

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.*



Annwyl Cyngorydd,

PWYLLGOR DEDDF TRWYDDEDU 2003

Cynhelir Cyfarfod Pwyllgor Deddf Trwyddedu 2003 yn Siambr y Cyngor, Swyddfeydd Dinesig, Stryd Yr Angel, Penybont Ar Ogwr CF31 4WB ar **Dydd Mawrth, 21 Mai 2019** am **10:30**.

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008.
3. Cymeradwyaeth Cofnodion 3 - 4
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 09/07/2018
4. Deddf Trwyddedu 2003 a Deddf Gamblo 2005 – Dirprwyo Swyddogaethau pdf eicon 5 - 8
5. Adolygiad o Ddeddf Trwyddedu 2003 Datganiad Polisi Trwyddedu a Chyhoeddi Asesiad Effaith Gronno 9 - 42
6. Materion Brys
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Yn ddiffuant

K Watson

Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddiol

Dosbarthiad:

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

Ebost/Email: talktous@bridgend.gov.uk

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidi testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

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

Cynghowrwyf

TH Beedle
RJ Collins
PA Davies
A Hussain
RM James

Cynghorwyf

B Jones
MJ Kearns
DRW Lewis
JE Lewis
JR McCarthy

Cynghorwyf

DG Owen
AA Pucella
G Thomas
JE Williams

COFNODION CYFARFOD Y PWYLLGOR DEDDF TRWYDDEDU 2003 A GYNHALIWYD YN SWYDDFEYDD DINESIG, STRYD YR ANGEL, PEN-Y-BONT AR OGWR CF31 4WB DYDD LLUN, 9 GORFFENAF 2018, AM 14:00

Presennol

Y Cyngorydd DRW Lewis – Cadeirydd

TH Beedle
MJ Kearns

PA Davies
JE Lewis

A Hussain
AA Pucella

B Jones
G Thomas

Ymddiheuriadau am Absenoldeb

SE Baldwin a/ac JE Williams

Swyddogion:

Daniel Cook
Andrea Lee
Andrew Rees

Swyddog Polisi Trwyddedu
Uwch Cyfreithiwr
Uwch Swyddog Gwasanaethau Democrataidd – Pwyllgorau

8. DATGANIADAU O DDIDDORDEB

Dim.

9. CYMERADWYO COFNODION

PENDERFYNWYD: Cymeradwyo cofnodion cyfarfod Pwyllgor Deddf Trwyddedu 2003, dyddiedig 22 Mai 2018, fel cofnod gwir a chywir.

10. DEDDF TRWYDDEDU 2003 A DEDDF GAMBLO 2005 - DIRPRWYO SWYDDOGAETHAU

Cyflwynodd y Swyddog Polisi Trwyddedu adroddiad yn egluro'r trefniadau arfaethedig ar gyfer awdurdodi swyddogion o dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 ac yn cadarnhau'r trefniadau i ffurfio is-bwyllgorau yn dilyn Cyfarfod Blynyddol y Cyngor 2018.

Esboniodd y Swyddog Polisi Trwyddedu fod Adran 9 o'r Ddeddf Trwyddedu yn darparu i bwyllgor trwyddedu allu sefydlu un neu ragor o is-bwyllgorau yn cynnwys tri aelod o'r pwyllgor. Sefydlodd y Cyngor yn ei Gyfarfod Blynyddol ar 16 Mai 2018 aelodaeth Pwyllgor Deddf Trwyddedu 2003. Dywedodd fod Adran 10 o Ddeddf Trwyddedu 2003 yn caniatáu i bwyllgor trwyddedu is-ddirprwyo swyddogaethau i is-bwyllgor a sefydlwyd ganddo neu, yn ddarostyngedig i rai cyfyngiadau, i swyddogion. Roedd awdurdodiadau wedi cael eu cymeradwyo gan y Pwyllgor o'r blaen ond roedd angen eu diweddarau i adlewyrchu'r newidiadau yn nheitlau swyddi, yn dilyn sefydlu'r Gwasanaeth Rheoleiddio ar y Cyd a'r newid yn enw adran y gwasanaeth.

