

CITY AND COUNTY OF SWANSEA

NOTICE OF MEETING

You are invited to attend a Meeting of the

DEVELOPMENT CABINET ADVISORY COMMITTEE

At: Committee Room 3A, Guildhall, Swansea

On: Wednesday, 20 January 2016

Time: 3.00 pm

Chair: Councillor Philip Downing

Membership:

Councillors: C Anderson, J C Bayliss, D W Cole, P Lloyd, P M Matthews, P B Smith, C Thomas and T M White

AGENDA

Page No.

- 1 **Apologies for Absence.**
- 2 **Disclosures of Personal and Prejudicial Interests.**
<http://www.swansea.gov.uk/DisclosuresofInterests>
- 3 **Minutes.** 1 - 3
To approve and sign the minutes of the previous meeting as a correct record.
- 4 **Update on Cumulative Impact Policy (Presentation).** 4 - 8
Lynda Anthony – Divisional Officer, Licensing, Food & Safety
- 5 **Update Report from Dave Picken, Divisional Officer-Trading Standards (Verbal).**
- 6 **Updates from Chair (Verbal).**
- 7 **Workplan.**

Next Meeting: Wednesday, 17 February 2016 at 3.00 pm



Patrick Arran
Head of Legal and Democratic Services
Tuesday, 12 January 2016

Contact: Democratic Services: 01792 636923

CITY AND COUNTY OF SWANSEA

MINUTES OF THE DEVELOPMENT CABINET ADVISORY COMMITTEE

HELD AT COMMITTEE ROOM 6, GUILDHALL, SWANSEA ON
WEDNESDAY, 16 DECEMBER 2015 AT 3.00 PM

PRESENT: Councillor P Downing (Chair) Presided

Councillor(s)

C Anderson
P Lloyd
T M White

Councillor(s)

J C Bayliss
P M Matthews

Councillor(s)

D W Cole
C Thomas

Officer(s)

Ryan Thomas

Planning Control Manager

Apologies for Absence

Councillor(s): P B Smith

26 **ELECTION OF VICE CHAIR FOR THE REMAINDER OF THE 2015-2016
MUNICIPAL YEAR**

Due to work commitments, Councillor John Bayliss had tendered his resignation as Vice Chair of the Development Cabinet Advisory Committee.

The Chair thanked Councillor Bayliss for his assistance over the past few months.

RESOLVED that Councillor T M White be elected as Vice Chair of the Committee for the remainder of the Municipal Year.

27 **APOLOGIES FOR ABSENCE.**

28 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

In accordance with the Code of Conduct adopted by the City & County of Swansea, the following interests were declared:

Councillor J Bayliss – Minute No. 30 – Personal – Clients of Remarkable Group (employers) are often subject to 106 but not in the City & County of Swansea.

Councillors D W Cole, P Downing, P Lloyd & T M White – Minute No. 30 - Personal – Members of Planning Committee.

29 **MINUTES.**

RESOLVED that the minutes of the Development Cabinet Advisory Committee held on 18 November 2015 be approved and signed as a correct record.

30 **UPDATE ON S.106 AGREEMENTS (VERBAL).**

The Planning Control Manager updated the Committee on progress of the S.106 Negotiation of Financial Contributions – Planning Application Process and circulated a flow chart which indicated the key “trigger points” and outlined at what stage relevant Ward Members would be notified.

He also provided the Committee with two Case Study examples of Planning Applications which involved S.106 requirements.

The Committee asked various questions to the Officer, who responded accordingly.

RESOLVED that:

- 1) The update be noted and
- 2) The relevant Ward Members be informed once the funds had been released to the relevant service areas.

31 **UPDATES FROM CHAIR (VERBAL).**

The Chair updated the Committee as follows:

- Open Spaces Strategy – The Chair had met with the 4 dedicated Officers and would be looking to set up a sub group in January 2016. Councillors C Anderson, D W Cole, P Lloyd and T M White volunteered to sit on the sub group. The Chair would therefore set up a meeting of the Open Spaces Strategy Sub Group with the relevant Officers.
- Cumulative Impact Policy – The Committee would receive the final document at its next meeting in January 2016, which would then go to Corporate Briefing and Cabinet prior to formal consultation.
- Public Space Protection Order – The Trading Standards Divisional Officer would update the Committee at the next meeting.

RESOLVED that the updates be noted.

32 **WORKPLAN.**

RESOLVED that the Committee scheduled for 20 January 2016 receive reports / updates on the following issues:

- Cumulative Impact Policy;
- Public Space Protection Orders

Item for future meeting:

- Feedback on Regional District Shopping Centres – second visit to Morriston.

The meeting ended at 3.55 pm

CHAIR

Agenda Item 4

Extract from Existing Licensing Policy (July 2013)

6. **CUMULATIVE IMPACT AND SPECIAL POLICY**
- 6.1 Cumulative impact means, for the purposes of this policy, the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 6.2 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. The Council when acting as a Licensing Authority will not take into consideration “need”. This is a matter for the Council in its role as a Planning Authority and for the market.
- 6.3 When acting as a Licensing Authority the Council will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact.
 - 6.3.1 A list of Responsible Authorities can be found at paragraph 20
- 6.4 A relevant representation from a “responsible authority” or an “Other Person” regarding cumulative impact must provide clear evidence that there will be exceptional problems of disorder and nuisance over and above the impact of the individual premises itself.
- 6.5 The Licensing Authority will in such cases, take into account the issue of cumulative impact but this will be addressed in the context of the individual merits of any application. Where it is considered that a licence or certificate is unlikely to add to the cumulative impact on the licensing objectives the application will be granted.
- 6.6 The Licensing Authority after considering the available evidence will consult the individuals and organisations listed in 5.1 and 5.2 above. If it determines that attaching conditions to a licence is unlikely to address the problems identified, it will consider adopting a special policy of refusing new licences. This would apply whenever relevant representations are received about the cumulative impact on the licensing objectives from responsible authorities and interested parties, which the Licensing Authority consider after hearing those representations should lead to refusal.
- 6.7 The steps detailed below will be followed in considering whether to adopt and subsequent adoption of a special policy within the licensing policy:
 - Identification of concern about crime and disorder or public nuisance from a “responsible authority” or “Other Person”.
 - Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and caused by the customers of

licensed premises and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent.

