

### 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. Cumulative Impact Policies (CIP) 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 fast food outlets which are not licensed to sell alcohol.
- 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 In relation to the grant or variation of a premises licence or club premises certificate the licensing authority will consider representations from a “responsible authority” or “Other Persons” regarding cumulative impact. A list of Responsible Authorities can be found at paragraph 20 of this policy.
- 6.4 A relevant representation from a “responsible authority” or “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 Section 182 of the guidance allows a licensing authority to make a policy within its Statement of Licensing Policy to deal with cumulative impact. Where there is evidence that the number of licensed premises in an area has had a negative cumulative effect upon crime and disorder, public nuisance and public safety the licensing authority will consider making a CIP. It will make such a policy only after it is satisfied that there is evidence to support it.
- 6.7 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 other persons which the Licensing Authority consider after hearing those representations should lead to refusal.

- 6.8 The steps detailed below will be followed in considering whether to adopt a special policy within the licensing policy:
- Identify concern about crime and disorder, public safety, protection of children from harm or public nuisance from a “responsible authority” or “Other Person”.
  - Consider whether it can be demonstrated that crime and disorder and nuisance are occurring or whether there are activities which pose a threat to public safety or protection of children from harm
  - If such problems are occurring, identify whether they are being caused by the customers of licensed premises and if so identify 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.
  - Consult with those specified in paragraph 5 above.
  - Subject to the consultation, include and publish details of the special policy in the statement of licensing policy.
- 6.9 The effect of all licensed premises in an area will be taken into account when considering a special policy.
- 6.10 Any special policy adopted will be reviewed regularly and at a maximum period of 3 years to determine its effectiveness and whether or not its continued use is required.
- 6.11 The absence of a special policy in a particular area 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.
- 6.12 A special policy will not be used to revoke a licence for a premises if representations are received regarding problems with an existing licence.
- 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 one or more of the licensing objectives 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 30<sup>th</sup> 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 which can include but is not limited to litter, noise, intoxicated people contributing to crime and disorder, accumulations of people at certain times leading to conflict in queues for taxis and/or fast food outlets, the numbers of people leaving all types of premises at certain times.

6.21 This action followed a report to the Cabinet of this Council on 1<sup>st</sup> 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. The special policy was also reviewed as part of the review of the statement of licensing policy undertaken in 2018. Updated evidence on the recorded levels of crime and disorder for the special policy areas was

received from South Wales Police and the evidence supported the retention of the existing special policy without amendment.

6.22 Following a review of the Special Policy on 26<sup>th</sup> January 2017 it is now recognised that pubs, nightclubs, restaurants, hotels, theatres and other types of premises sell alcohol, serve food and provide entertainment but with different styles and characteristics and due to the nature of the premises will not add to existing cumulative impact. Having regard to those differences and the impact they are likely to have on the local area the following types of premises, providing certain licensable activities between the hours of 10.00am and 1.00am are exempt from the requirements of the special policy:

- Non – alcohol led premises;
- Theatres, where the main purpose of the premises is the performance of plays;
- Cinemas, where the main purpose of the premises is the exhibition of films;
- Premises where the main purpose is the provision of substantial table meals;
- Premises where the sale/supply of alcohol is by waiter or waitress service only.

6.23 The effect of the special policy is that applications for premises that are located within the special policy areas but fall within the exemptions detailed in paragraphs 6.22 of the policy will generally be granted, subject to consideration of any relevant representations made. In respect of all other premises located in the special policy areas, there is a presumption that any application for a premises licence, club premises certificate or a variation that is likely to add to the existing cumulative impact will be refused. This presumption is only relevant to applications which trigger a relevant representation from a responsible authority or other person which refers to one or more of the licensing objectives that gave rise to the introduction of the special policy. If there are no such representations the Authority MUST grant the application in terms that are consistent with the operating schedule submitted.

6.24 Where relevant representations are made, a Licensing Sub Committee of the Authority will hear those representations and determine the application. For applications that fall within the requirements of the special policy, refusal will normally be the case UNLESS the applicant can demonstrate in their operating schedule that the application will not add to the existing 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. The Licensing Authority expects applications for premises within the Cumulative Impact Area to be exceptional. The authority does not consider that premises that are well managed and fully compliant with all licensing conditions and relevant legislation to be exceptional. This is expected of all licensed premises.

6.25 The special policy areas are those within the boundary defined on the plans attached at appendix A, B and C and include premises that 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