

Public Document Pack

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Mark Galvin

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 12 December 2019

Dear Councillor,

COUNCIL

A meeting of the Council will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 18 December 2019 at 15:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 14
To receive for approval the Minutes of the 20/11/2019.
4. To receive announcements from:
 - (i) Mayor (or person presiding)
 - (ii) Members of the Cabinet
 - (iii) Chief Executive
5. To receive the report of the Leader
6. Licensing Act 2003 Statement of Licensing Policy and Cumulative Impact Assessment 15 - 48
7. Information Report for Noting 49 - 56
8. To receive the following Questions from:

1. Question from Councillor T Thomas to the Cabinet Member – Communities

Does the Cabinet Member agree that this authorities highways should be accessible for all regardless of age, disability or any other protected characteristic?

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2. Question from Councillor A Hussain to the Cabinet Member – Social Services and Early Help

Could the Cabinet Member let the Council know what action has been taken to reduce the level of Loneliness & Isolation and their negative impact on Health & Wellbeing of our elderly population in our County Borough?

3. Question from Councillor MC Voisey to the Leader

Can the Leader of the council please justify why he thinks elected members of this council should not have the right to ask questions in council meetings and scrutinise in the chamber the decisions taken by this administration?

9. Urgent Items

To consider any item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

K Watson

Head of Legal and Regulatory Services

Councillors:

S Aspey
SE Baldwin
TH Beedle
JPD Blundell
NA Burnett
MC Clarke
N Clarke
RJ Collins
HJ David
P Davies
PA Davies
SK Dendy
DK Edwards
J Gebbie
T Giffard
RM Granville
CA Green
DG Howells

Councillors

A Hussain
RM James
B Jones
M Jones
MJ Kearns
DRW Lewis
JE Lewis
JR McCarthy
DG Owen
D Patel
RL Penhale-Thomas
AA Pucella
JC Radcliffe
KL Rowlands
B Sedgebeer
RMI Shaw
CE Smith
SG Smith

Councillors

JC Spanswick
RME Stirman
G Thomas
T Thomas
JH Tildesley MBE
E Venables
SR Vidal
MC Voisey
LM Walters
KJ Watts
CA Webster
DBF White
PJ White
A Williams
AJ Williams
HM Williams
JE Williams
RE Young

COUNCIL - WEDNESDAY, 20 NOVEMBER 2019

MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON WEDNESDAY, 20 NOVEMBER 2019 AT 15:00

Present

Councillor SE Baldwin – Chairperson

S Aspey	TH Beedle	JPD Blundell	NA Burnett
MC Clarke	N Clarke	RJ Collins	HJ David
PA Davies	SK Dendy	DK Edwards	J Gebbie
T Giffard	RM Granville	DG Howells	A Hussain
M Jones	MJ Kearns	DRW Lewis	JE Lewis
JR McCarthy	D Patel	RL Penhale-Thomas	AA Pucella
JC Radcliffe	KL Rowlands	B Sedgebeer	RMI Shaw
CE Smith	JC Spanswick	RME Stirman	G Thomas
T Thomas	JH Tildesley MBE	E Venables	SR Vidal
MC Voisey	LM Walters	KJ Watts	CA Webster
DBF White	PJ White	AJ Williams	HM Williams
RE Young			

Apologies for Absence

P Davies, CA Green, RM James, B Jones, SG Smith, A Williams and JE Williams

Officers:

Susan Cooper	Corporate Director - Social Services & Wellbeing
Lindsay Harvey	Corporate Director Education and Family Support
Gill Lewis	Interim Head of Finance and Section 151 Officer
Andrew Rees	Democratic Services Manager
Mark Shephard	Chief Executive
Kevin Stephens	Democratic Services Assistant
Kelly Watson	Head of Legal & Regulatory Services

370. DECLARATIONS OF INTEREST

None.

371. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Council of 23 October 2019 be approved as a true and accurate record.

372. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The Mayor informed Council of the engagements which he had undertaken since the last meeting of Council which included attending the BAVO volunteer awards which celebrates local people who give up their time to help others in their community. He had the honour of presenting the Sports Volunteer of the Year award to Shannie Bowen, who runs weekly meetings during the school year with current Maesteg Active Young People leaders, helping them with their work books, organising placements and supporting them with their progress.

Nominations for the Mayor's Annual Citizenship Awards were now open, the awards are open to people who live in the county borough, as well as groups and businesses based locally. Further information can be found on the BCBC website and a nomination form can be downloaded. The deadline for receipt of nominations is 24 January, the winners will be announced at an event in March.

The Mayor had the honour of representing the Authority at the Remembrance Sunday event held in Bridgend and laying a wreath on behalf of BCBC and its residents.

The Mayor announced that the first fundraising event "Music with the Mayor" was held at Court Colman on 10 November and had proven a great success, raising £1,300 for the Mayor's charity.

He reminded Councillors that he would be collecting for the foodbank at December Council. Councillors can also bring in their reverse advent calendars so that they can be collected by the Foodbank and he urged all to participate.

He also announced that the Princess of Wales Hospital Neo Natal Unit had received a prestigious UNICEF award, for the support the Unit gives to mothers and babies. He stated that the Unit is leading the way not only in Cwm Taf but in Wales.

Deputy Leader

The Deputy Leader informed Members of a wide range of local events that are taking place across the county borough to draw to constituents' attention. Events begin on 22 November when the Bridgend and Porthcawl Fundraising group for Marie Curie will host an evening of crafts, songs and refreshments at Bridgend United Church along with a performance from choral group Sounds Familiar. The annual Bridgend White Christmas will take place on 23 November, where Santa Claus will tour the town centre before entering his grotto at Carnegie House, and later switching on the town lights. Children can also visit him at his grotto on the 30 November, and 7 and 14 December.

The Porthcawl Jingle Bell Parade will take place on 29 November with live brass band music, food stalls, children's rides and a Bridge FM stage, while the Grand Pavilion will host A Merry Little Christmas with Only Men Aloud.

On 30 November, the Maesteg Christmas Parade will offer a fireworks display and the switching-on of the Christmas lights, while Bryngarw Country Park will feature a visit from the only Green Santa in South Wales who will also be there on 1 December. On 7 December, the Wooden Reindeer Trail will open at Bryngarw Country Park and children will be asked to help Santa find his lost reindeer. The reindeer will also be lost on the 7, 8, 14 and 15 December. A Christmas Coastal Crafts will take place on 8 December at the Rest Bay Watersports Centre, and the Porthcawl Christmas Cracker event featuring a pop-up Christmas market, street food stalls, children's rides, Santa's grotto, a brass band and more. From 14 December until 5 January, the Grand Pavilion will be home to the Snow White pantomime, and with the annual Morning Swim taking place on Christmas Day itself. He announced that this year will mark the 55th anniversary of the event and is in aid of Alzheimer's Society Cymru. The theme will be 'A Trip Down Memory Lane' where swimmers will dress up as a Christmas memory.

Cabinet Member Communities

The Cabinet Member Communities announced that Members will be aware of the ongoing efforts to promote the Armed Forces Covenant, the latest element of which has involved the establishment of a guaranteed interview scheme for veterans. He informed Members that the Ministry of Defence has presented the Council with a bronze award from its Defence Employer Recognition Scheme. The scheme recognises commitment

and support from UK employers for defence personnel, and it presents bronze, silver and gold awards for employers who support those who serve or have served in the Armed Forces, and their families.

Cabinet Member Social Services and Early Help

The Cabinet Member Social Services and Early Help announced that in preparation for inevitable winter pressures placed upon hospitals, the Welsh Government has allocated a total of £4.3m to Cwm Taf Morgannwg Health Board, £2.7m of this is intended to be used in partnership with organisations in the Cwm Taf Morgannwg region. This has required the health board to work closely with each of the local authorities based within the region to identify bids that are designed to provide solutions to this significant problem. He was pleased to confirm that following consideration of the regional wide bids, Bridgend County Borough has been allocated £600,000.

This funding will be used to enhance community provision and will include the Multi Agency Rapid Discharge Team, and investment in the third sector to increase their ability to support the community provision of services. It will also be used to increase capacity within existing services and teams, and for new ways of working with our domiciliary care providers.