Adroddodd y Swyddog Polisi Trwyddedu, er mwyn sicrhau perfformiad effeithiol, fod yna gynnig i ddirprwyo'r cyfrifoldeb am awdurdodi swyddogion i weinyddu gofynion Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005, i gychwyn achos dan y Deddfau hynny i Bennaeth y Gwasanaethau Cyfreithiol a Rheoleiddio.

Cynigiwyd hefyd, lle bo'n briodol, awdurdodi Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddio, Rheolwr y Tîm Trwyddedu (Pen-y-bont ar Ogwr a'r Fro) a'r Uwch Swyddog Trwyddedu (Technegol) a'r Uwch Swyddog Gorfodi Trwyddedu, yr Uwch Swyddog Polisi

Trwyddedu a'r Cynorthwydd Trwyddedu i gydnabod a chyhoeddi Hysbysiadau yn ymwneud â Hysbysiadau Digwyddiad Dros Dro; rhoi, gwrthod, atal dros dro drwyddedau, cofrestriadau, tystysgrifau, papurau caniatâd a hysbysiadau, i weithredu'r darpariaethau perthnasol o ran troseddau, adolygiadau neu ofynion eraill; yn unol ag unrhyw rai o reolau, rheoliadau a / neu Orchmynion a wnaed dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 (fel y'i diwygiwyd). Ni fyddai'r awdurdodiadau o ran Rheolwr y Tîm Trwyddedu (Pen-y-bont ar Ogwr a'r Fro), yr Uwch Swyddog Trwyddedu (Technegol), yr Uwch Swyddog Gorfodi Trwyddedu, yr Uwch Swyddog Polisi Trwyddedu a'r Cynorthwydd Trwyddedu yn dod i rym ond pan fyddai'r swyddogion hyn yn cael eu rhoi ar gael i Gyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr yn unol ag adran 113 o Ddeddf Llywodraeth Leol 1972.

Gofynnwyd i'r Pwyllgor gymeradwyo'r trefniant presennol o ffurfio Is-bwyllgorau pellach yn cynnwys tri Aelod o Bwyllgor Deddf Trwyddedu 2003 i benderfynu ar geisiadau dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005. Gofynnwyd i'r Pwyllgor nodi bod rhaid, drwy statud, i'r Cyngor benderfynu ynghylch cymeradwyo datganiadau polisi trwyddedu a gamblo hefyd. Cynigiwyd bod Is-bwyllgorau Deddf Trwyddedu 2003 yn cael eu cadeirio gan Gadeirydd neu Is-gadeirydd Pwyllgor Deddf Trwyddedu 2003, lle bo modd. Pe bai'r Cadeirydd neu'r Is-gadeirydd yn digwydd methu â bod yn bresennol, byddai cadeirydd yn cael ei ethol o blith y rhai fyddai'n bresennol.

PENDERFYNWYD: Bod y Pwyllgor:

- 1) Yn arfer ei awdurdod dirprwyedig i awdurdodi Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddio i gychwyn achos dan y Deddfau y cyfeiriwyd atynt uchod.
- 2) Yn arfer ei awdurdod dirprwyedig i awdurdodi Pennaeth Gwasanaethau Cyfreithiol a Rheoleiddio, Rheolwr y Tîm Trwyddedu (Pen-y-bont ar Ogwr a'r Fro), yr Uwch Swyddog Trwyddedu (Technegol), yr Uwch Swyddog Gorfodi Trwyddedu, yr Uwch Swyddog Polisi Trwyddedu a'r Cynorthwydd Trwyddedu i wneud y canlynol:
 - cydnabod a chyhoeddi Hysbysiadau yn ymwneud â Hysbysiad Digwyddiad Dros Dro;
 - rhoi, gwrthod, atal dros dro drwyddedau, cofrestriadau, tystysgrifau, papurau caniatâd a hysbysiadau;
 - gweithredu'r darpariaethau perthnasol o ran troseddau, adolygiadau neu ofynion eraill;yn unol ag unrhyw rai o reolau, rheoliadau a / neu Orchmynion a wnaed dan Ddeddf Trwyddedu 2003 a Deddf Gamblo 2005 (fel y'i diwygiwyd).
- 3) Yn arfer ei awdurdod dirprwyedig ac yn cymeradwyo'r trefniadau ar gyfer ffurfio Is-bwyllgorau.

11 **EITEMAU BRYD**

Nid oedd eitemau brys.

