

Meeting of:	CABINET
Date of Meeting:	20 JUNE 2023
Report Title:	LICENSING ACT 2003 APPROVAL TO PUBLISH CUMULATIVE IMPACT ASSESSMENT BRIDGEND TOWN CENTRE
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	WILLIAM LANE OPERATIONAL MANAGER SHARED REGULATORY SERVICES
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	<p>The Council is the licensing authority responsible for the regulation of premises which offer alcohol, regulated entertainment and the provision of late night refreshment.</p> <p>The Council, as licensing authority must publish a Statement of Licensing Policy setting out how it intends to approach the granting of licences including specific policies on areas, or types of premises where appropriate.</p> <p>On 18 December 2019, the Council approved a special policy in respect of Bridgend Town Centre to address Crime and Disorder. The evidence for the policy was contained within a Cumulative Impact Assessment (CIA) and this is now up for a statutory triennial review.</p>

1. Purpose of Report

- 1.1 The purpose of this report is to provide Cabinet with a proposed Cumulative Impact Assessment (Bridgend Town Centre) for consideration and noting. The approval of a Cumulative Impact Assessment (CIA) is a Council function.

2. Background

- 2.1 The Council must carry out its functions with a view to promoting the licensing objectives set out in the Licensing Act 2003
- The prevention of Crime and Disorder
 - The prevention of Public Nuisance
 - Public Safety
 - The protection of Children from Harm
- 2.2 The licensing authority must prepare and publish a Statement of Licensing Policy setting out how it will exercise its functions under the Act. A Statement of Licensing Policy can be tailored to address specific concerns about the impact of licensed premises. Cumulative Impact is the potential impact on the promotion of the licensing objectives of having a number of licensed premises concentrated in one area.
- 2.3 At their meeting on 18 December 2019 Council approved the publication of a Cumulative Impact Assessment (CIA) for Bridgend town centre which informs decision making within the Council's Statement of Licensing Policy. The CIA expired in December 2022.
- 2.4 The processes for adopting a CIA are set out in the Home Office guidance issued under Section 182 of the Licensing Act 2003. The CIA is a separate entity within the main Statement of Licensing Policy, the latter being approved for a five year period in December 2019. The Council must review the CIA at least every three years.
- 2.5 A CIA assesses various issues relating to the impact of licensed premises including crime and disorder, public nuisance, littering and other negative impacts on particular areas and sets out the evidence on which the Council basis its decision to publish a CIA.
- 2.6 The effect of publishing a CIA is significant and it makes it clear to prospective applicants, that the licensing authority is of the opinion that the number of venues in a specified area is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.
- 2.7 A CIA may apply to all types of premises and club premises certificates, and to the grant or major variation of an authorisation. It does not apply to Temporary Event Notices.
- 2.8 A copy of the CIA for 2019 to 2022 is attached at **Appendix A**. A review commenced in 2022 and South Wales Police has requested that the CIA remain in its current form, details of which are attached at **Appendix B**. Premises names have been removed from the Appendix.

3. Current situation / proposal

- 3.1 A review commenced following a request from South Wales Police. It included a statutory consultation as required by Section 5 of the Licensing Act 2003 and a public consultation. The consultation took place between 14 December 2022 and 8 March 2023. The purpose of the consultation was to gather evidence on the problems being experienced to inform the adoption of a CIA for the next three year

period. Given that a CIA has the potential to prevent any new licensed premises in an area, the Council must set out the evidential basis for adopting such a policy. It must be satisfied that the number of licensed premises in Bridgend Town Centre has reached such a critical point that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives.

3.2 The CIA currently applies to the following Bridgend town centre streets:-

- Market Street
- Derwen Road
- Wyndham Street
- 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).

3.3 The South Wales Police request included data in relation to crime and disorder and concludes:

"We have seen a 34% increase in crime demand and reporting across all categories of Night Time Economy (NTE) crime/demand detailed within the report pre COVID. Post COVID, figures are generally lower which is to be expected as we emerged from lockdown."