- Consultation with those specified in paragraph 5 above.
- Subject to the consultation, inclusion of a special policy about future premises licence or club premises certificate applications from that area.
- Publication of the special policy as part of the statement of licensing policy.

6.8 Applications for new premises licences or club premises certificates or material variations will normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

Applicants will need to address the special policy issues in their operating schedule submitted with their application to rebut the presumption of refusal of the application. If no relevant representations are received the application will be granted in accordance with the operating schedule submitted.

6.9 Any special policy adopted will be reviewed following a maximum period of five years to determine its effectiveness and whether or not its continued use is required.

6.10 The absence of a special policy will not prevent a responsible authority or Other Person making representations on a new application for the grant 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.

6.11 The effect of all licensed premises in an area will be taken into account when considering a special policy.

6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence. Cumulative impact on the promotion of the licensing objectives will only be considered as a relevant representation when an application for the grant or variation of a licence or certificate is being considered.

6.13 Where it is evident that there is a problem in an area after a licence or certificate has been granted and it is clear that an individual premises is undermining the promotion of the prevention of crime and disorder objective in that area, the licence will only be reviewed if representations are made about that objective by a responsible authority or Other Person.

6.14 A special policy will not be used to justify rejecting an application for variation of an existing licence or certificate except where the variation

is directly relevant to the policy and is necessary for the promotion of the licensing objectives e.g. increase in capacity of a venue.

- 6.15 A special policy relating to cumulative impact will not include provisions for a terminal hour in an area.
- 6.16 A special policy will not impose quotas on the number or capacity of premises or in relation to any matter which would restrict the consideration of any application on its individual merits.
- 6.17 The Licensing Authority will have regard to the individual characteristics of each premises and the differing impact they will have on the promotion of the licensing objectives.
- 6.18 The Licensing Authority recognises that there are other mechanisms available for controlling cumulative impact once customers have left licensed premises. These include:
- Planning controls;
 - Positive measures to create a safe and clean city centre environment in partnership with local businesses, transport operators and other local authority departments;
 - Provision of CCTV, adequate taxi rank space, provision of late night public conveniences, street cleaning;
 - Powers of local authorities to designate and control areas where alcohol cannot be consumed;
 - Police enforcement in relation to disorder and anti-social behaviour;
 - Prosecution for alcohol related offences ;
 - Police powers of closure of a premises;
 - The provision to review a licence or certificate.
- 6.19 On 30th July 2013 the Council resolved to adopt a CUMULATIVE IMPACT SPECIAL SATURATION POLICY for the following areas:
- i) Wind Street and the surrounding area as defined
 - ii) The Kingsway and the surrounding area as defined
 - iii) High Street and College Street as defined
- 6.20 The Special Policies for i) Wind Street and the surrounding area, ii) The Kingsway and the surrounding area and iii) High Street and College Street were introduced because the Authority was satisfied that it was appropriate and necessary to do so given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets and the incidence of crime, disorder and public nuisance attributable to customers of such premises.
- 6.21 This action followed a report to the Cabinet of this Council on 1st November 2012. The report included crime and disorder statistics from

South Wales Police, together with public nuisance statistics from the Environment Department of this Authority. The Special Policy was introduced following a comprehensive consultation process which was carried out between February and May 2013.

6.22 The effect of the Special Policy is that in respect of premises located in this area, there is a presumption against granting any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact. This presumption is only relevant to applications which trigger a relevant representation from a Responsible Authority or Other Person referring to one or more of the licensing objectives which gave rise to the Special Policy being introduced. If there are no such representations the Authority **MUST** grant the application in terms that are consistent with the operating schedule submitted.

6.23 If such representations are made, a Licensing Sub Committee of the Authority will hear those representations and conclude whether or not the presumption against granting should apply or if the application should be subject to certain limitations. Refusal will normally be the case **UNLESS** the applicant can demonstrate in their operating schedule that the application will not add to the cumulative impact on one or more of the licensing objectives and that the Authority would therefore be justified in departing from the Special Policy in the light of the individual circumstances of the case.

6.24 The premises that are affected by these special policies are those within the boundary defined on the plans attached at appendix A, B and C and have accessible entrances onto the streets within the boundary, including the streets listed in the following schedules –

i) Wind Street and the surrounding area

- Wind Street
- The Strand to the junction with Welcome Lane
- Worcester Place
- Castle Street
- Castle Gardens
- Castle Square
- Green Dragon Lane
- Little Wind Street
- Salubrious Place
- Salubrious Passage
- Caer Street
- Princess Way
- St Mary's Street
- St Mary's Square
- St David's Place
- York Street

- Victoria Road

ii) The Kingsway and the surrounding area

- The Kingsway
- Dillwyn Street from the junctions with The Kingsway and Oxford Street
- Oxford Street from the junctions with Dillwyn Street and Princess Way
- Picton Lane
- Union Street from the junctions of The Kingsway and Oxford Street
- Park Street
- Portland Street
- Bellvue Way
- Dynevor Place
- Horton Street
- Pell Street
- Cradock Street
- Northampton Lane
- Christina Street
- Newton Street

iii) High Street and College Street

- High Street
- College Street