He also announced that that a further £250,000 has also been allocated to increase bed capacity, to enable new ways of integrated working which increase capacity, to prevent any unnecessary hospital admissions to the Princess of Wales Hospital, and to speed up discharge where appropriate.

The Cabinet Member Social Services and Early Help announced that the Council's annual 'empty nesters' campaign is appealing for people whose older children have left home to consider becoming foster carers. At this time of year, many parents may be going through what is known as 'empty nesters syndrome' and research has shown that for some people, these feelings can result in depression and a loss of purpose. He stated that the Council would like parents to reflect on their longer-term aspirations, and make them aware of how valuable they could be to a foster child as people who have brought up their own children will already have the necessary experience and life skills. Further information is available at the Bridgend Foster Care website.

Cabinet Member Wellbeing and Future Generations

The Cabinet Member Wellbeing and Future Generations announced that for almost 20 years, Community Chest has invested more than a million pounds into grassroots sport in Bridgend County Borough. This is a Sport Wales initiative which provides eligible community groups, sports clubs and youth clubs with grants of up to £1,500. She informed Council that grant funding such as this plays a vital role in helping clubs to remain sustainable, especially in light of recent efforts to secure the long-term future of community sport by encouraging more community asset transfers, and in the face of ongoing budget challenges.

The Cabinet Wellbeing and Future Generations informed Council of the groups which had benefitted recently from Community Chest funding, which include Every Link Counts, to set up a boccia club for people with learning difficulties, the Maesteg Canoe Club and Bridgend Canoe Club, who used their funding to purchase instructor training and equipment for younger members and people with disabilities. The Bridgend Bolts Netball Club has used Community Chest funding to encourage more girls to take up sport and ensure that they can progress from junior level into senior netball. The funding has also supported training for coaches, umpires and first-aiders, equipment and facility hire costs and more. She urged Members to encourage local sports teams and clubs to find out more about how the Community Chest funding scheme can support

them. The deadline for the next round of funding applications will be 27 November, with details available on the Sport Wales community chest website or contacting sports development officer Andrew Jones.

Cabinet Member Education and Regeneration

The Cabinet Member Education and Regeneration announced that Natural Resources Wales is in discussions with the Kenfig Corporation Trust over a long-term management lease for Kenfig National Nature Reserve. He stated that the Council has been working towards a management handover of the site for almost a full decade and has been supporting the trust as they seek to appoint a new organisation who can continue this work when the lease is returned on 31 December 2019. He informed Council that Natural Resources Wales are undertaking 'due diligence' checks after concluding that they are best placed to manage the conservation interests at the site. He acknowledged and thanked everyone who had worked at the reserve or who has volunteered there while it has been managed by the Council.

The Cabinet Member Education and Regeneration congratulated pupils at Corneli Primary School, Ysgol Y Ferch o'r Sgêr and the Integrated Children's Centre for offering a helping hand to infants at Mynydd Cynffig Primary. He stated that the infants found themselves in need of a new classroom after a burst pipe left theirs without heat and in need of extensive repairs. He stated that their fellow pupils have rallied round to make room for them while the work is underway.

Chief Executive

The Chief Executive announced that a number of Council staff have been recognised at the South Wales Police Awards after winning the Police and Crime Commissioner Partnership Award for 2019. The award was presented for their efforts as part of the Suicide Review And Response Group. Featuring representatives from the Communications, Safeguarding and Education and Family Support teams, the group brings together colleagues from the Council, health, police and third sector organisations. The group works in partnership to provide dedicated support which is designed to help people access services that support mental well-being, and prevent self-harm and suicide. He congratulated the staff for their efforts.

The Chief Executive also announced that staff have also organised a Christmas Foodbank collection and donation scheme in support of local families and individuals who are experiencing hardship. Throughout all of next week, collection points will be set up in staff kitchen and break areas at the Civic Offices, and a list of food and other urgently needed items will be distributed as part of this week's all-staff Bridgend's email. This was being organised in time for Christmas, in addition to the Mayor's ongoing Foodbank collection.

373. TO RECEIVE THE REPORT OF THE LEADER

The Leader announced that National Safeguarding Week had been marked across Wales with a series of events designed to raise awareness about how abuse can take many different forms, and how people can access help and support. He stated that to demonstrate how everybody can spot signs of abuse and help promote safeguarding, local school children took part by placing specially painted pebbles in parks and public areas across the county borough. The Council had teamed up with a range of different organisations to help mark the week, and staged information events alongside Barnardos, the Community Safety Partnership, Bridgend Carers Wellbeing Service and Telecare.

He informed Council that new Wales safeguarding procedures were launched to provide guidance for practitioners, specific training sessions were held which highlighted the use of tools such as the 'Bright Sky' app, designed to provide support and information for anyone who may be directly experiencing or know someone who is suffering from domestic abuse, sexual abuse, stalking and harassment. He thanked everyone who took part and helped organise all of this, especially the members of Bridgend Multi-Agency Safeguarding Hub.

The Leader announced that the Council has been contacted by WEPA UK Ltd, who are currently exploring a number of options to enhance its European operations, which includes the Bridgend Paper Mill at Llangynwyd. The proposals for the site would include the construction and operation of a second tissue paper machine and additional converting capacity in new building extensions, new handling and shipping areas, as well as a new entrance on the south east side of the site. If approved, the extension will safeguard the existing 267 jobs at the site and create up to 74 new high-quality jobs as well as bringing investment into the local economy. WEPA estimate that more than £100m of inward investment would be generated by the Paper Mill's expansion which would also result in a positive knock-on effect to the supply chain. He had received a request to meet with WEPA to hear about their plans. WEPA has triggered the statutory 28-day pre-application consultation period as this will require planning permission. The planning application will be considered in the same way that any planning application will be considered by this authority against its statutory plans and policies.

The Leader also announced that he was looking forward to viewing the new type of trains that will be serving the Maesteg rail line from December, which would have significantly more capacity, more space, on-board passenger information systems, accessible toilets, air conditioning, Wi-Fi and power sockets. The new trains will also be introduced by Transport for Wales onto the Cheltenham and Ebbw Vale lines providing space for up to 6,500 more commuters a week from December this year. Transport for Wales would also be introducing a Sunday service for the first time on the Maesteg line and he looked forward to hearing more about plans to increase the frequency of the service.

374. 2020-21 COUNCIL TAX BASE

The Interim Head of Finance and Section 151 Officer reported on details of the council tax base and estimated collection rate for 2020-21.

She advised that the estimated council tax base for 2020-21 was 55,604.38, Band D equivalent properties and the estimated collection rate is 98%. The net council tax base was therefore 54,492.29. She stated that the Council Tax Base is provided to Welsh Government and is used as part of the distribution of the Revenue Support Grant in the Local Government Settlement. For the purpose of distributing RSG, collection rates are assumed to be 100%. The amount of Council Tax due for a dwelling in Band D is calculated by dividing the annual budget requirement to be funded by taxpayers by the Council Tax Base. She informed Council that the council tax element of the Council's budget will be based on the net council tax base of 54,492.29.

A member of Council questioned whether the 98% collection rate is being achieved. The Interim Head of Finance and Section 151 Officer stated that the collection rate of 98% is being achieved, performance had previously dropped below the collection rate and every effort is made by officers to secure the target collection rate.

RESOLVED: That Council:

- (1) Approved the council tax base and collection rate for 2020-21, as shown in paragraph 4.1 of the report.
- (2) Approved the tax bases for the community areas set out in Appendix A to the report.

375. REVIEW OF THE CONSTITUTION AND AMENDMENTS TO THE CONSTITUTION

The Monitoring Officer reported on the findings of the Constitution Working Group and Democratic Services Committee and sought approval of amendments to the Constitution.

The Monitoring Officer explained that a request had been received from an Elected Member for a review of the Constitution. In accordance with Article 15 of the constitution the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Any changes will need the approval of Council based on the recommendations of the Monitoring Officer.

