

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 DECEMBER 2019

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENT

1. Purpose of report

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

2. Connection to corporate improvement objectives/other corporate priorities

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

3. Background

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

4. Current situation/proposal

- 4.1 Draft Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

4.5 The draft CIA seeks to retain the special policy in respect of future applications within Derwen Road, Market Street, Wyndham Street, and Nolton Street (from its junction with Ewenny Road, to its junction with Merthyr Mawr Road, but not the area between Merthyr Mawr Road and the junction with Court Road Bridgend).

4.6 The view of the South Wales Police is that:

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

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

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

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

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

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

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

5. Effect upon policy framework and procedure rules

5.1 None

6. Equality Impact Assessment

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

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

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

8. Financial implications

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

9. Recommendation

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

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

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