

# LICENSING COMMITTEE

12<sup>TH</sup> DECEMBER 2023

## LICENSING ACT 2003 REVIEW OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENTS

### Purpose:

There is a statutory obligation to review the Licensing Policy every five years and Cumulative Impact Assessments every three years.

### Recommendations / key decisions required:

- Select option three as the most appropriate policy option for the CIAs to best promote the licensing objectives within Carmarthenshire.
- To approve a Statement of Licensing Policy that reflects the chosen option.

### Reason:

The licensing policy must reflect the most appropriate course of action to promote the licensing objectives, taking into account the evidence summarised in the consultation document and the potential impact of CIAs on licensed premises in those identified areas.

Cabinet Decision Required YES - 15<sup>th</sup> January 2024

Council Decision Required YES - 14<sup>th</sup> February 2024

### CABINET MEMBER PORTFOLIO HOLDER:-

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

**Directorate:** Communities

**Name of Head of Service:**

Jonathan Morgan

**Report Author:**

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# EXECUTIVE SUMMARY

## LICENSING COMMITTEE 12<sup>TH</sup> DECEMBER 2023

### LICENSING ACT 2003 REVIEW OF LICENSING POLICY AND CUMULATIVE IMPACT ASSESSMENTS

#### **Purpose**

Legislation requires the licensing policy to be reviewed every five years and Cumulative Impact Assessments (CIAs) every three years, to ensure that they are still appropriate.

#### **Consultation**

The review process requires the authority to undertake a consultation exercise which took place between the 30th of May and the 8th of August 2023. In addition to reviewing the existing Cumulative Impact Assessments in force for Station Road, Llanelli and Lammas Street, Carmarthen, the consultation also sought views regarding the adoption of a further Cumulative Impact Assessment for **Nott Square, King Street and Queen Street, Carmarthen.**

Consideration of this additional CIA follows a request made by Carmarthen Town Council because of the levels of Crime and Disorder being reported to them. 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.

The outcome of the consultation process is summarised in the attached consultation report. Members are asked to balance the benefits of the additional regulatory controls offered by the CIA's, against the desirability of supporting investment in licensed premises within the identified areas.

In view of this and in light of the evidence submitted the following options are being considered:

### Options

Options	Pros	Cons
<p>Option 1:</p> <p><b>Retain the existing CIAs within the updated policy without creating a new CIA for Nott Square, King Street and Queen Street, Carmarthen.</b></p>	<ul style="list-style-type: none"> <li>• Does not increase regulatory controls on licensed premises in Nott Square, King Street and Queen Street, Carmarthen.</li> <li>• Aligns with the recently adopted PSPO in Llanelli</li> <li>• The retained CIAs will continue to have a positive impact on crime and disorder in those areas.</li> <li>• Aligns with the aims of the Transforming Tyisha project and is supported by officers leading that project.</li> <li>• Exceptions* in the CIAs permit new licences to be approved where they will not undermine the licensing objectives and will support economic regeneration.</li> </ul>	<ul style="list-style-type: none"> <li>• Not adopting a CIA for Nott Square, King Street and Queen Street, Carmarthen will result in the concerns expressed by the Police, local businesses, local members and residents not being addressed in the Policy.</li> <li>• The existing enforcement powers available to the Licensing Authority and Police are not sufficient to address the cumulative impact of the high concentration of licensed premises in Nott Square, King Street and Queen Street, Carmarthen.</li> </ul>
<p>Option 2:</p> <p><b>Remove all CIAs from the updated policy.</b></p>	<ul style="list-style-type: none"> <li>• Reduces regulatory control in affected areas.</li> <li>• Reduces barriers to new licensed premises in affected areas.</li> <li>• Reduced costs / resources needed for CIA policy review and consultation.</li> </ul>	<ul style="list-style-type: none"> <li>• Likely to result in an increase in licensed premises, outside of the exceptions policy*. Experience suggests this is likely to increase crime and disorder in the area.</li> <li>• Doesn't reflect the evidence provided by the Police, local residents and businesses during the consultation.</li> <li>• Would be contrary to the aims and objectives of the Tyisha project.</li> </ul>

<p>Option 3:</p> <p><b>Adopt a new CIA for Nott Square, King Street, Queen Street, Carmarthen and retain the existing assessments within the updated Policy, to include an 'exceptions' policy as per current Statement of Licensing Policy.</b></p>	<ul style="list-style-type: none"> <li>• Retaining the existing CIA for station Road Llanelli aligns with the aims of the Transforming Tyisha project and also the new PSPO in addressing ongoing alcohol related ASB in that part of Llanelli.</li> <li>• Retaining the existing CIA for Lammas Street, Carmarthen will address the ongoing issues of alcohol related ASB in that part of Carmarthen and aligns with the views of the Police, local members, Carmarthen Town Council and residents.</li> <li>• Adopting a CIA for Nott Square would help address the increase in alcohol related ASB in that part of the town and aligns with the views of the Police, local members, Carmarthen Town Council, businesses and residents.</li> <li>• Exceptions policy* would permit the approval of licenses where applicants can demonstrate that the proposed licensed premises would not contribute to the alcohol related disorder and support economic regeneration in the CIA.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase regulatory controls in those areas.</li> <li>• Creates barriers to new licensed premises and changes to existing licenses in affected areas.</li> </ul>
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\*Exceptions Policy

Example exceptions paragraph from Licensing Policy  
 An exception might arise where an application proposes:

- (a) To effect a real reduction in capacity
- (b) To replace vertical drinking with seated consumption and waiter service.
- (c) To transfer an operation from one premises to another, where the size and location of the second premises is likely to cause less detrimental Impact and will promote the licensing objectives.
- (d) The substitution of existing licensable activity at a premises with licensable activities which would have less impact on the area and would be more likely to further the licensing objectives.

<p><b>DETAILED REPORT ATTACHED?</b></p>	<p><b>YES</b></p> <p><b>Appendix A - Licensing Policy Consultation Report</b>  <b>Appendix B - Licensing Policy Statement – Licensing Act 2003</b>  <b>Appendix C - Matrix report of consultation responses</b></p>
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# 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: **Jonathan Morgan** **Head of Housing and Public Protection**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## 1. Policy, Crime & Disorder and Equalities

The proposed amendments to the Licensing Policy promote the prevention of crime and disorder. The Policy complies with the Authority's duty under section 17 of the Crime and Disorder Act.

An equalities impact assessment is being prepared.

## 2. Legal

Legal services are satisfied that the proposed amendments comply with the Licensing Act 2003 and the statutory guidance issued by the Secretary of State.

Failure to approve the policy would bring the cumulative impact assessments in Station Road and Lamma Street to an end and undermine the council's promotion of the crime prevention objective in the Licensing Act 2003.

# CONSULTATIONS

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

Signed: Jonathan Morgan

Head of Housing and Public protection

1. Scrutiny Committee request for pre-determination

N/A

2. Local Member(s)

Local Members were consulted through correspondence.

3. Community / Town Council

Town and Community Councils were consulted through correspondence.

4. Relevant Partners

Relevant partners were consulted through correspondence and consultation meetings.

5. Staff Side Representatives and other Organisations

N/A

CABINET MEMBER PORTFOLIO  
HOLDER(S) AWARE/CONSULTED

YES

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
Consultation Responses	Review of Licensing Policy 2023	3, Spilman Street , Carmarthen
Home Office Guidance	Review of Licensing Policy 2023	3, Spilman Street , Carmarthen