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THURSDAY, 20 JULY 2023

TO: ALL MEMBERS OF THE LICENSING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A **VIRTUAL MEETING OF THE LICENSING COMMITTEE AT 10.00 AM ON THURSDAY, 27TH JULY, 2023** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Wendy Walters

CHIEF EXECUTIVE

Democratic Officer:	Janine Owen
Telephone (direct line):	01267 224030
E-Mail:	JanineOwen@carmarthenshire.gov.uk

The meeting can be viewed on the Authority's website via the following link:- <https://carmarthenshire.public-i.tv/core/portal/home>

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

LICENSING COMMITTEE

PLAID CYMRU GROUP - 8 Members

Cllr. Mansel Charles (Chair)
Cllr. Alex Evans (Committee Member)
Cllr. Tyssul Evans (Committee Member)
Cllr. Ken Howell (Committee Member)
Cllr. Hefin Jones (Committee Member)
Cllr. Jean Lewis (Committee Member)
Cllr. Dorian Phillips (Committee Member)
Cllr. Elwyn Williams (Committee Member)

LABOUR GROUP - 4 Members

Cllr. Peter Cooper (Committee Member)
Cllr. Suzy Curry (Committee Member)
Cllr. Dot Jones (Committee Member)
Cllr. Kevin Madge (Committee Member)

INDEPENDENT GROUP - 1 Member

Cllr. Louvain Roberts (Committee Member)

AGENDA

1. **APOLOGIES FOR ABSENCE.**
2. **DECLARATIONS OF PERSONAL INTERESTS.**
3. **TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 27TH JUNE 2023.** 5 - 10
4. **LICENSING ACT 2003 LICENSING POLICY REVIEW CUMULATIVE IMPACT ASSESSMENTS** 11 - 22
5. **EXCLUSION OF THE PUBLIC**

THE REPORTS RELATING TO THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007 AS THEY CONTAIN INFORMATION RELATING TO A PARTICULAR INDIVIDUAL.

IF, FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST, THE COMMITTEE RESOLVES PURSUANT TO THE ACT TO CONSIDER THESE ITEMS IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
6. **MRS BEVERLEY WILMA LEWIS – APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 23 - 26
7. **MR ROBERT DANIEL ISAAC – APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 27 - 30
8. **MR DARREN LEE HUNG – APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE** 31 - 34

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Licensing Sub Committee "B"

Councillor Hefin Jones, Councillor Jean Lewis, Councillor Dorian Phillips, Councillor Elwyn Williams, Councillor Dot Jones, Councillor Kevin Madge and Councillor Louvain Roberts.

4. APPOINTMENT OF CHAIRS OF LICENSING SUB-COMMITTEES FOR THE 2023-24 MUNICIPAL YEAR

The Committee considered nominations for Chairs of the Licensing Sub Committees for the 2023/24 Municipal Year.

UNANIMOUSLY RESOLVED

4.1 that Councillor M. Charles be appointed Chair of Licensing Sub Committee "A" for the 2023/24 Municipal Year;

4.2 that Councillor D.E. Williams be appointed Chair of Licensing Sub Committee "B" for the 2023/24 Municipal Year.

5. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "A" HELD ON 20TH APRIL 2023

RESOLVED that the minutes of the meeting of the Licensing Committee Sub-Committee A held on the 20th April, 2023 be signed as a correct record.

6. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE "B" HELD ON:-

6.1. 13TH APRIL 2023

RESOLVED that the minutes of the meeting of the Licensing Committee Sub-Committee B held on the 13th April, 2023 be signed as a correct record.

6.2. 8TH JUNE 2023

RESOLVED that the minutes of the meeting of the Licensing Committee Sub-Committee B held on the 8th June, 2023 be signed as a correct record.

7. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 4TH APRIL, 2023.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Licensing Committee held on the 4th April, 2023 be signed as a correct record.

8. PRIVATE HIRE VEHICLE LICENCE

The Committee considered an application Mr Geoffrey Karin Davies of Airport Flyer, 37a New Road, Dafen, Llanelli for an exemption from conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles PH 546 a Kia Optima registration number CP18 UTF, Private Hire PH 567 a Ford Tourneo registration number SA72 GPF and Private Hire PH 509a Renault Traffic registration number CU18 HXB.

