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Bridgend County Borough Council



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Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

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Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 31 October 2019

Dear Councillor,

LICENSING ACT 2003 COMMITTEE

A meeting of the Licensing Act 2003 Committee will be held in the Committee Rooms 2/3, Civic Offices, Angel Street, Bridgend, CF31 4WB on **Wednesday, 6 November 2019 at 09:30**.

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. Statement Of Licensing Policy And Cumulative Impact Assessment 3 - 46
4. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 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:

TH Beedle
RJ Collins
PA Davies
A Hussain
RM James

Councillors

B Jones
MJ Kearn
DRW Lewis
JE Lewis
JR McCarthy

Councillors

DG Owen
AA Pucella
G Thomas
JE Williams

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**BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO LICENSING ACT 2003 COMMITTEE
6 NOVEMBER 2019**

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

**STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT
ASSESSMENT**

1. Purpose of Report.

- 1.1 To report back on the statutory consultation undertaken in respect of the Council's Statement of Licensing Policy, including a request to publish a Cumulative Impact Assessment for Bridgend Town Centre.

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 At the meeting held on 21 May 2019 the Committee received a report requesting approval to consult on the publication of the Statement of Licensing Policy for the period 2019-2024. The report also included a request for the Council to consider publishing a Cumulative Impact Assessment for Bridgend Town Centre.
- 3.2 The Committee was advised that under the Licensing Act 2003, the Council as a licensing authority is required to review this statement at least every 5 years. A copy of the draft statement is attached at Appendix A. The updated sections are highlighted in red. A copy of the consultation questions is attached at Appendix B.
- 3.3 The Committee was advised that the most significant policy issue under review was the request from the South Wales Police to retain the current policy to limit the number of new premises licences and club premises certificates licences granted in Bridgend Town Centre.
- 3.4 The consultation process took the form of an online public consultation between 17 June 2019 and 9 September 2019. The documents published were the draft statement, and questionnaire referred to above together with the request submitted by the South Wales Police (Appendix C).
- 3.5 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

There were no representations made in respect of the overarching Statement of Licensing Policy for 2019-2024.

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

Cumulative Impact Assessments (CIA) were introduced at Section 5A of the Act by the Police and Crime Act 2017, with effect from 6 April 2018. This provides provision for licensing authorities to publish a document, cumulative impact assessment, stating that the licensing authority considers that a number of relevant authorisations in respect of premises in one or more parts of its area, described in the assessment, is such that it is likely that it would be inconsistent with the authority's duty under the Act to grant any further relevant authorisations in respect of premises in that part or those parts.

4.3 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) which then informs the Cumulative Impact Policy. 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.

4.4 The CIA has been the subject of statutory consultation. A copy of the Cumulative Impact Assessment, incorporating the South Wales Police evidence and statutory consultation responses is attached at Appendix D.

4.5 The CIA sets out some background statistics for Bridgend Town Centre and the key reasons submitted by the South Wales Police for retaining the special 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). The view of the South Wales Police is:

“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.”

- 4.6 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.
- 4.7 The 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 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 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 policy would apply 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.
- 4.12 One or more of the responsible authorities must submit relevant representations about an application for the policy to apply, and all such applications will be determined by a Licensing Act 2003 Sub-Committee. If there are no representations the Licensing Authority must grant the application in terms that are consistent with the Operating Schedule submitted.

- 4.13 Adopting this policy will not therefore remove the licensing authority's discretion to grant an application for a new licence where this is appropriate, for example a restaurant premises with shorter opening hours may have less negative impact than a nightclub.
- 4.14 Each decision must still be made on a case-by-case basis with a view to promoting the licensing objectives.
- 4.15 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 Town Centre area.
- 4.16 Approval of the Statement of Licensing Policy and publication of the CIA is a Council function.

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. Publication of the Statement of Licensing policy is a statutory function and will be met from existing budget.

9. Recommendation.

The Committee is requested to note the report and that final approval will be sought at Council to seek approval to:

- 9.1 Publish the Statement of Licensing Policy (SLP) for the period 2019-2024.
- 9.2 Publish a Cumulative Impact Assessment (CIA) in relation to Bridgend Town Centre to include 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).

9.3 Adopt a Cumulative Impact Policy to be included in the SLP to apply to the grant and major variation of premises licences in the above-mentioned area.

Kelly Watson
HEAD OF LEGAL AND REGULATORY SERVICES

31 October 2019

Contact Officer:

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

Background documents:

Home Office Statutory Guidance issued under Section 182 of the 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
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:

Effective for five years from date of approval

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To be reviewed following consultation

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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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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

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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 and legislation updates
2. To amend Section 6 to be amended to reflect a new CUMULATIVE IMPACT ASSESSMENT

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)

Please provide details

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

Type	Please tick
Anti social behaviour	
On street drinking	
Concentration of drinkers	
Violent behaviour	
Criminal activities	
Littering	
Street fouling/lavatory provision	

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

--

Are these issues related to a particular type of licensed premises?

Type	Please tick all that apply
Public Houses	
Night Clubs	
Late Night Takeaways	
Off-Licences	
Other (please specify	

Evidence

PLEASE ATTACH THE RELEVANT EVIDENCE TO YOUR RESPONSE

Thank You

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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.

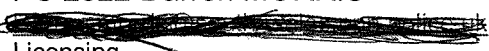
The implications of the CIA policy are essential when South Wales Police has made representations against new or varied licence applications.

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

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.