

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.

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Background documents:

Home Office Statutory Guidance issued under Section 182 of the Licensing Act 2003