It was reported that as it was Mr Davies' intention to operate the vehicle for executive hire, airport/sea port work only, he had requested an exemption from conditions 5a and 5b of the Council's Licence Conditions, namely, that he be not required to display door stickers and a licence plate on the rear bumper of his vehicle.

The Committee was advised that should it agree to grant Mr Davies an exemption, the following conditions would be attached to the Licence:-

- I. That Private Hire PH 546 a Kia Optima registration number CP18 UTF, Private Hire PH 567 a Ford Tourneo registration number SA72 GPF and Private Hire PH 509 a Renault Traffic registration number CU18 HXB be exempt from licence conditions 5a and 5b, whilst being used for Executive Hire purposes as outlined in the application by Mr Davies.
- II. That should the vehicle be used for Private Hire other than Executive Hire type work listed, then the applicant shall immediately notify the Licensing Authority and the exemption shall cease in relation to such hiring.
- III. That the vehicle displays an identification disc on the front and rear windscreens, as specified by the Licensing Authority.

RESOLVED that the application submitted by Mr Geoffrey Karin Davies for an exemption from Conditions 5a and 5b of the Council's Licence Conditions for Private Hire Vehicles for Private Hire Vehicles PH 546 a Kia Optima registration number CP18 UTF, Private Hire PH 567 a Ford Tourneo registration number SA72 GPF and Private Hire PH 509 a Renault Traffic registration number CU18 HXB be granted.

9. EXCLUSION OF THE PUBLIC

RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 14 of Part 4 of Schedule 12A to the Act.

10. MR GEOFFREY KARIN DAVIES - APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that an application had been received from Mr Geoffrey Karin Davies of 37a New Road, Dafen, Llanelli, for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application and the issues raised by the Senior Licensing Officer.

The Senior Licensing Officer recommended that Mr Davies be issued with a warning as to his future conduct.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Geoffrey Karin Davies' application be granted with a warning as to his future conduct.

11. MR LEE JENKINS - APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Senior Licensing Officer referred to the application received from Mr Lee Jenkins of 89 James Street, Llanelli for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence and requested that its consideration be deferred to the next meeting in order for additional information to be obtained.

RESOLVED that the application submitted by Mr Lee Jenkins for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be deferred to a future meeting of the Committee.

12. MR JONATHAN THOMAS JONES - APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that an application had been received from Mr Jonathan Thomas Jones of 44 Glenalla Road, Llanelli, for the grant the renewal of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Jones with regard to his application and the issues raised by the Senior Licensing Officer.

The Senior Licensing Officer recommended that Mr Jones be issued with a warning as to his future conduct.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Jonathan Thomas Jones' application be granted with a warning as to his future conduct.

13. MR CARWYN DAVIES - APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

The Committee was informed that an application had been received from Mr Carwyn Davies of Iscoed, Llanybydder for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application and the issues raised by the Senior Licensing Officer.

The Senior Licensing Officer recommended that Mr Davies be issued with a warning as to his future conduct.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Carwyn Davies' application be granted with a warning as to his future conduct.

CHAIR

DATE

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LICENSING COMMITTEE

27 JULY 2023

LICENSING ACT 2003 LICENSING POLICY REVIEW CUMULATIVE IMPACT ASSESSMENTS

KEY DECISIONS REQUIRED:

That members of the committee complete the online survey as part of the licensing policy consultation and encourage other groups and persons to participate in the consultation exercise.

REASONS:

To assist with providing the authority with evidence to consider when reviewing it's licensing policy and when considering the cumulative impact assessments.

Cabinet Member Portfolio Holder:

Councillor A Vaughan Owen (Climate Change, Decarbonisation and Sustainability)

<p>Directorate: Communities Name of Head of Service Mr Jonathan Morgan</p> <p>Report Author Mr Emyr Jones</p>	<p>Designation:</p> <p>Head Housing and Public Protection</p> <p>Licensing Lead</p>	<p>Tel No. / E Mail Address:</p> <p>01554 899285 jmorgan@carmarthenshire.gov.uk</p> <p>01267 228717 eorjones@carmarthenshire.gov.uk</p>
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EXECUTIVE SUMMARY
LICENSING COMMITTEE
27TH JULY 2023

LICENSING ACT 2003
LICENSING POLICY REVIEW
CUMULATIVE IMPACT ASSESSMENTS

Carmarthenshire County Council is currently undertaking a review of its Licensing Policy which outlines the Authority's approach to licensing Premises, Clubs, Temporary Events and Personal Licences.

