

LICENSING COMMITTEE:

Report of the Head of Shared Regulatory Services

**LICENSING ACT 2003 – REVIEW OF CARDIFF COUNCIL’S CUMULATIVE
IMPACT ASSESSMENT**

1. Background

- 1.1 In accordance with Section 5A of the Licensing Act 2003 the Licensing Authority may publish a Cumulative Impact Assessment (CIA) to help 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.

CIA's relate to applications for new premises licences, new club premises certificates as well as applications to vary existing premises licences and club premises certificates in a specified area.

- 1.2 Once a CIA has been introduced it must be reviewed every three years, if the licensing authority remains of the opinion that a CIA is required then they must publish a statement to that effect and set out the evidence why they are of that opinion.
- 1.3 A CIA is required to be reviewed on a three-year basis in consultation with:
- Chief Officer of Police for the area
 - Fire and Rescue Authority for the area
 - Local Health Board in Wales for an area any part of which is in the licensing authority's area
 - Persons/bodies representative of local premises licence holders
 - Persons/bodies representative of local club premises certificate holders
 - Persons/bodies representative of local personal licence holders
 - Persons/bodies representative of businesses and residents in its area
- 1.4 Cardiff Council last published its CIA in 2020 and therefore the policy is due for renewal at the end of 2023.

- 1.5 The Local Authority is also required to summarise the CIA in the Council's Statement of Licensing Policy (SLP) and therefore any amendments to the CIA would subsequently need to be updated in the SLP.
- 1.6 The purpose of this report is to approve the draft CIA (**Annex A**) for wider consultation with the statutory consultees listed in 1.3 above.

2. Cumulative Impact Assessment (CIA)

- 2.1 An extensive review of the current cumulative impact assessment has been conducted after receiving evidence from relevant Responsible Authorities and other agencies. The review concluded that there remains large amounts of crime and disorder throughout the city centre area which is linked to the presence of licensed premises.
- 2.2 The proposed assessment document continues to recognise that not all types of licensed premises contribute to crime and disorder in the city centre and therefore certain types of premises such as hotels, cinemas and restaurants (with restrictions) are proposed to be excluded from the CIA.

Evidence continues to suggest that licensable activities at bars/night-clubs, off-licences and fast-food takeaways offering late night refreshment do contribute to the problems in the City Centre.

- 2.3 Following the review of all relevant data, it is proposed that other than administrative amendments, the following changes should be made to the CIA:
 - a) Page 4, under the heading "Pubs/bars/nightclubs". The evidence relied upon has been updated and discussed. This evidence includes:
 - Report on Community Safety Issues Within Cardiff City Centre During the Night-Time Economy
 - Police Data and Statements
 - Street Pastor Reports
 - Noise Complaints
 - Local Health Board Data
 - b) Page 7, under the heading "Off-Licences/Convenience Stores". The evidence from the Police has been updated and discussed.
 - c) Page 8, under the heading "Takeaways/fast food outlets". The evidence from the Police has been updated and discussed.

d) Page 10, under the heading “Consideration of other initiatives and partnership working”. A paragraph detailing the proposals of a Public Space Protection Order has been removed.

e) Page 14, off sales. Removal of core hours for off sales.

In accordance with the evidence provided in support of the CIA, street drinking is primarily a problem within the city centre during daytime hours.

Currently applications for off licences between 07:00 and 21:00 hours (core hours) wouldn't fall within the CIA, it is clear from the evidence submitted that there is reason to remove these core hours in favour of additional measures to discourage street drinking e.g. no sale of super strength larger/cider or no sale of alcohol in single cans. If applicants were instead able to offer conditions such as these it could be beneficial to their application.

f) Page 16, Map of the City Centre CIA. Stuttgarter Strasse has been removed from the streets listed within the CIA. There is little evidence within the data received to suggest this street suffers from a high percentage of crime and disorder associated with the cumulative impact of licensed premises within the city centre. This street is also not a thoroughfare to the busiest streets within the centre.

The above proposed changes are detailed in the draft CIA, found in **Appendix A** to this report.

3. Consultation

3.1 It is proposed that a consultation period on the draft SLP and CIA will take place between 25 October 2023 and 17 January 2023. Responses will be taken into consideration and the final Policy will be approved by Licensing Committee and subsequently Full Council.

4. Achievability

This report contains no equality personnel or property implications.

5. Legal Implications

5.1 Section 5A of the Licensing Act 2003 allows a Licensing Authority to publish a Cumulative Impact Assessment (CIA) stating that the licensing authority

considers that the number of relevant authorisations in respect of premises in one or more parts of its area described in the assessment is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) to grant any further relevant authorisations in respect of premises in that part or those parts.

- 5.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

6. Financial Implications.

- 6.1 This report does not result in any additional financial implications and can be achieved within existing budget provision.

7. Recommendation

- 7.1 It is recommended that the Committee approve the draft Cumulative Impact Assessment for consultation with the following statutory consultees:

- Chief Officer of Police for the area
- Fire and Rescue Authority for the area
- Local Health Board in Wales for an area any part of which is in the licensing authority's area
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders
- Persons/bodies representative of businesses and residents in its area

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HEAD OF SHARED REGULATORY SERVICES

26 August 2023

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None