



Report of the Cabinet Member for Corporate Service & Performance

Cabinet – 19 January 2023

Proposal to Publish Cumulative Impact Assessment – City Centre

Purpose:	To seek agreement for the draft Cumulative Impact Assessment to be issued for consultation.
Policy Framework:	Licensing Act 2003 Statement of Policy for Licensing
Consultation:	Access to Services, Finance, Legal
Recommendation(s):	It is recommended that Cabinet: 1) Agree the proposed draft of the Cumulative Impact Assessment to be issued for consultation
Report Author:	Lynda Anthony
Finance Officer:	Peter Keys
Legal Officer:	Craig Davies
Access to Services Officer:	Rhian Millar

1.0 Background

- 1.1 Cumulative impact is the potential impact on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area e.g. the potential impact on crime and disorder or public nuisance.
- 1.2 The concept of Cumulative Impact has been described within the Home Office Guidance (the Guidance) and used by licensing authorities since the commencement of the Licensing Act 2003 (the 2003 Act).

- 1.3 Swansea Council first adopted a special policy on Cumulative Impact in 2013, for specific areas in the city centre, based mainly on evidence provided by South Wales Police on the levels of crime and disorder in the area. This was reviewed in 2017 and amendments made, as it was recognised that certain types of premises, due to their nature, would not add to existing cumulative impact.
- 1.4 The Cumulative Impact policy (CIP), formed part of the Statement of Licensing Policy (the Policy), which was last reviewed in July 2018. A copy of the extract from Policy, relating to the previous CIP is attached at **Appendix A**.

2.0 Current Position

- 2.1 The position regarding cumulative impact has changed since the last review of the CIP was undertaken. The Policing and Crime Act 2017 amended the 2003 Act and placed 'Cumulative Impact Assessments' on a statutory footing by introducing paragraph 5a of the Licensing Act 2003. This amendment came into force on 6th April 2018 and replaced CIPs.
- 2.2 As CIPs were not originally part of the 2003 Act, there were no transitional provisions that applied to CIPs that were in place prior to April 2018. The Guidance recommended that existing CIPs should be reviewed within three years of the commencement of the legislation on CIAs or when the Policy was next due for review. The review date for the Policy is July 2023 so the CIP was due to be reviewed in April 2021. Due to the Covid-19 pandemic the review did not take place as planned and the CIP lapsed as a result.

3.0 Proposed Cumulative Impact Assessment

- 3.1 A Cumulative Impact Assessment (CIA) may be published by a Licensing Authority to help limit the number or type 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.
- 3.2 A request has been received from South Wales Police that the Licensing Authority publish a CIA in relation to the areas that were previously covered by the CIP and in line with the provisions that were previously in place. Updated evidence on levels of crime and disorder, to support this request, has been submitted and is attached at **Appendix B**.
- 3.3 In summary, the information submitted by SWP provides an assessment of the operation of the evening and night time economy (ENTE) in the city centre areas previously subject to the CIP, information on current policing requirements, the operation of the help

point, the work of other agencies in the city centre in promoting public safety, trends in all aspects of crime, including violent crimes and anti-social behaviour, the impact of covid on the ENTE, together with conclusions in relation to the introduction of a CIA for the city centre areas specified.

- 3.4 Recent analysis of statistics available for Wind Street and the surrounding area shows that between 2017 and 2022 there has been a 25% decrease in recorded crime (810–608), with the busiest period being between 10pm and 4am, a 33% decrease in violent crime (409-271), the busiest period being between 10pm and 4am and anti-social behaviour shows a 39% decrease (302-183), the highest numbers are recorded between 8pm and 9pm and 10pm and 3am. There was a significant decrease in each of the crime figures recorded during the main period of the covid pandemic in 20/21.
- 3.5 Recent analysis of statistics available for the Kingsway and surrounding areas shows that between 2017 and 2022 there has been a 43% decrease in recorded crime (358-203), a 45% decrease in violent crime (177-94) and a 31% decrease in anti-social behaviour (80-55).
- 3.6 Recent analysis of the statistics available for High Street and College Street shows that between 2017 and 2022 there has been a 3% decrease in recorded crime (132-128), a 17% decrease in violent crime (54-45) and a 37% reduction in anti-social behaviour 27-17 but with a considerable spike in numbers of 48 in 2018/19, 72 in 2019/20 and 88 in 2020/21 before falling back to much lower levels in 21/22.
- 3.7 The evidence provided also indicates that the decrease in crimes recorded, in each of the areas identified, could be attributed to the success of the previous CIP. In addition, the Covid years 2020/21 highlight the dramatic effect of ENTE activity on crime and disorder. Significantly less ENTE activity equals significantly less police demand. SWP confirms that they support the introduction of a CIA to reflect the previous provisions and application of the now lapsed CIP, without amendment.
- 3.8 Having regard to the submission from SWP, it is proposed that the draft CIA attached at **Appendix C** is issued for consultation.

4.0 Integrated Assessment Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts;

- Advance equality of opportunity between people who share a protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not;
- Deliver better outcomes for those people who experience socio-economic disadvantage;
- Consider opportunities for people to use the Welsh language;
- Treat the Welsh language no less favourably than English; and
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the ‘well-being goals’.

4.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.4 The screening identifies that any applicant wishing to apply for the grant or variation of a premises licence/club premises certificate in an area where the CIA applies will be required to give consideration to potential cumulative impact issues when setting out the steps that they will take to promote the licensing objectives as part of their application. The application, including the proposed steps to promote the licensing objectives, will be considered by the Licensing Authority and the other Responsible Authorities, who will each determine whether or not to make representations in response to the application. The Licensing Committee will consider and determine any application that is subject to representations on its merits, having regard to their duty to promote the Licensing Objectives.

4.5 The proposed changes identified, if approved, will proceed to consultation where members of the public, all members of the licensed trade and associated professions, will have the opportunity to respond, in line with the legislation.

4.6 All aspects of the WFG Act principles were considered and the potential risk is considered to be low. A copy of the completed IIA screening form is attached at **Appendix D**.

5.0 Legal Implications

- 5.1 The publication of the CIA does not change the fundamental way that decisions are made under the Licensing Act 2003. The Licensing Authority will make all decisions on applications within the cumulative impact area on a case-by-case basis and with a view to what is appropriate to promote the licensing objectives.
- 5.2 It is not sufficient simply that there is a heavy concentration of licensed premises in the area, there must be an evidential basis demonstrating the cumulative impact of the concentration. An authority needs to consider the evidence and be satisfied that it is appropriate to publish a CIA.
- 5.3 After publishing a CIA, the licensing authority must, within three years, consider if it remains of the opinion set out in the assessment and must consult the persons listed in the Act.
- 5.4 Deficiencies in the consultation process and/or publishing a CIA can be challenged by way of Judicial Review. Any refusal of an application in an area covered by a CIA can be appealed to the Magistrates Court.
- 5.5 As the publication of a CIA under the 2003 Act is a new consideration and must follow specific steps before a decision can be reached, it is appropriate that this is the subject of a separate report from the statutory review of the Statement of Licensing Policy.

6.0 Financial Implications

- 6.1 There are no financial implications.

Background Papers: Licensing Act 2003, Home Office - Statutory Guidance Statement of Policy for Licensing 2018

Appendices: Appendix A – Extract from Statement of Licensing Policy 2018

Appendix B - Evidence from South Wales Police

Appendix C – Draft Cumulative Impact Assessment

Appendix D – IIA Screening Form