The current licensing policy was adopted by the authority in March 2021, following a consultation, which included a review of the existing Cumulative Impact Assessments (CIAs) for Lammas Street, Carmarthen and Station Road, Llanelli.

However, the authority must undertake a full review of the Cumulative Impact Assessments at least every three years to ensure that they are still appropriate.

As part of this consultation the authority is reviewing the existing Cumulative Impact Assessments in force for Station Road, Llanelli and Lammas Street, Carmarthen.

The consultation also seeks views regarding the adoption of a further Cumulative Impact Assessment for **Nott Square, King Street and Queen Street, Carmarthen**.

We are consulting in relation to these areas for the following reasons:

- a) Nott Square, King Street and Queen Street, Carmarthen are already identified at paragraph 6.12 of the existing Licensing Policy as Hot Spot areas of alcohol related Crime and Disorder.
- b) A request has been made by Carmarthen Town Council because of the levels of Crime and Disorder being reported to them.

Guidance published under section 182 of the Licensing Act 2003 contains further information regarding cumulative Impact and the process for adopting and reviewing Cumulative Impact Assessments. An extract of that guidance is attached for information.

There must be an evidential basis for the adoption of a Cumulative Impact Assessment and the evidence should be published as part of the CIA.

As part of the review the Council is consulting a wide range of parties including responsible authorities, licence holders, businesses, local residents and their representatives.

The consultation is an opportunity for local residents, businesses, existing licence holders and their representatives to formally comment on the proposal and provide feedback to the Authority.

To assist respondents, we have created an online survey on the council's website :-

[Licensing Policy Review 2023 \(gov.wales\)](#)

Responses to the consultation must be submitted by the **8th August 2023**.

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Mr Jonathan Morgan

Head of Homes and Safer Communities

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

LEGAL: The Cumulative Impact Assessment process must follow the requirements set outlined section 5A of the Licensing Act 2003.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Mr Jonathan Morgan

Head of Homes and Safer Communities

1. Local Member(s):

All council members are being consulted regarding the Licensing Policy Review.

2. Community / Town Council:

Community and Town Councils are being consulted as part of the Licensing Policy Review.

3. Relevant Partners:

The Responsible Authorities are being consulted regarding the review.

4. Staff Side Representatives and other Organisations:

Licence holders, their representatives and the public are being consulted regarding the review.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Licensing Policy Review 2023	Licensing Policy Review 2023	Licensing Section, 3 Spilman Street, Carmarthen
Licensing Policy		Licensing Section, 3 Spilman Street, Carmarthen
National Guidance		Licensing Section, 3 Spilman Street, Carmarthen

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Guidance issued under S182 of the Licensing Act 2003

Extract relating to Cumulative Impact

The cumulative impact of a concentration of licensed premises

What is cumulative impact?

14.20 The concept of “Cumulative impact” has been described within this guidance and used by licensing authorities within their statements of licensing policy since the commencement of the 2003 Act. ‘Cumulative impact assessments’ were introduced in the 2003 Act by the Policing and Crime Act 2017, with effect from 6 April 2018. Cumulative impact is the potential impact on the promotion of the licensing objectives of a number of licensed premises concentrated in one area.

14.21 In some areas where the number, type or density of licensed premises, such as those selling alcohol or providing late night refreshment, is high or exceptional, serious problems of nuisance and disorder may arise outside or some distance from those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

14.22 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also attract criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

14.23 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

Cumulative impact assessments

14.24 A cumulative impact assessment (CIA) may be published by a licensing authority 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 in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates and applications to vary existing premises licences and club premises certificates in a specified area.

14.25 Section 5A of the 2003 Act sets out what a licensing authority needs to do in order to publish a CIA and review it, including the requirement to consult with the persons listed in section 5(3) of the 2003 Act. The 2003 Act does not stipulate how the CIA should be used once published, because the requirements for determining applications for new licences or variations are the same in areas with a CIA as they are elsewhere, as set out in sections 18, 35, 72 and 85 of the Act. However, any CIA published by a licensing authority must be summarised in its statement of licensing policy. Under section 5(6D) a licensing authority must also have regard to any CIA it has published when determining or revising its statement of licensing policy.