The review of the Constitution specifically requested the following to be considered:

- 1) The time period for questions and motions be re-instated at 5 days, now that suitable resources are in place to allow timely translation to Welsh;
- 2) That following the presentations and announcements by Cabinet members, the Leader, and Chief Executive, Members be allowed to ask non tabled questions for a period of 15 minutes;
- 3) That the three largest opposition groups, be given 3 minutes (taken from Development Control Committee 3-minute rule) to make announcements or presentations to Council;
- 4) The timing of Council meetings

The Monitoring Officer reported that the Democratic Services Committee established a cross party Constitution Working Group to review the Constitution, which met on two occasions.

The Working Group recommended that the time period for the submission of questions and motions remain at 10 clear working days. The Democratic Services Committee further added that there be clearer policing of supplementary questions to ensure they are relevant to the original question and that they are short and concise. The Working Group in considering announcements made at Council, recommended that an amendment be made to the Constitution to re-title the Leader's Report to that of Leader's Announcements and that the current announcements made by the Cabinet be shortened. The Working Group recommended that all Members of Council receive replies to written questions 24 hours prior to the meeting of Council where practicable. The reply will be recorded in the minutes of that meeting of Council. The Working Group considered that announcements by Opposition Group Leaders could give rise to political statements being made and did not wish to pursue announcements being made by the Leaders of the 3 largest Opposition Groups. In relation to the timing of Council meetings, an electronic vote was conducted on conclusion of the meeting of Council on 24 July 2019 as to whether or not there was an appetite to explore evening meetings. Of the 45 Members present, 17 Members voted in favour of holding evening meetings. The Working Group recommended that as the vote was lost, the holding of evening meetings would not be explored further until the next administration.

The Monitoring Officer informed Council that an opportunity was taken as part of the review to review the Council's call-in procedure to ensure it was working effectively within the current Scrutiny structure. Research had been conducted by the Democratic Services Team on the Call-in process in place at other local authorities in Wales. The Working Group recommended that the period of notice after publication of a decision be extended from the current 3 clear working days to 5 clear working days in order to have greater transparency and for backbench Members to have a greater opportunity to call-in a decision. The Working Group recommended that the time period for holding an Overview and Scrutiny Committee remains at within 5 clear working days. The Working Group recommended that any Member including a Chairperson who calls-in a decision is excluded from the decision making at that Committee meeting, but would be invited to give evidence to the Committee in support of the Call-in request.

The Monitoring Officer informed Council that the Democratic Services Committee at its meeting on 17 October 2019 considered the findings and approved the recommendations of the Constitution Working Group for consideration by Council.

Councillor Voisey who had submitted the request to the Monitoring Officer informed Council that he has done so as he believed that the public were not getting questions answered in the public domain. The Member believed that the increase in the time period for questions and motions to 10 days was temporary and should be reinstated to 5 days. The Member also believed that the announcements by the Executive and Chief Executive could be dealt with by press releases. The report of the Leader gave the opportunity for Members to ask questions of the Leader, this opportunity would not be afforded to Members if the Leader's Report was re-titled Leader's Announcements. In relation to announcements by Opposition Groups, the Member stated that this was a political chamber and Members have a right to make political statements. He believed that the request to question the Leader and Cabinet had been missed from the report and requested that this should be reviewed. The Member also requested that the timing of Council meetings start on a proportional basis according to the preferences of Members.

Councillor Venables who chaired the Constitution Working Group and is also the Chairperson of the Democratic Services Committee commented that the Working Group had met on 2 occasions and had robustly scrutinised the elements of the Constitution subject to the review. Councillor Howells who is a Member of the Constitution Working Group and Democratic Services Committee commented that the Working Group had looked at research undertaken by the Democratic Services Team and had considered the options available. He reiterated that the Group was a cross party group.

Councillor Giffard expressed concern at the recommendation that any Member including a Chairperson who calls-in a decision is excluded from the decision making at that Committee meeting, but would be invited to give evidence to the Committee in support of the Call-in request. He expressed concern that Committees considering a Call-in would become imbalanced if the Members signing the Call-in were excluded from the decision making at the Committee. The Monitoring Officer informed Council that the Constitution Working Group had considered the Call-in process during the review as there had been a call in during the period and it was felt lessons could be learnt. It was considered that to avoid the perception of impartiality and pre-determination Members who call in a decision should not sit on the Committee considering the matter. The Monitoring Officer informed Council that with the ever increasing use of social media the perception of the public had to be considered.

The Monitoring Officer informed Council that a large number of Members had signed the most recent Call-in which could have led to the meeting being inquorate if they had all declared that they had pre-determined.

Councillor Watts considered that Members should have the ability to ask non tabled questions of the Executive. The Monitoring Officer informed Council that Constitution Working Group had concluded that the Cabinet Member may not have the detail to fully respond to questions being put at the meeting. They felt it was more appropriate to ask tabled questions to give the opportunity for a comprehensive answer to be prepared. Councillor Venables informed Council that all elements of the review had been considered robustly by the Constitution Working Group. Councillor Patel stated that she had attended a meeting of the Working Group and had explained that as a Cabinet Member she would like a response to a question to be correct. She believed Cabinet Members would not be in possession of that level of detail at meetings of Council. Councillor Watts believed that if Members did not have the opportunity to ask questions, that debate was nullified and Members could not voice their opinions. The Mayor informed Council that the Member asking the question is able to ask a supplementary question and two further questions can be asked by Members.

Councillor T Thomas believed that all Members of Council should have been able to contribute to the review of the Constitution. The Mayor advised that the review had been delegated to the cross party working group by the Democratic Services Committee.

Councillor T Thomas also believed that the increase in the timescale for submitting questions and motions was a temporary due to the implementation of the Welsh Language Standards.

Councillor N Clarke also expressed concern that Members signing a Call-in request could be excluded from sitting on the Committee hearing the Call-in and considered that the number of Members sitting on Overview and Scrutiny Committees should be increased to avoid Committee becoming inquorate.

Councillor Burnett welcomed Cabinet Members being able to make announcements and to present good news items and felt political statements were not made during the announcements.

Councillor Penhale Thomas felt that there should be policing of supplementary questions and welcomed replies to Questions being sent to Members 24 hours before the meeting. He also welcomed shorter announcements by Cabinet Members, but believed that announcements should also be extended to all political groups and also commented that this is a political chamber.

Councillor M Clarke commented that the purpose of Call-in is for Members to have another look at a decision and felt that the administration should not be afraid to have another look at a decision it was to make. He also considered that the administration could have a pre-disposition on a decision it intended to make. He stated that Call-in requests were rare and that Committees would act responsibly.

Councillor Voisey commented that a 15 minutes period for non-tabled questions should be allowed and that Cabinet Members are experienced and are supported by officers. He expressed concern that he had not been asked to attend meetings of the Constitution Working Group and that its minutes were not available to Members. The Monitoring Officer advised that the matters raised by Councillor Voisey had been referred to the Democratic Services Committee which delegated that matters to the Constitution Working Group it had established.

Councillor Spanswick considered that Members should declare an interest if they had pre-determined or were pre-disposed in relation to a decision which had been called-in and what was needed was a review of the scrutiny process.

Councillor Vidal considered that the views of the 17 Members who had voted in favour of evening meetings should have been taken on board. The Monitoring Officer informed that this was an informal vote as the Constitution Working Group wanted an indicative view of Members.

Councillor Webster stated that she attended Overview and Scrutiny Committees with an open mind and left politics at the door. She also stated that Members need to be mindful of comments which they make on social media. The Monitoring Officer informed Council that queries had been received from members of the public as to whether Members had pre-determined as a result of comments which had been made on social media.

Councillor PA Davies stated that the recommendations made by the Constitution Working Group to the Democratic Services Committee were cross party. She also stated that translations had to be accurate and timely.

The Leader stated that the Constitution Working Group was a cross party group and that his Group had received feedback on its work as part of the review. He stated that purpose of Council was not ask questions of Members but to make decisions and set policy. He also stated that the Constitution Working Group had been tasked by the Democratic Services Committee to come up with recommendations and that the Working Group had tried to protect Members in calling-in a decision. Councillor Penhale Thomas informed Council that no member of his Group sits on the Working Group. He also believed that Members need to be able to ask strategic questions at Council.