Daeth y cyfarfod i ben am 14:07

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 COMMITTEE

21 MAY 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATION OF FUNCTIONS

1. Purpose of Report.

- 1.1 To set out proposed arrangements for the authorisation of officers under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of sub-committees following the Annual Meeting of Council 2019.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 Approval is required so the authority may effectively discharge its functions under the Licensing Act 2003 and Gambling Act 2005.

3. Background.

- 3.1 Section 9 of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee. At their meeting on 15 May 2019 Council received a report establishing the membership of the Licensing Act 2003 Committee.
- 3.2 Section 10 of the Licensing Act 2003 allows for the sub-delegation of functions by a licensing committee to a sub-committee established by it, or subject to certain restrictions, to officers. Authorisations have previously been approved by Committee but need to be updated to reflect changes to job titles following the establishment of the Shared Regulatory Service and a change in the service department name.
- 3.3 The delegation of functions for the Gambling Act 2005 is delegated to the Licensing Act 2003 Committee established for the purposes of the Licensing Act 2003.
- 3.4 The legislation and statutory guidance set out those circumstances where decisions may not be undertaken by officers and these are generally where representations or objections have been made in respect of personal or premises licence applications.

4. Current situation / proposal.

- 4.1 In the interests of effective performance it is proposed to delegate the responsibility for authorising officers to administer the requirements of the Licensing Act 2003 and

Gambling Act 2005, to the Head of Legal and Regulatory Services and for the Head of Legal and Regulatory Services to institute proceedings under those Acts.

4.2 It is also proposed that, where appropriate, the Head of Legal and Regulatory Services, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer and Licensing Policy Officer be authorised to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended). The authorisation in respect of the licensing officers will only take effect when they are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.

4.3 The Committee is asked to approve the existing arrangement of the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. It is proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible. In the event that the Chair or Vice Chair are not able to attend, a chair person will be elected. The Committee is asked to note that approval of both the licensing and gambling policy statements must, by statute, be determined by Council.

4.4 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

5. Effect upon Policy Framework & 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 to the proposals.

9. Recommendations

It is recommended that the Committee exercise its delegated authority to:

- 9.1 authorise the Head of Legal and Regulatory Services to institute proceedings under the above-mentioned Acts.
- 9.2 authorise the Head of Legal and Regulatory Services, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer, and Licensing Policy Officer to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended).
- 9.3 approve the arrangements for the formation of Sub-Committees set out in paragraphs 4.3 and 4.4 above.

Kelly Watson
Head of Legal and Regulatory Services

15 May 2019

Contact Officer: Yvonne Witchell

Team Manager Licensing Bridgend and Vale

Telephone: (01656) 643643

E-mail: Yvonne.Witchell@bridgend.gov.uk

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

Background documents

Report to Council
Council Constitution

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 COMMITTEE

21 May 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

REVIEW OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY AND PUBLICATION OF CUMULATIVE IMPACT ASSESSMENT (CIA)

1. Purpose of report

- 1.1 The purpose of this report is to seek approval from the Committee to consult on a review of the Statement of Licensing Policy for the period 2019-2024 and on a request to include a Cumulative Impact Assessment (CIA) in relation to Bridgend Town Centre within the policy. Approval of the Statement of Licensing Policy is a Council function.

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 is required so the authority may effectively discharge its functions under the Licensing Act 2003.

3. Background

- 3.1 Under the Licensing Act 2003, the Council as a licensing authority is required to publish a Statement of Licensing Policy setting out, amongst other issues, its policy on granting applications for new premises licences. The Council is required to review this statement at least every 5 years. This consultation is to inform the policy for the next five year period 2019 to 2024. A copy of the draft statement is attached at Appendix A. The updated sections are highlighted in red.
- 3.2 The Council also has the power to publish a cumulative impact assessment (CIA) on a three year basis. The CIA will assist the Council to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises is having a negative impact on a particular area.
- 3.3 The only significant issue which informs the policy review at present is the request from the South Wales Police to continue with a policy to control the number of new premises licences and club premises certificates licences granted in Bridgend Town Centre.
- 3.4 Cumulative impact means the problems which can arise where there is a concentration of licensed premises in a particular area, town centres for example. There may be a serious impact on crime and disorder, public nuisance, the transport network or street cleansing for example. The Council first adopted a policy of this type in 2005 to cover Bridgend Town Centre.