3.4 The first review of the CIA has taken place following an unprecedented period on the operation of licensed premises as a result of the Covid 19 pandemic. It is acknowledged that this has had an impact on the statistics provided. The response to the public consultation was also disappointing with only seven responses received, (all from members of the public) two respondents were not in favour of retaining the CIA. One replied that there were:

"issues 10-15 years ago however the number of licensed premises in Bridgend has declined significantly in recent years. Those that remain are, in many cases, struggling for viability as evidence by the high turnover of licensees."

3.5 The respondents cited anti-social behaviour, violent behaviour, littering and street fouling/lavatory provision as their main concerns.

3.6 All types of premises were referred to as being contributory to problems and in both the day and night time economies.

3.7 Smoking and drinking outside, street drinking and town centre investment were also referenced in the responses.

3.8 The format of a CIA is that it should be evidential, setting out the statistics and evidence of problems obtained through local consultation. A draft CIA is attached as **Appendix C**. It includes the South Wales Police data comprising recorded crime in the area, and occurrences within the area.

3.9 Part of the report includes the "Night-Time Economy – Recorded Crime (1800 to 0559 hrs)" as follows:

- 3.10 “During the night-time economy, crime incidents increased 34.7% (98 to 132) between the periods Feb - July 19 and Aug 19 – Jan 20. However, there was a reduction in incidents between Feb - July 19 and Feb - July 22 of -33.7% decreasing from 98 to 65 incidents.
- 3.11 On Market Street, the number of crimes increased by 53.3% [24] between Feb - July 19 and Aug 19 - Jan 20, however this number decreased by 31.1% [14] between Feb - July 19 and Feb - July 22.”
- 3.12 The data broadly shows increases in recorded crime prior to Covid, but a decrease in 2022 even though premises were re-opened. This pattern is reflected in the figures for all occurrences in the Night time economy area.
- 3.13 For the Night-Time Economy – All Occurrences (Crime and Non-Crime, 1800 to 0559 hrs), South Wales Police report that:
- 3.14 “During the night-time economy, there was an overall increase in occurrences between the periods Feb - July 19 and Aug 19 - Jan 20 of 17.9% (196 to 231 incidents).
- 3.15 Between Feb - July 19 and Feb - July 22 there was a decrease in overall occurrences of -34.7% (196 to 128).
- 3.16 Market Street saw a 13.8% increase in night-time economy occurrences between the periods Feb - July 19 and Aug 19 - Jan 20 of 13 occurrences. However, between Feb - July 19 and Feb - July 22 occurrences decreased by 36.2% (34 occurrences).”
- 3.17 It is the view of South Wales Police that: “There is every likelihood that this legacy increase will resume and as such Police will support the continuance of the Cumulative Impact Area to ensure criminal conduct and disorderly conduct is minimised in Bridgend Town Centre.”
- 3.18 A summary of the public consultation is also included within the draft CIA.
- 3.19 Having regard to the request and the evidence collated, the Council will be requested on the 21 June 2023 to approve the following option in response to the police request:
 - a) To determine that there is sufficient evidence within the CIA to adopt and publish from date of approval to the expiry of the current Statement of Licensing Policy in December 2024. A further review will be aligned with the review of the Statement of Licensing Policy. Pre Covid statistics showed an increase in crime and disorder and this option would allow for a full year of statistics to be provided to show a better picture of the night time economy and crime and disorder post-Covid.
- 3.20 If Council is minded to approve this option the next review will include a call for evidence to show which types of premises are causing the most concern, and which premises would be considered as not having a negative impact on the area. This will assist applicants in understanding the types of venues which the authority consider may not add to negative cumulative impact.

3.21 In conclusion, the Home Office statutory guidance highlights that a CIA is not absolute. The underlying principle of decision making remains that the circumstances of each application must be considered on its merits and that if no relevant representations are made on an application, the licensing authority may grant applications that are unlikely to add to the negative cumulative impact on the licensing objectives. If a CIA is in place, an applicant will be expected to address cumulative impact in the operating schedule within an application.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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.

6. Climate Change Implications

6.1 There are no Climate Change Implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

8.1 There are no Financial Implications arising from the report.

9. Recommendation

9.1 Cabinet is requested to note the above report and the option set out in 3.19 above, which will be presented to Council on 21 June 2023.

Background documents

None