

LICENSING COMMITTEE: 13 March 2024

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, 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 a CIA in 2020. The policy was reviewed in 2023 and a report was presented to the Licensing Committee at their meeting on 25 October 2023 outlining the details of that review and seeking approval of a new draft CIA.

The committee resolved to approve the draft CIA for consultation with the stakeholders listed in 1.3 above.

- 1.5 The Local Authority is required to summarise the CIA in the Council's Statement of Licensing Policy (SLP) and therefore any amendments to the CIA will subsequently be updated in the SLP.
- 1.6 The purpose of this report is to notify the committee of the responses to the consultation and to seek approval of the updated CIA (contained in Appendix A) in order for it to be published, subject to approval by Council.

2. Consultation

- 2.1 Extensive consultation on the proposed amendments to the Policy was undertaken, involving existing licence holders, representatives of persons carrying on licensed businesses, statutory bodies, representatives of other persons and Cardiff Council Members. The consultation period ran from 25 October 2023 to 20 January 2024.

- 2.2 During the consultation, two responses were received:

The first response was from Poppleston Allen solicitors, querying the inclusion of Stuttgarter Strasse on the map despite it being removed from the cumulative impact area. This was agreed by officers and the map has been updated to remove Stuttgarter Strasse.

The second response was from Nick Newman, on behalf of the Cardiff Licensees Forum. In summary, the forum support the Council's intention to publish a CIA but feel the document should better highlight the improvements within the nighttime economy in recent years. Officers reviewed this response but did not consider it necessary to amend the CIA due to the relatively narrow scope of the policy. However, these comments will be taken into consideration when next reviewing the overarching Statement of Licensing Policy.

- 2.4 The revised CIA has been amended to reflect the views of consultees and is contained in Appendix A. Details of the comments received and amendments made as a result of the consultation exercise are contained in Appendix B.
- 2.5 During the consultation period, the Home Office issued a revised version of the statutory guidance issued under Section 182 of the 2003 Act. Officers reviewed the revised guidance and did not consider any further amendments necessary.

3. Achievability

3.1 This report contains no equality personnel or property implications.

4. Legal Implications

4.1 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.

4.2 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.

5. Financial Implications.

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

6. Recommendation

6.1 It is recommended that members commend the updated Cumulative Impact Assessment for it be approved by Council prior to its publication.

Helen Picton
HEAD OF SHARED REGULATORY SERVICES

30 January 2024

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

Background Papers:

- [Section 182 Guidance - Licensing Act 2003](#)
- [Statement of Licensing Policy \(SLP\)](#)
- [Licensing Committee Report - Licensing Act 2003 – Review of Cardiff Council's Cumulative Impact Assessment](#)