A proposal was received from Councillor Watts that the proposals for the Call-in process be referred back to the Democratic Services Committee. This was not seconded and fell.

A proposal was received from Councillor Giffard for the removal of paragraph 4.7.4 of the report. He requested assurances that the Council believes that a Call-in will always be heard by a politically balanced Committee. This was seconded by Councillor N Clarke.

The Monitoring Officer informed Council that paragraph 4.7.4 would not be implemented and further consideration would be given to the Call In process.

RESOLVED:

That Council:

- (1) Noted the research and work undertaken by the Constitution Working Group on behalf of the Democratic Services Committee;
- (2) Approved the recommendations made by the Working Group and amend the Constitution accordingly with the exception of paragraph 4.7.4
- (3) Delegated authority to the Monitoring Officer to make minor amendments to the Constitution to include amending typographical and drafting errors, updating legislative changes and drafting improvements to enhance clarity and remove minor anomalies.

376. TO RECEIVE THE FOLLOWING QUESTION FROM COUNCILLOR A HUSSAIN TO THE CABINET MEMBER COMMUNITIES

Question from Councillor A Hussain to the Cabinet Member Communities

In the County Borough there are many cycle and walking route gaps. How is the Cabinet Member addressing this to encourage Active Travel?

Response of the Cabinet Member

The Council's active travel network map is in two parts: a) the existing route map (ERM) based on cycle routes that existed before the Active Travel Act (Wales) 2013 was enacted; b) the integrated network map (INM) based on proposed routes. The proposed schemes contained in the INM have the following aims:

1. Improve access to key services and facilities including town centres, employment sites, retail areas and transport hubs;
2. Improve access to education facilities such as schools and colleges;
3. Improvement to, and expansion of, the existing strategic cycle network in the county borough.

The supporting information accompany the INM advises further that that routes identified are "indicative alignments that may be subject to change as routes are further developed. The development and delivery of the proposals shown on the INM will be dependent upon the availability of funding.

The points enumerated above supplement the criteria identified in the Active Travel Delivery Guidance issued by the Welsh Government. In it, Appendix B contains 9 settlements where routes had to be identified, which is linked below.

<https://gov.wales/sites/default/files/publications/2017-09/statutory-guidance-for-the-delivery-of-the-active-travel-wales-act-2013.pdf>

The 13 settlements are as follows:

- For the Bridgend catchment: Bridgend, Sarn, Trelales.
- For the Maesteg catchments: Croeserw, Cymmer, Maesteg.
- For the Ogmores Vale/Nantymoel settlement: Nantymoel, Ogmores Vale.
- For the Hendreforgan/Gilfach Goch settlement: Gilfach Goch.
- The other two catchments are Pyle, Pencoed and Pontycmer.

Where settlements straddle adjoining authorities, responsibility rests with joint authorities.

Although the active travel INM provides a basis for the primary active travel network in the county borough, the development of a comprehensive network is not limited to the INM. The INM provides a base network into which active travel routes that are identified as part of the land use development process and to be provided by developers could link. Other measures such as safe routes to schools and communities will be explored to cover areas that are not covered by the INM.

Councillor Hussain referred to Map 8 of the INM which showed proposals for the future works in and around the County and asked a supplementary question, could the Cabinet Member help the public by installing a pedestrian crossing at the junction of Tondu Road and Church Road near the petrol station, which will be a way forward for the residents to cycle and walk to Bridgend?

COUNCIL - WEDNESDAY, 20 NOVEMBER 2019

The Cabinet Member Communities undertook to speak to Councillor Hussain in relation to the request made in his supplementary question.

377. URGENT ITEMS

There were no urgent items.

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 DECEMBER 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

1. Purpose of report

- 1.1 To seek approval from Council to publish the Statement of Licensing Policy for the period 2019 to 2024, to include a Cumulative Impact Policy in respect of Bridgend Town Centre. This matter was reported for noting to the Licensing Act 2003 Committee on 6 November 2019 and to Cabinet on 17 December 2019.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority. Approval to publish the Statement of Licensing Policy and/or a Cumulative Impact Assessment is a Council function and required so that the authority may effectively discharge its functions under the Licensing Act 2003.

3. Background

- 3.1 The Council is required to publish its Statement of Licensing Policy for the period 2019 to 2024. The current policy has been reviewed and took into account a request from the South Wales Police to retain the special Cumulative Impact Policy which applies to the grant and variation of licences in Bridgend Town Centre. A statutory and public consultation has been undertaken as part of the review of the Statement of Licensing Policy.
- 3.2 The consultation process took the form of an online public consultation between 17 June 2019 and 9 September 2019. In accordance with the statutory provisions, the consultation included the Responsible Authorities, elected Members, Town and Community Councils, Town Centre Manager, Public Services Board, and the British Institute for Innkeeping (BII). Notification of the consultation was also sent to two firms of solicitors who represent licensing clients, and who had previously asked to be kept informed of policy reviews.

4. Current situation/proposal

- 4.1 Draft Statement of Licensing Policy

The Council, as licensing authority regulates a wide range of licensed premises including pubs, registered members' clubs, off-licences and late night takeaways.

The Policy sets out how the Council, as licensing authority intends to exercise its functions and the general approach to making licensing decisions.

4.2 There were no representations made in respect of the overarching draft Statement of Licensing Policy for 2019-2024 which is attached at Appendix A.

4.3 Request to retain a Cumulative Impact Policy for Bridgend Town Centre

Statements of Licensing policy can be tailored to address specific concerns about the impact of licensed premises. The fundamental concerns for the licensing authority will be the four licensing objectives set out in the Licensing Act 2003, and the Council must carry out its functions with a view to promoting these objectives:

- The prevention of Crime and Disorder
- The prevention of Public Nuisance
- Public Safety
- The protection of Children from Harm

In terms of preventing crime and disorder, Cumulative Impact Assessments (CIA) are a measure introduced under the Police and Crime Act 2017 to enable licensing authorities to undertake an assessment of the cumulative effect of a large number of licensed premises in a particular area. The CIA looks at crime and disorder, public nuisance, littering and other negative impacts on particular areas in order to assess whether the licensing authority should adopt a special Cumulative Impact Policy (CIP) to limit the number of new premises or variations to existing premises.

4.4 A Cumulative Impact Policy has been in place in Bridgend Town Centre since 2005. The current policy is that there is a presumption of refusal for applications for the grant and major variation of premises licences and club premises certificates (where relevant representations are received) unless the applicant can demonstrate that the premises will not add to the negative cumulative impact on the town centre.

The CIA is now a separate document which should be reviewed by the licensing authority every three years. There must be an evidential basis for completing and publishing a Cumulative Impact Assessment (CIA). The request from the South Wales Police to undertake a CIA for Bridgend Town Centre is attached at Appendix B. The draft CIA is attached at Appendix C and reflects the responses submitted during the public consultation.

4.5 The draft CIA seeks to retain the special policy in respect of future applications within 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).

4.6 The view of the South Wales Police is that:

“It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”

- 4.7 93% of respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend Town Centre. The responses also highlighted a range of concerns ranging from Anti-Social Behaviour to Violent Behaviour and the concentration of drinkers.

The top issues of concern by response in the town centre:

- Anti social behaviour 92%
- Littering 92%
- On street drinking 54%
- Violent behaviour 54%
- Street fouling/lavatory provision 46%
- Concentration of drinkers 46%
- Criminal activities 23%
- Street cleansing 8%

The draft CIA includes information on the number of premises within the streets named above. No evidence was submitted that Club Premises are causing a negative impact on the Town Centre.