14.26 The CIA must include a statement saying that the licensing authority considers that the number of premises licences and/or club premises certificates in one or more parts of the area described is such that it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. As part of the publication a licensing authority must set out the evidential basis for its opinion.

14.27 CIAs may relate to premises licensed to carry on any licensable activity, including the sale of alcohol for consumption on or off the premises, and the provision of late night refreshment. This includes late night refreshment providers which are not licensed to sell alcohol. A CIA may relate to all premises licences and club premises certificates in the area described in the assessment or parts thereof, or only to premises of a particular kind described in the assessment. For example, it may be appropriate for the licensing authority to only include off-licences or nightclubs within the scope of its assessment. The licensing authority must make clear, when publishing its CIA, which premises types it applies to. CIAs do not apply to TENs; however it is open to the police and environmental health authority (as relevant persons) to refer to evidence published within a CIA when objecting to a TEN.

14.28 While the evidence underpinning the publication of a CIA should generally be suitable as the basis for a decision to refuse an application or impose conditions, it does not change the fundamental way that decisions are made under the 2003 Act. Each decision in an area subject to a CIA therefore still needs to be made on a case-by-case basis and with a view to what is appropriate for the promotion of the licensing objectives. Importantly, the publication of a CIA would not remove a licensing authority's discretion to grant applications for new licences or applications to vary existing licences, where the authority considers this to be appropriate in the light of the individual circumstances of the case.

Evidence of cumulative impact

14.29 As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local and parish councillors; and
- evidence obtained through local consultation.

14.30 The licensing authority may consider this evidence, alongside its own evidence of the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

14.31 Where existing information is insufficient or not readily available, but the licensing authority believes there are problems in its area resulting from the cumulative impact of licensed premises, it can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity and anti-social behaviour, examples of public nuisance, specific issues such as underage drinking and the key times and locations at which these problems are occurring.

14.32 In order to identify the areas in which problems are occurring, information about specific incidents can be mapped and, where possible, a time analysis undertaken to identify the key areas and times at which there are specific issues.

14.33 After considering the available evidence and consulting those individuals and organisations listed in section 5(3) of the 2003 Act and any others, a licensing authority may be satisfied that it is appropriate to publish a CIA. The CIA should also be considered alongside local planning policy and other factors which may assist in mitigating the cumulative impact of licensed premises, as set out in paragraph 14.47.

Steps to publishing a cumulative impact assessment

14.34 The steps to be followed in considering whether to publish a CIA are summarised below.

- 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.
- If there is evidence that such problems are occurring, 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).
- For the purposes of the consultation provide the persons specified in section 5(3) with the following information:
 - the reasons why it is considering publishing a CIA;
 - a general indication of the part or parts of its area which it is considering describing in the assessment;
 - whether it considers that the assessment will relate to all premises licence and club premises certificate applications and variation applications, or only to those of a particular kind described.
- Subject to the outcome of the consultation, include and publish details of the CIA, including the evidence in support of the assessment and the particular kinds of premises the assessment relates to. Licensing authorities are not restricted to using general terms such as on-trade, off-trade and late night refreshment providers, and can apply their own descriptions such as vertical-drinking bars and night clubs if appropriate.

- Summarise the licensing authority's opinion in light of the evidence of cumulative impact (or any revision to an existing opinion) in the licensing policy statement and explain within the policy statement how the authority has had regard to any CIAs it has published under section 5A. The summary within the licensing policy statement should include, but is not limited to: the nature of the problems identified and the evidence for such problems; the geographical extent of the area covered by the assessment; the types of premises described in the assessment; and the types of applications for which it would likely be inconsistent with the licensing authority's duty to promote the licensing objectives to grant.

Reviewing the CIA

14.35 After publishing a CIA the licensing authority must, within three years, consider whether it remains of the opinion set out in the assessment. In order to decide whether it remains of this opinion it must again consult the persons listed in section 5(3). If having consulted with the statutory list of persons the licensing authority decides that it is no longer of the opinion set out in the CIA, it must publish a statement to that effect. The statement must make clear that any reference to the CIA in its licensing policy statement no longer applies. The licensing authority should remove any reference to the CIA within its licensing policy statement at the earliest opportunity.