3.5 When considering whether to publish a CIA the authority should follow the steps set out in the statutory guidance published by the Home Office. The evidence provided during the consultation, as well as the information provided by South Wales Police will inform the CIA. The Council will need to be satisfied that the following criteria are met:

- Identify concern about crime and disorder; public safety; public nuisance or protection of children from harm in a particular location.
- Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
- Identify whether these problems are being caused by the customers of licensed premises, or that cumulative impact is imminent.
- Identify the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise).
- Consult those specified in section 5(3) of the 2003 Act. As with consultations in respect of the licensing policy statement as a whole, it is for each licensing authority to determine the extent of the consultation it should undertake in respect of a CIA (subject to the statutory requirements).
- Publish evidence in support of the assessment and the particular kinds of premises the assessment relates to.

The separate Statement of Licensing Policy will also summarise the licensing authority's opinion in light of the evidence of cumulative impact and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A.

4. Current situation/proposal

4.1 The current cumulative impact policy covers 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). The effect of the policy means that no new licences for premises or club premises or variations will be granted unless the applicant can demonstrate that there will be no negative impact arising from the premises on the licensing objectives. The licensing objectives are

- The prevention of crime and disorder
- Public nuisance
- Public safety

- The protection of children from harm
- 4.2 The Home Office guidance outlines that in some areas where the number, type or density of licensed premises is high or exceptional serious problems of nuisance or disorder may arise outside these premises. Moreover large concentrations of premises can affect public transport, littering, and public nuisance. The South Wales Police has requested that the Council maintain this special policy in respect of Bridgend Town Centre and have submitted evidence in support of this proposal. The South Wales Police has not asked the Council to change the streets covered by the current policy. The request is attached at Appendix B.
 - 4.3 If approved by Council following statutory consultation, the new CIA has the potential to impact on the grant of new licences for pubs, restaurants, entertainment venues, cultural venues, nightclubs, late night refreshment takeaways, off licences and club premises. It will not apply to Temporary Event Notices.
 - 4.4 A copy of the consultation proforma is attached at Appendix C. As well as seeking evidence of general concerns relating to licensed premises, the consultation seeks views on whether the Council should publish a cumulative impact assessment relating to Bridgend Town Centre. The approval of a CIA should be evidence based and the consultation calls for evidence of problems being experienced which could include anti-social behavior and criminal activities to littering and street fouling.
 - 4.5 The consultation must include the responsible authorities, representatives of holders of licences and certificates and businesses. It will also be published on the Council's website.
 - 4.6 The consultation document outlines that to date there have been no issues highlighted with partner agencies over the period of the last policy period or requests to consider specific policies for other areas or types of premises.
- 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 The cost of consultation will be met from existing budget.
- 9. Recommendation**

9.1 That the Committee authorise a consultation to review the Statement of Licensing Policy and on whether to publish a Cumulative Impact Assessment for Bridgend Town Centre.

Kelly Watson
Head of Legal and Regulatory Services

15 May 2019

Contact officer: Yvonne Witchell
Team Manager Licensing

Telephone: (01656) 643643

Email: licensing@bridgend.gov.uk

Postal address: Civic Offices Angel Street Bridgend CF31 4WB

Background documents:

Revised guidance issued under Section 182 of the Licensing Act 2003
Request from South Wales Police

BRIDGEND COUNTY BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

DRAFT

Kelly Watson
Head of Legal and Regulatory Services
Bridgend County Borough Council
Licensing and Registration Section, Legal and Regulatory Services
Civic Offices, Angel Street
Bridgend, CF31 4WB

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: to be confirmed

Effective for five years from date of approval

CIP review due in

o:\licencing and registration\la2003 consultation 2019\la-2003-statement-of-licensing-policy-2019 draft-english.doc

CONTENTS

To be updated following end of consultation

SECTION	SUBJECT	
	Foreword	
1	Introduction	3
2	Profile of Bridgend County Borough Council	3
3	Scope and Limitation	5
4	Applications	6
5	Decision Making – General Policy	6
6	Cumulative Impact – Special Policy	9
7	Protection of Children from Harm	11
8	Integrating Strategies	12
9	Steps to promote the licensing objectives	13
10	Compliance	18
11	Administration, exercise and delegation of functions	18
12	Reviews	18
13	Temporary Event Notices	19
14	Special Notes	19
15	Consultation	19
16	Appeals	20
Appendix One	Contact Details of Responsible Authorities	21
Appendix Two	Evidence in respect of cumulative impact policy	22

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 the period sets out the vision and priorities for the period **2018 to 2022**:

“The policy supports Priority One in the Corporate Plan

Priority One: Supporting a Successful Economy

This means we will take steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.