- 4.8 The CIA includes other tools available to agencies and premises to manage the night time economy which includes enforcement, the use of CCTV as well as the Pubwatch Scheme supported by licensees.
- 4.9 In conclusion, the draft CIA has identified that the numbers and density of premises in streets in Bridgend Town Centre is having a negative effect on the licensing objective of the Prevention of Crime and Disorder. Responses from consultees also highlighted littering, street fouling and street cleansing as issues with 69% of consultees stating that this has an impact on the day and night time economies. The South Wales Police state within their report that the Cumulative Impact Policy (CIP) has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.
- 4.10 Having regard to the consultation responses there is evidence to support the continuation of a Cumulative Impact Policy in the named streets in Bridgend Town Centre. The policy aims to reduce incidents of alcohol related problems, crime and disorder and public nuisance and to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and late night refreshment. The underlying intention is to ensure that Bridgend Town Centre is a safe environment to people visiting and working in the area.
- 4.11 The CIP, if approved by Council, would apply to applications received for the grant and major variation of premises licences, but not to Club Premises Certificates or Temporary Event Notices. If approved, the CIP will create a rebuttable presumption that where relevant representations have been received, the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives. The key issue is that the Responsible Authorities must make representations to trigger the policy if there are concerns that the application does not address the CIP and will add to the negative cumulative impact being experienced in the town centre.

4.12 Each decision must still be made on a case-by-case basis with a view to promoting the licensing objectives.

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

6.1 A full Equality Impact Assessment has not been undertaken as there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications. Publication of the Statement of Licensing policy is a statutory function and will be met from existing budget.

9. Recommendation

9.1 Council is requested to approve the publication of the Statement of Licensing Policy attached at Appendix A to this report to cover the period 2019 to 2024.

9.2 Council is requested to approve the publication of a Cumulative Impact Assessment as part of the above Statement of Licensing Policy and to approve a specific Cumulative Impact Policy set out in Section 6 of the Statement of Licensing Policy referred to above.

Kelly Watson
Head of Legal and Regulatory Services

10 December 2019

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Background documents: Section 182 Guidance issued by the Home Office available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

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BRIDGEND COUNTY BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

Kelly Watson
Head of Legal and Regulatory Services
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The approved policy document will be available in the Welsh Language, and in other formats on request, and at www.bridgend.gov.uk

Date of Approval:

Effective for five years from date of approval

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1. INTRODUCTION

- 1.1 Bridgend County Borough Council is the local licensing authority with responsibility for licensed premises under 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 the Licensing Act 2003 having regard to the Statutory Guidance issued under section 182 of the Act. The Statutory Guidance document is available at: <http://www.homeoffice.gov.uk/publications/alcohol>
- 1.2 This Statement of Licensing Policy will be kept under review and published in line with Section 5 of the Licensing Act 2003. Further consideration and review may be required in response to changes in demographics and operating models they may develop in response to increasing financial pressures on local government.
- 1.3 To avoid duplication and to ensure that information is up to date, applicants, residents and other persons, members of the public and responsible authorities will be directed to www.homeoffice.gov.uk for information on the licensing processes.

2. PROFILE OF BRIDGEND COUNTY BOROUGH

- 2.1. The Council area contains a mix of urban and rural communities, and has a population of approximately 139,178. (Source data: ONS website Table KSI01UK 2011 Census).

The main towns are Bridgend, Maesteg and Porthcawl.

The Corporate Plan for 2018-2022 identifies the following priorities:

- Supporting a successful economy
- Helping people to become more self-reliant
- Making smarter use of resources

Source: www.bridgend.gov.uk Council priorities and performance pages.

- 2.2 This policy links to many of the corporate themes and strategies of the Council but the ultimate 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 To encourage more performances of live music, the Live Music Act 2012 amended the Licensing Act 2003 by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, event organisers and authorisation holders should visit www.homeoffice.gov.uk for further information before staging an event.

- 2.4 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.
- 2.5 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 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 and key partner agencies. Copies of protocols can be accessed at www.bridgend.gov.uk
- 2.6 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; and
- 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 a number of publications are available to assist in the planning of an event. Applicants are advised to contact the bodies shown at Appendix A for further information.

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 this policy and 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 other persons, 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 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. 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.
- 5.4 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.
- 5.5 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 to 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.
- 5.6. In the interests of transparency and fairness, the licensing authority will normally make personal details of persons 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 party concerned.
- 5.7 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. In the interests of transparency and fairness, the licensing authority will normally make personal details of residents and other 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 person concerned.
- 5.8 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 persons of applications received beyond the statutory requirements.

- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 The licensing authority is mindful that, once away from the licensed premises, a minority of consumers will behave badly and unlawfully. As outlined in the Home Office Guidance, this policy recognises that there are other mechanisms both within and outside the licensing regime that are available for addressing such issues. These are listed within the Home Office guidance. Applicants are advised that Designated Public Places Orders apply to certain parts of the County Borough and should contact the Licensing Section for further information.
- 5.14 Policy in respect of determining variations of licences:

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 Home Office under Section 182 of the Act.

- 5.15 General policy in respect of licensing hours:

In line with Home Office Guidance, shops, stores and supermarkets 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 there are good reasons. There are no local policies in place and each case will be determined on its merits.

5.16 Policy in respect of assessing applications to prevent public nuisance:

The following criteria will be considered when assessing applications within the context of preventing public nuisance:

- Environmental quality;
- Residential amenity;
- Character of function of a particular area; and
- Nature of the proposed activities to be provided at the premises.

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.

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.

5.17 Policy in respect of the protection of children from harm:

Decision making will not seek to limit the access of children to any premises unless it is appropriate for the prevention of physical, moral or psychological harm to them. It is not possible for this licensing policy to anticipate every issue of concern that could arise in respect of children in relation to individual premises and therefore each case will be dealt with on its merits. However, this authority believes that it is completely unacceptable to sell alcohol to children or by proxy to children. Conditions relating to the access of children where alcohol is sold, and which are appropriate to protect them from harm, will be carefully considered on receipt of relevant representations. More detailed provisions are shown in Section 7.

6. SPECIAL POLICY: CUMULATIVE IMPACT

- 6.1 Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.
- 6.2 The licensing authority has published a cumulative impact assessment (CIA) to help limit the number of types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives.
- 6.3 The licensing authority has had regard to the guidance published by the Home Office before determining whether to publish a CIA and has undertaken a statutory consultation.
- 6.4 Summary of Cumulative Impact Assessment (CIA):
- 6.4.1 The CIA applies to Bridgend Town Centre in respect of 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).
- 6.4.2 The South Wales Police advised the Licensing Authority that:
- “It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”*
- 6.4.3 Although a small sample size, 93% of public respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend town centre. The responses also highlighted a range of concerns from consultees of ranging from Anti-Social Behaviour to Violent Behaviour and the concentration of drinkers. No evidence was submitted that Club Premises are causing a negative impact on the Town Centre.
- 6.4.4 The CIA identified that the numbers and density of premises in streets in Bridgend Town Centre is having a negative effect on the licensing objective of the Prevention of Crime and Disorder. Responses from consultees also highlighted littering, street fouling and street cleansing as issues with 69% of consultees stating that this an impact on the day and night time economies. The South Wales Police stated within their report that the Cumulative Impact Policy has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.
- 6.4.5 Having regard to the consultation responses there is evidence to support the continuation of a Cumulative Impact Policy (CIP) in the named streets in Bridgend Town Centre. The policy aims to reduce incidents of alcohol related problems, crime and disorder and public nuisance and to discourage an increase in the number of late opening premises primarily concerned with the sale of alcohol and late night refreshment. The underlying intention is to ensure that Bridgend Town Centre is a safe environment to people visiting and working in the area.

- 6.4.6 The policy applies to applications received for the grant and major variation of premises licences, but not to Club Premises Certificates or Temporary Event Notices. When the Policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.
- 6.4.7 Where relevant representations are received for a premises adjoining or in close proximity to the Cumulative Impact Policy area, and where those representations raise a material impact on the area then the policy will be applied if the Licensing Authority reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.
- 6.4.8 The publication of a CIP does not relieve responsible authorities or other persons of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. In addition the publication of a CIP does not change the fundamental way that licensing decisions are made. It is therefore open to the licensing authority to grant an application where it considers it appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the negative cumulative impact.
- 6.4.9 The licensing authority will expect that applicants in areas covered by a CIP give consideration to cumulative impact issues within the operating schedule submitted.
- 6.4.10 The licensing authority will proper regard to the different types of premises and the differing impact they will have on the local community. However, if no relevant representation is received, the licensing authority will grant the application in terms which are consistent with the operating schedule.

