could be seen as recognition that more calls were being processed in accordance with the crime recording standards as opposed to a significant increase in crime and disorder.

In 2009 both crime and ASB decreased with the black trend line showing this on the data graphs, representing an overall decrease. This could be attributed to the level balancing out due to the changes in police systems and due to the ongoing work of the Police and Local Authority tackling the emerging issues, for example the introduction of a Designated Public Places Order (DPPO) in December 2008. In any event the comparatively high levels of recorded incidents warranted the implementation of partnership intervention, in order to tackle the ongoing issues being experienced.

Looking at the data you can see that alcohol is a major factor in both crime and ASB occurrences in Bridgend Town Centre and that the top crime category is Violent Crime.

Of the 816 Violent Crimes that took place from Sep 2007 – Dec 2009 42% were alcohol related which is nearly half of the Violent Crime offences recorded. The data shows that the majority of the crimes and ASB incidents are taking place either inside or outside licensed premises, with Market St, Wyndham Street and Derwen Rd being the hot spots.

The peak days for both crime and ASB are Friday Saturday and Sunday, which takes place between 22:00 hrs and 04:00 hours. There is a direct link between crime and ASB and with the Night Time Economy. The data clearly shows the increasing effect of having such a high number of licensed premises so close to one another.

The inferences I have come to are, if further licenses premises are opened in this very small location this would no doubt aggravate the situation; the data clearly supports a renewal of the cumulative impact policy to include Market Street, Wyndham Street Derwen Road and Nolton Street.

Although the statistics show a continual decrease of crime and ASB levels in 2009 there remains overwhelming evidence to confirm that the majority of these incidents are alcohol related and are

being caused by the customers of late night licensing premises in the main streets in the Town Centre.

The risk of negative cumulative effect of both the late night alcohol premises together with takeaways is still imminent in Bridgend Town Centre. The effect of opening another public house, night club or takeaway will therefore lead to serious problems of public nuisance, crime and ASB which would be detrimental to the licensing objectives and the resources of the Police and Local Authority.

Whilst partner agencies continue to regularly monitor and review the Town Centre the retention of the special policy for Bridgend is key to tackling negative mounting impact, particularly as the profile statistics show that there has been no reduction in the proportion of alcohol related crime and ASB in this relatively small area which remains at 22% in 2009.

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