Our aims

*** To help local people develop skills and take advantage of opportunities to succeed and to extend that success to every community in the county borough**

*** To create conditions for growth and enterprise**

*** To create successful town centres”**

Source: www.bridgend.gov.uk

- 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 regular responsible authority meetings to discuss best practice, share information and to promote the licensing objectives through a risk based and targeted approach to compliance. The group also supports measures to assist and work with the local licensed trade 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.
- 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 ASSESSMENT (CIA)

The authority has considered the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 when considering whether to carry out a CIA.

The publication of a CIA does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA will be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. The publication of a CIA does not affect the licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

The effect of publishing the CIA is that the licensing authority considers that the number of premises licences and/or club premises certificates in the prescribed area of Bridgend Town Centre is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

Summary of CIA if approved:

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

7.1 The body designated to advise on the protection of children from harm is the Bridgend County Borough Council Initial Assessment and Advice (IAA) Team (Childrens Safeguarding).

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 referred to the Council's Equality pages at <https://www.bridgend.gov.uk/my-council/equalities-and-engagement/equality-and-diversity/>

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 exits 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 2019. 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 and Registration Section, Legal and Regulatory Services, Bridgend County Borough Council and approved by the Bridgend County Borough Council at their meeting held on 2019.

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. (Cardiff and the Vale 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.

DRAFT

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 Address as above (01656) 643643 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 Initial Assessment and Advice (IAA) Team (Childrens Safeguarding) Address as above
The Local Health Board Abertawe Bro Morgannwg University Health Board	lisa.way@wales.nhs.uk
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.

This page is intentionally left blank



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

Friday 27th July 2018

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 goheblaeth yn Gymraeg a Saesneg.
Byddwn yn ateb goheblaeth 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.

Prif Gwnstabl **Matt Jukes QPM, MA(Oxon)MSc.** Chief Constable

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.

Yours sincerely,

DRAFT

Licensing Policy Consultation

Licensing Act 2003

Statement of Licensing Policy for 2019-2024
and proposed renewal of Cumulative Impact
Assessment Bridgend Town Centre

Consultation Document

Date of issue: Action required: Responses by **** 2019

Tel: (01656) 643664

Email: consultation@bridgend.gov.uk

Web: www.bridgend.gov.uk

Contents

Overview	3
How to respond	3
Data protection	3
Related Documents.....	4
The current situation	4
Equality Impact Assessment.....	4
Consultation	4
Date.....	4
Response form.....	5

Overview

Under the Licensing Act 2003, the Council as a licensing authority is required to publish a Statement of Licensing Policy setting out, amongst other issues, its policy on granting applications for new premises licences. The Council is required to review this statement at least every 5 years. This consultation is to inform the policy for the next five year period 2019 to 2024.

The Council also has the power to publish a cumulative impact assessment (CIA) on a three year basis. The CIA will assist the Council to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises is having a negative impact on a particular area. The Council is consulting on the next three year CIA and amendment policy statement and welcomes views from the public and other interested parties.

How to respond

This consultation will begin on **** and end on ****

You can respond or ask further questions in the following ways;

Tel: (01656) 643 664.

Email: Consultation@bridgend.gov.uk

Online:
www.bridgend.gov.uk/consultation

Post: Consultation and Engagement, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend, CF31 4WB

Alternative formats are also available upon request.

Data protection

Information provided by you on this form will be used to **inform the publication of a Statement of Licensing policy including a Cumulative Impact Assessment (CIA)**. The Council will take all reasonable precautions to ensure confidentiality and to comply with data protection legislation. Your information may be shared with **the Licensing team** for the purposes of **reviewing the Licensing Act 2003 Statement of Policy**. Your information will be retained in accordance with the Council's Data Retention Policy.