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 Children's Directorate, Bridgend County Borough Council.
- 7.2 Where relevant representations are received, the licensing authority will consider imposing conditions restricting the access to children to premises in circumstances where:
- Entertainment or services of an adult nature are provided;
 - A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing under-age drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - It is known that unaccompanied children have been allowed access;
 - There is a known association with drug taking or dealing;
 - Premises where there is a strong element of gambling;
 - The supply of alcohol is the exclusive or primary purpose of the premises; and

- 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 The licensing authority is also mindful that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and the responsible authorities are expected to consider this point carefully. The licensing authority considers this issue to broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 7.4 The licensing authority expects applicants to be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 7.5 The licensing authority will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 7.6 Conditions whether offered, or imposed following the receipt of relevant representations, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, the licensing authority may consider other conditions relating to the protection of children from harm, for example:
- Restrictions on the hours when children may be present;
 - Restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - Restrictions on the parts of the premises to which children may have access;
 - Age restrictions (below 18);
 - Restrictions or exclusions when certain activities are taking place;
 - Requirements for an accompanying adult (including for example, a combination of;
 - Requirements which provide that children under a particular age must be accompanied by an adult); and
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.7 On receipt of relevant representations, the licensing authority will consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency in a theatre offering entertainment aimed primarily for children.

8. INTEGRATING STRATEGIES

- 8.1 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.
- 8.2 The authority's planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing Committees will not be 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 the operator must observe the earlier closing time.
- 8.3 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 Licence conditions will not be imposed where they would duplicate other regulatory regimes or legislation; this includes health and safety at work, fire safety, disability or equalities legislation.
- 8.5 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.
- 8.6 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 These sections will be of relevance to all sectors within the licensed trade, including Club Premises, the retail sector and events to which Temporary Event Notices apply. However, the licensing authority recognises that applicants, existing licensees and premises users should consider only those matters which are relevant to the individual style and characteristics of their premises and/or events. The licensing authority encourages liaison between applicants and responsible authorities when drafting operating schedules and risk assessments.
- 9.2 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. Applicants and responsible

authorities are reminded that they should not offer conditions which duplicate offences set out in the Licensing Act 2003 or in existing legislation.

9.3 The responsibility for ensuring compliance with non-licensing legislation rests with the applicant. The authority considers the most up to date information to be available on the Home Office website.

9.4 The following licensing objectives have equal importance. Applicants should note that the licensing authority may also develop pools of conditions based on the Home Office Guidance from which necessary and proportionate conditions may be drawn should relevant representations be received.

9.5 The Prevention of Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 imposes 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. Conditions should be targeted on deterrence and preventing crime and disorder.

- a) The installation and maintenance of CCTV inside and outside the premises, to include the precise location of cameras on plans to ensure that areas are properly covered.
- 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) A training policy relating to the prevention of crime and disorder at the premises.
- 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 record crime and disorder.
- i) Adherence to the best practice issued in relation to 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.

9.6 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.

- 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.

9.7 Public Nuisance

Licensed premises have the potential to have an adverse impact on the local community. The licensing authority recognises that a balance should be struck between local businesses, cultural diversity and the need to protect the local residents from nuisance.

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. Other measures could 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 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.

9.8 The Protection of Children from Harm

Such steps as are required to address this licensing objective may include:

- a) Types of entertainment provided, especially if aimed primarily at children.
- 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.

10. COMPLIANCE

- 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. 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 Although the review process is a key protection for the local community, local residents or businesses who have concerns about premises should contact the relevant agency in the first instance. The Council can also act as the point of contact for concerns via licensing@bridgend.gov.uk

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. Any person and responsible authority has 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. Each case will be dealt with on its merits.
- 12.2 The licensing authority considers that it is good practice for responsible authorities to give licence holder's 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 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 and in other formats on request.
- 12.5 In the interests of transparency and fairness, the licensing authority will normally make personal details of residents and other 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 person concerned.
- 12.6 Any person 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. Accessibility enquiries should be addressed to the Licensing Section in the first instance.

13. TEMPORARY EVENT NOTICES

- 13.1 There are no special policies applicable to Temporary Event Notices. Full details of the process can be found at www.homeoffice.gov.uk. Event organisers should take particular notice of the references and meaning of the term "working days" when calculating when to serve a Temporary Event Notice.
- 13.2 Whilst not a mandatory requirement, early engagement and discussion with the South Wales Police and Council Public Protection team around proposed TENS may reduce the likelihood of an objection notice on the grounds of crime and disorder or public nuisance. 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.
- 13.3 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 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 draft policy statement, including the information provided by the South Wales Police at Appendix Two, was published via the Bridgend County Borough Council website between*****. Consultation also took place with the Responsible Authorities, partner agencies, Members of Bridgend County Borough Council and Town and Community Councils.
- 15.2 This Statement of Licensing Policy was prepared by the Licensing Section, Bridgend County Borough Council and approved by the Bridgend County Borough Council at their meeting held on *****

16. APPEALS

- 16.1 In the case of a premises licence, an appeal should be made to the magistrates' court for the petty session's area in which the premises are situated. (Bridgend Magistrates' Court).
- 16.2 In the case of a personal licence, an appeal should be made to the magistrates' court for the petty session's area where the personal licence was granted.
- 16.3 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 Address as above
The Local Health Board Abertawe Bro Morgannwg University Health Board	Judith Tomlinson (Public Health Consultant) ABM Public Health Team Public Health Wales Floor 1, Oldway Centre 36 Orchard Street Swansea SA1 5AW
Home Office's Alcohol Licensing Team	Alcohol Licensing Team Lunar House 40 Wellesley Road Croydon CF9 2BY

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

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PC 2322 MORRIS
Licensing Department
Central West Division
Police Station
Brackla Street
Bridgend
CF31 1BZ

Thursday 13th June, 2019

Legal Services Department
Corporate Services
Bridgend County Borough Council
Angel Street
Bridgend
CF31 4WB

Review of the Cumulative impact policy

What is Cumulative Impact?

“Cumulative impact” is not mentioned specifically in the 2003 Act. It means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Problems occurring as a result of cumulative impact are described as large numbers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

Large concentrations of people are of concern in Cumulative Impact Area (CIA) because they may also increase the incidence of disorder or criminal activities in the street. Local services such as public transport services, public toilet provision and street cleaning may not be able to meet the demand posed by such concentrations of people leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

These are the reasons for implementing Cumulative Impact Policies (CIP's) and these, therefore are the types of impacts that should be examined when considering new applications within CIP areas.

The s182 Guidance also makes it clear that there should be an evidential basis for the decision to include a 'special policy' within the statement of licensing policy.

HEDDLU DE CYMRU

Pencadlys Heddlu De Cymru, Heol y Bont-faen, Penybont CF31 3SU
Mewn argyfwng ffoniwch 999, fel arall, ffoniwch 101
Gwefan: www.heddlu-de-cymru.police.uk

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg.
Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

SOUTH WALES POLICE

South Wales Police Headquarters, Cowbridge Road, Bridgend CF31 3SU
In an emergency always dial 999, for non-emergencies dial 101
Website: www.south-wales.police.uk

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Key findings

The report has been commissioned to review crime and incident levels within the following streets which form part of the Cumulative Impact Area within Bridgend Town Centre and identify whether there has been an increase since the opening of new premises on 31st July 2015 in Market Street.

- Market Street
- Derwen Road
- Wyndham Street
- Nolton Street

The total number of occurrences reported has been in decline in the analysis period, however we have to factor in that there have been three licensed premises which have now closed which would impact the analysis.

Although there have been declines in many areas of the findings South Wales Police still support the (CIA) as the removing of such a policy would have a negative impact upon the Licensing objectives.

The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm

It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.

Conclusion

South Wales Police supports the continual use of a Cumulative Impact Area (CIA) policy in Bridgend town centre.