14.36 If having consulted the licensing authority decides that it remains of the opinion set out in the assessment, it must revise the CIA to include a statement to that effect and set out the evidence as to why it remains of that opinion. It will be important for any evidence included in the revised CIA to be robust and relevant to the current problems described. This is likely to involve the collation of fresh or updated evidence of the kind described in the above section on evidence of cumulative impact. The licensing authority must also at this stage publish any other material change to the assessment. For example if the types of premises or area described in the assessment have changed due to a shift in the nature of the problems being experienced or where there is evidence of the emergence of a new type of problem.

14.37 In each case the three year period for reviewing a CIA begins with the original date of the publication of the CIA or the date that a CIA was last revised. Where a licensing policy statement as a whole is due for review, under the five year review period under section 5(4), and this occurs before the end of the three year CIA review period, licensing authorities may wish to use this as an opportunity to carry out a review of the evidence in support of the CIA. However, licensing authorities are free to carry out consultations and reviews of their CIAs (and/or licensing policy statements) at more regular intervals if they consider this to be appropriate.

14.38 As Cumulative Impact Policies were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6 April 2018. However, any existing CIPs should be reviewed at the earliest practical opportunity to ensure they comply with the legislation. It is recommended that the review should take place within three years of the commencement of the legislation on CIAs or when the licensing policy statement is next due for review, whichever is sooner. This will ensure that any CIPs in place before the commencement of the provisions on CIAs adhere to the principles in the legislation (in particular concerning relevant evidence and consultation).

Effect of cumulative impact assessments

14.39 When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.

14.40 In publishing a CIA a licensing authority is setting down a strong statement of intent about its approach to considering applications for the grant or variation of premises licences or club premises certificates in the area described. Having published a CIA a licensing authority must have regard to the assessment when determining or revising its statement of licensing policy. It is therefore expected that, in respect of each relevant application in the area concerned, the licensing authority will be considering whether it is appropriate to make a representation to its committee as a responsible authority in its own right. The CIA does not, however, 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 is appropriate and where the applicant can demonstrate in the operating schedule that they would not be adding to the cumulative impact. Applications in areas covered by a CIA should therefore give consideration to potential cumulative impact issues when setting out the steps that will be taken to promote the licensing objectives. Where relevant representations are received and a licensing authority decides to grant an application it will need to provide the applicant, the chief officer of police and all parties who made relevant representations with reasons for granting the application and this should include any reasons for departing from their own policy.

14.41 The CIA must also stress that it does not relieve responsible authorities (or any other persons) of the need to make relevant representations where they consider it appropriate to do so for the promotion of the licensing objectives. Anyone making a representation may base it on the evidence published in the CIA, or the fact that a CIA has been published. It remains incumbent on all responsible authorities and other persons to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing. As with all licensing applications under the 2003 Act, if there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

14.42 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

14.43 As noted above, CIAs may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for publishing a CIA, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the CIA.

Limitations on special policies relating to cumulative impact

14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

14.45 CIAs should never be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises. Where the licensing authority has concerns about the effect of activities at existing premises between midnight and 6am on the promotion of the licensing objectives in a specific area, it may introduce an Early Morning Alcohol Restriction Order (EMRO) if there is sufficient evidence to do so (see chapter 17). The “cumulative impact” on the promotion of the licensing objectives of a concentration of licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.

14.46 CIAs must not impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.

Other mechanisms for controlling cumulative impact

14.47 Once away from the licensed premises, a minority of consumers will behave badly. To enable the general public to appreciate the breadth of the strategy for addressing these problems, statements of policy should also indicate the other mechanisms both within and outside the licensing regime that are available for addressing such issues. For example:

- planning control;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practise schemes such as Best Bar None, Pubwatch or BIDs;
- Community Protection Notices;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- Raising a contribution to policing the late night economy through the Late Night Levy.
- Early Morning Alcohol Restriction Orders (see Chapter 17).

14.48 As part of its licensing policy statement, the licensing authority may also wish to consider the use of alternative approaches such as fixed closing times, staggered closing times and zoning. Such policy restrictions would need to be evidence-based and would be subject to the merits of each case in accordance with what is appropriate for the promotion of the licensing objectives. The licensing authority would be expected to justify the use of such measures as an appropriate means of managing problems in its area.

Agenda Item 6

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 7

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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Agenda Item 8

By virtue of paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

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