You have a number of rights under data protection legislation. You may also withdraw your consent and ask us to delete your personal information at any time by contacting us. Further

information about this is available on our website or you may contact the Data Protection Officer.

If you are dissatisfied with the manner in which we process your personal data then you have the option to make a complaint to the Data Protection Officer and the Information Commissioner's Office.

Related Documents

Our current [Statement of Licensing Policy](#)

The evidence for a Cumulative Impact Assessment submitted by the South Wales Police

Visit:

<https://www.bridgend.gov.uk/business/licensing/>

The amendments to the Statement of Licensing Policy

1. None other than typographical/updating references to legislation and contact details.
2. To amend Section 6 to be amended to reflect a review of the CUMULATIVE IMPACT ASSESSMENT for Bridgend Town Centre

The current situation

The Council is under a legal duty to review its policy guidelines.

The policy will help applicants for licences and the public to understand the profile of the County Borough and the decision making process.

The Council has the power to publish a cumulative impact assessment (CIA) on a three year basis to help it to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises is having a negative impact.

Cumulative impact means the problems which can arise where there is a concentration of licensed premises in a particular area, town centres for example. There may be a serious impact on crime and disorder, public nuisance, the transport network or street cleansing for example. The Council has already adopted a policy of this type to cover Bridgend Town Centre. The current policy covers 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). The effect of the policy means that no new licences for premises or club premises or variations will be granted unless the applicant can demonstrate that there will be no negative impact arising from the premises on the licensing objectives. The licensing objectives are

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

The Home Office guidance outlines that in some areas where the number, type or density of licensed premises is high or exceptional serious problems of nuisance or disorder may arise outside these premises. Moreover large concentrations of premises can affect public transport, littering, and public nuisance.

The South Wales Police has requested that the Council maintain this special policy in respect of Bridgend Town Centre and have submitted evidence in support of this proposal. The South Wales Police has not asked the Council to change the streets covered by the current policy,

If adopted, the new CIA has the potential to impact on the grant of new licences for pubs, restaurants, entertainment venues, cultural venues, nightclubs, late night refreshment takeaways, off- licences and club premises.

It will not apply to Temporary Event Notices.

The pro forma below seeks your views on whether the Council should retain this policy to inform the grant of future licences in Bridgend Town Centre. Please note

that the council must receive evidence of the problems occurring. Evidence could include statistics, reports, residents' questionnaires evidence from local and parish councillors, health related statistics and local consultation.

Equality Impact Assessment (EIA)

An initial screening has been completed. There is no change to the policy, therefore the initial screening remains valid.

Consultation

The Council will carefully consider the information provided. All views received from this consultation will be fully considered before final publication. Projected timetable for procedure and proposal implementation

Activity	Date
Response deadline	**** 2019
Report to Cabinet on the outcomes of the consultation.	**** 2019
Report to Council to formally adopt the new statement of policy	**** 2019
Potential implementation.	November 2019

Response form

Name:

Contact details:

Please indicate which of the following best describes you:

Licensed trader

Member of the public

Trade representative

Other interested party (specify)

Would you like to be notified once the final report is available?

Yes

No

Were you aware that a cumulative impact policy has been in force in Bridgend Town Centre?

Yes/No

Do you agree that the Council should consider maintaining this policy to limit the number of new licensed premises in Bridgend Town Centre?

Yes/No

Do you have any evidence of the negative impact of licensed premises in Bridgend Town Centre? Please identify the particular type of premises if appropriate (public house, night club, takeaway, off-licence)

Comment here:

Which of the following have had an impact on you when visiting licensed premises Bridgend Town Centre?

Please circle all that apply

Anti social behaviour

Littering

Street fouling/lavatory provision

Concentration of drinkers

Criminal activities

On street drinking

Violent behaviour

Street cleansing

Is this usually during the daytime or night time or both?

Day Time/Night Time/Both

To help us inform policy regarding types of premises, please indicate whether these issues related to a particular type of licensed premises?

Please circle all that apply

Public House

Night Club

Late Night Takeaway

Restaurant

Off-Licence

Evidence

PLEASE ATTACH THE RELEVANT EVIDENCE TO YOUR RESPONSE