This has in effect created a rebuttable presumption that applications for new premises licences or variations are likely to impact on the four licensing objectives.

The implications of the CIA policy are essential when South Wales Police has made representations against new or varied licence applications.

Taking this into account, this has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.

This report is submitted with the authorisation by the officer submitting, to include within the document for a public consultation on the review of the Council Licensing Policy.

Yours sincerely

PC 2322 Darren MORRIS

Licensing
Bridgend

Bridgend Town Centre Cumulative Impact Assessment

Background

The Council area contains a mix of urban and rural communities, and has a population of approximately 139,178. (Source data: ONS website Table KSI01UK 2011 Census).

The main towns are Bridgend, Maesteg and Porthcawl. The population of Bridgend is approximately 15,000 living within a two mile distance of the town (source: Bridgend Town Council).

Some town centre streets are pedestrianised. Since the inception of the Licensing Act 2003 in November 2005, Derwen Road, Market Street, Wyndham Street and Nolton Street have been the subject of a special policy to mitigate the cumulative impact of licensed premises.

Reasons for the Policy

The cumulative impact of large numbers of licensed premises undermines the licensing objectives of:

- The prevention of crime and disorder
- Prevention of Public Nuisance
- Public Safety

Evidence

The main factor in formulating the assessment is the evidence submitted by the South Wales Police. The SWP report identifies that

“It remains that there is still a saturation of licensed premises in this relatively small geographical area, within this area there are two premises licensed until 4am and one premise licensed until 4.30am which provides a high level of footfall at this early hour.”

For information only, the following is a list of premises in the four streets mentioned, showing the latest time for the licensable activity shown (late night refreshment or sale of alcohol). It is a summary only and the premises are not all open or able to trade as indicated in the SWP report. The two premises mentioned in the report are highlighted:

Latest time for licensable activity (source Council Licensing database) in named town centre streets

Late Night Refreshment	Nolton Street	0300
Sale of alcohol (tables and chairs) small venue	Nolton Street	0200

Late Night Refreshment	Wyndham Street	0100
Late Night Refreshment and alcohol (restaurant)	Market Street	0100
Nightclub (closed)	Wyndham Street	0200
Nightclub	Market Street	0400
Late Night Refreshment	Wyndham Street	0400
Night Club	Market Street	0300
Takeaway	Wyndham Street	0230
Bar	Nolton Street	0130
Pub	Nolton Street	0200
Late Night Refreshment (restaurant)	Wyndham Street	0200
Music Venue	Queen Street	0400
Late Night Refreshment (Restaurant)	Nolton Street	0100
Late Night Refreshment	Derwen Road	0300
Late Night Refreshment and alcohol (restaurant)	Nolton Street	0200
Late Night Refreshment	Nolton Street	0100
Bar	Dunraven Place	0100
Pub	Nolton Street	0100
Nightclub	Derwen Road	0430
Pub	Dunraven Place	0100
Pub	Market Street	0100
Nightclub	Market Street	0400
Pub	Nolton Street	0100
Pub	Queen Street	0200

The South Wales Police state within the report that the Cumulative Impact Policy has had a direct bearing on the reduction of recorded crime within the town centre and reported anti-social behaviour.

Other evidence considered

The statutory consultation also included a questionnaire to help identify additional issues which could impact on the retention of the Cumulative Impact Policy.

Regard should be given to the very small sample replies – fifteen but the summary of responses is as follows:

Who replied

Members of the public – 50%

Other interested parties – 43% (Includes elected representatives at County, town and community level)

Licence holders – 7%

Issues identified

93 % of respondents stated that the Council should retain the Cumulative Impact Policy for Bridgend town centre.

The top issues of concern by response in the town centre:

- Anti social behaviour (12)/92%
- Littering (12)/92%
- On street drinking (7)/54%
- Violent behaviour (7)/54%
- Street fouling/lavatory provision (6)/46%
- Concentration of drinkers (6)/46%
- Criminal activities (3)/23%
- Street cleansing (1)/8%

69% said that this affected them in the day and night time economies whilst 31% said that it applied to the night time economy only.

Takeaways were said to be the most problematic premises followed by pubs and clubs, whilst off licences and restaurants were said to be causing the least problem.

Narrative responses on the negative impact of licensed premises included the following:

- The licensed hours are too late into the evening which adds risks to public due to lower police numbers and more time to drink
- No physical evidence however it was heard recently that it is safer to go to Cardiff on a night out than Bridgend. About 2 years ago a friend was attacked when trying to get into a taxi.
- Congregations of drunks and drug takers near the ***** especially during the daytime.
- Take aways in town have always a problem with revellers late at night buying food and disposing of empty wrappers and containers after eating contents. Another problem has been people leaving licensed premises carrying either full or half full beer glasses. You often see a number of empty glasses left on the pavement, walls etc. these are a hazard and could be fatal for anyone who may come into contact them.
- littering outside of the pubs and clubs. On street drinking during the day with cans bought from the off licence.

Other measures considered

- Pubwatch Scheme
- Public Space Protection Order under the Anti-Social Behaviour, Crime and Policing Act 2014 which provides the Police with the power to require a person in the designated area not to drink alcohol or to surrender any alcohol or alcohol containers (other than sealed containers) in their possession.
- Provision of CCTV in public areas
- Enforcement powers available to the Police, Licensing Officers and Trading Standards Officers under the Licensing Act 2003

Conclusion

The Licensing Authority is satisfied that in the Cumulative Impact Area there is evidence to support the continuation of the Cumulative Impact Policy and, after taking into consideration other existing initiatives, that it is proportionate and the most effective measure to address the problems identified.

Application of the policy

Having regard to the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, Bridgend Council has consulted upon the issue of cumulative impact in Bridgend Town Centre. It has taken into account the views of the South Wales Police and other respondents and has adopted a Cumulative Impact Policy in respect of 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).

Regard will also be given that where relevant representations are received for a premises adjoining or in close proximity to the Cumulative Impact Policy area, and where those representations raise a material impact on the area then the policy will be applied if the Licensing Authority reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

This document should be read in conjunction with Bridgend County Borough Council's Statement of Licensing Policy 2019-2024.

The Cumulative Impact Policy applies to applications for the grant and full variation of Premises Licences. It does not apply to Club Premises Certificates or Temporary Event Notices.

When the policy applies it creates a rebuttable presumption that where relevant representations have been received the application will be refused or subject to certain limitations unless the applicant can successfully demonstrate that the premises will not add to the negative cumulative impact on one or more of the licensing objectives.

Applicants are expected to address the effects of the Cumulative Impact Policy within the Operating Schedule. They are expected to clearly demonstrate how the operation of the premises would not add to the negative cumulative impact being experienced in the area.

The Cumulative Impact Policy is not absolute. The circumstances of each application will be considered on its merits and the Licensing Authority will grant licences that are unlikely to add to the negative cumulative impact on the licensing objectives.

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 DECEMBER 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

INFORMATION REPORT FOR NOTING

1. Purpose of Report .

- 1.1 The purpose of this report is to inform Council of the Information Report for noting which has been published since its last scheduled meeting.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities.

- 2.1 This report assists in the achievement of the following corporate priority/priorities:

- Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 At a previous meeting of Council, it was resolved to approve a revised procedure for the presentation to Council of Information Reports for noting.

4. Current situation / proposal.

4.1 Information Report

The following information report has been published since the last meeting of Council:-

<u>Title</u>	<u>Date Published</u>
Urgent Delegated Decision	12 December 2019

4.2 Availability of Documents

This document has been circulated to Elected Members electronically via Email and placed on the BCBC website, and is also available from the date of publication.

5. Effect upon Policy Framework and Procedure Rules.

- 5.1 This procedure has been adopted within the procedure rules of the Constitution.

6. Equality Impact Assessment

- 6.1 There are no negative equality implications arising from this report.

7. Wellbeing of Future Generations (Wales) Act 2015 Implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 There are no financial implications regarding this report.

