

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