9. Recommendation.

9.1 That Council acknowledges the publication of the document listed in this report.

K Watson

**Head of Legal and Regulatory Services and Monitoring Officer
December 2019**

Contact Officer: Mark Anthony Galvin
Senior Democratic Services Officer – Committees
Telephone: (01656) 643147
Email: cabinet_committee@bridgend.gov.uk

Postal address: Democratic Services
Legal and Regulatory Services
Civic Offices
Angel Street
Bridgend
CF31 4WB

Background documents: Attachment to report referred to in Paragraph 4.1 of this report.

BRIDGEND COUNTY BOROUGH COUNCIL

INFORMATION REPORT TO COUNCIL

18 DECEMBER 2019

REPORT OF THE MONITORING OFFICER

URGENT DELEGATED DECISIONS

1. Purpose of Report.

1.1 To report to Council a delegated decision taken as a matter of urgency under the Scheme of Delegation of Functions.

2. Connection to Corporate Improvement Objectives / Other Corporate Priorities.

2.1 The ability of Members and Officers to make decisions directly impacts upon the Authority's ability to implement the Corporate Improvement Objectives and Other Corporate Priorities.

3. Background.

3.1 These decisions are required to be reported to Council under Paragraph 18 of the Overview & Scrutiny Procedure Rules which are to be found at Part 4 of the Constitution.

4. Current situation / proposal.

4.1 The above decision was taken under Scheme A paragraph 1.1 and therefore bypasses the call-in procedure (as set out in paragraph 19 of Part 4 Rules of Procedure within the Constitution). This decision is referenced below:-

4.2 WEL-19-ASC-060 – See Appendix A to this report

5. Effect upon Policy Framework & Procedure Rules.

5.1 This report has no effect on the Council's Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 There are no negative equality implications arising from this report.

7. Wellbeing of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial Implications.

8.1 There are no financial implications relating to the report.

9. Recommendation.

9.1 It is recommended that Council notes the report.

K Watson

Head of Legal and Regulatory Services & Monitoring Officer

December 2019

Contact Officer: Mark Galvin
Senior Democratic Services Officer – Committees

Telephone: (01656) 643148

E-mail: mark.galvin@Bridgend.gov.uk

Postal Address Democratic Services, Civic Offices, Angel Street, Bridgend, CF31
4WB

Background documents

Scheme of Delegation of Functions.

Bridgend County Borough Council

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

www.bridgend.gov.uk



SCHEMES OF DELEGATION OF FUNCTIONS RECORD OF DECISION

1. Scheme Information:	
a. Decision Reference Number:	WEL-19-ASC-060
b. Decision Type (Proposed or Actual):	Actual
c. Scheme under which decision is to be made	Scheme A
d. Paragraph Number:	1.1
e. Does this Decision contain Exempt Information? If so, provide details with reference to paragraph(s) 12 to 18, Part 4 and paragraphs 19 to 21, Part 5 Schedule 12A, Local Government Act 1972.	No
f. Does this Decision contain "Confidential information:	No
2. Details of Decision (including: Any public interest test undertaken in relation to Part 1(e) above; equalities implications and details of any assessment undertaken)	
<p>Request authorisation to enter into a Service Level Agreement with Linc Cymru Housing Association Ltd for a duration of (up to) 5 years, to occupy and manage Glyn Cynffig where BCBC will be acting as the care & support provider for domiciliary care services delivered at Glyn Cynffig, and Linc Cymru Housing Association Ltd will be acting as landlord.</p> <p>Alongside this Service Level Agreement, a separate Delegated Power (CMM-PS-19173) has been approved, for BCBC Corporate Landlord to enter into (up to) a 5 year Lease Agreement with Linc Cymru Housing Association Ltd.</p>	
3. Reason for Decision (including any reasons for urgency which led to the implementation of the decision before the preparation of this record or before the expiry of 3 working days after the publication of the decision to which call-in provisions apply):	
<p>Taking this decision will ensure BCBC's continued compliance with regulatory (Care Inspectorate Wales) requirements, as this will ensure that there is a sufficient</p>	

segregation of functions and responsibilities between the care & support and landlord functions for the services provided at Glyn Cynffig.

This will ensure that BCBC's continues to be compliant with the Regulation and Inspection of Social Care (Wales) Act 2016.

There will be no impact to the service being provided within Glyn Cynffig, as the fundamental difference will be in respect of the landlord functions – which is the reason that BCBC as the care & support provider will need to enter into a Service Level Agreement with the new landlord, and the new arrangement with Linc Cymru Housing Association Ltd will replace the agreement currently in place with BCBC corporate landlord.

For individuals in receipt of services within Glyn Cynffig, new Licence Agreements will be entered into – which are arrangements in place between each individual in the scheme, and Linc Cymru Housing Association Ltd as landlord of the scheme. BCBC have ensured that new Licence Agreements mirror the existing ones in place, ensuring there will be no detrimental impact for service users. A joint engagement session has been arranged – involving BCBC Care & Support and Linc – where the new Licence Agreements will be introduced. This follows regular communications and updates that have been given to service users throughout the process.

From a financial perspective, there will be no detrimental impact nor financial gain for either party, as the service-related costs (linked to the landlord and premises elements of the service – such as maintenance and utilities costs) will transfer from BCBC corporate landlord to Linc Cymru Housing Association Ltd – and the rental component(s) linked to the Lease Agreement, will have a zero balance. All other property-related costs historically paid for by individuals, will continue to be paid to Linc Cymru Housing Association Ltd as landlord, which will be assisted by the service provider, as is the current practice.

Safeguarding the service and individual tenants in moving forward, there is a requirement for the landlord (Linc Cymru Housing Association Ltd) to keep the property open and up to current standards for as long as the service is being delivered during the term of the agreement(s). If there are any issues in relation to the property component that may impact on the Service Level Agreement, the agreements are co-terminus, and termination clauses may be enacted, as required.

There is a time urgency linked to this decision following feedback received from CIW. In order to keep in line with regulatory requirements, BCBC will need to enter into the new arrangements from 1st November 2019, and the Lease Agreement, Service Level Agreement and Licence Agreements have been drafted to commence from this date. Due to the CIW-imposed deadline of 1st November 2019, this means that this decision cannot be taken to Cabinet, as it falls outside of Cabinet dates.

The Chairpersons of the Overview and Scrutiny Committees have agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in.

4. Details of Consultation undertaken prior to the decision or, if none reasons why none undertaken:

Consultation has been undertaken with:

- Head of Service and pertinent Group Manager and Team Manager within Adult Social Care
- Corporate Landlord colleagues
- Legal Services
- Finance Officers

In accordance with Part 4 Rules of Procedure of the Constitution, consultation has been sought of all three chair persons to agree the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to Scrutiny call-in. There was no response from Cllr John Spanswick as he is currently on leave but both Cllr Cheryl Green and Cllr Tom Giffard confirmed their agreement.

5. Details of any interest declared in relation to the decision:

a. by any Cabinet Member consulted in relation to the Decision:

None

b. by any Cabinet Member who would have been the Decision maker except for the declaration of such an interest:

None

c. details of any dispensation granted by the Standards Committee in respect of interest declared:

None

6. Contact Details:

Case Officer

Decision-Maker

a. Name:	Pete Tyson	Councillor Philip White
b. Job Title/Role:	Group Manger Commissioning	Cabinet Member – Social Services & Early Help
c. Telephone Number:	(01656) 642667	(01656) 643685
d. E-mail Address:	Peter.Tyson@bridgend.gov.uk	cllr.phil.white@bridgend.gov.uk
e. Date Decision made:		30/10/19
f. Signature:		Councillor Philip White

Notes:

1. Electronic copies of this form must be sent to Democratic Services - Committees (cabinet_committee)

7. Decision Administration Information (Cabinet & Committee Services use only)

- | | |
|---|---------------------------------------|
| a. Date received | <input type="text" value="30/10/19"/> |
| b. Confirmation of Urgency | <input type="text" value="-"/> |
| c. Date published | <input type="text" value="04/11/19"/> |
| d. End of Call - In period (Scheme A & B1 only) | <input type="text" value="-"/> |
| e. Decision Called in. | <input type="text" value="-"/> |
| f. Effective date of Decision. | <input type="text" value="30/10/19"/> |