



Cumulative Impact Assessment

July 2023 to July 2026

Swansea Council

Introduction

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.

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.

CIAs relate to new and variation applications for premises licences and club premises certificates in a specified area and any CIA published must be summarised in the Statement of Licensing Policy.

This CIA has been published as the Licensing Authority considers that the number of premises licences and Club Premises Certificates in the areas identified is such that it is likely that granting further licences would be inconsistent with the Authority's duty to promote the licensing objectives. The Licensing Authority will have regard to this CIA in its decision making role and when revising its statement of licensing policy

1. Background

- 1.1 The concept of Cumulative Impact has been described within the Home Office Guidance and used by licensing authorities since the commencement of the 2003 Act.
- 1.2 Swansea Council first adopted a special policy on Cumulative Impact in 2013, 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.
- 1.3 The Cumulative Impact Policy (CIP) formed part of the Statement of Licensing Policy, which was last reviewed in July 2018 and the CIP was due for review in April 2021. Due to the Covid-19 pandemic the review did not take place as planned and the CIP lapsed as a result.
- 1.4 The Policing and Crime Act 2017 amended the Licensing Act 2003 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 replaces CIPs.
- 1.5 This CIA is published under the new provisions of the Licensing Act 2003 and as a result of the evidence provided, has the same effects and covers the same areas as the previous CIP.
- 1.6 This CIA will be reviewed no later than every three years from the date it comes into force.

2. Consultation

- 2.1 In preparing the CIA, the Licensing Authority has consulted with the persons detailed in section 5(3) of the Licensing Act 2003, namely:
 - Chief Officer of South Wales Police;
 - Chief Officer of Mid & West Wales Fire Authority;
 - Abertawe Bro Morgannwg University Health Board
 - persons/bodies representing local holders of premises licenses;
 - persons/bodies representing local holders of club premises certificates;
 - persons/bodies representing local holders of personal licenses;
 - persons/bodies representing businesses and residents.
 - other organisations as appear to the Licensing Authority to be affected by licensing matters, including local community, cultural, educational and entertainment organisations.
- 2.2 The Licensing Authority has considered the views of all those consulted prior to publishing this CIA.

3.0 The Cumulative Impact of a Concentration of Licensed Premises

- 3.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter that the Licensing Authority can take into account. This should not be confused with 'need' which concerns the commercial demand for a particular type of premises e.g., a pub, restaurant or hotel. The issue of 'need' is primarily a matter for the market to decide and does not form part of this CIA.
- 3.2 The Licensing Authority can publish a CIA if there is evidence that the number or type of licensed premises concentrated in one area is causing significant problems, which undermine one or more of the licensing objectives or where problems exist but have decreased as a result of steps taken to address cumulative impact.
- 3.3 The absence of a Cumulative Impact Assessment does not prevent any responsible authority or other person making representations on a new application for the grant or variation of a licence on the grounds that the premises will give rise to a detrimental cumulative impact on one or more of the licensing objectives in a particular area.

4.0 Publishing the CIA

- 4.1 The Licensing Authority has published a CIA for the areas identified in paragraph 5.1. This followed the receipt of updated evidence from SWP in relation to the areas previously subject to the CIP and a request that a CIA is published in line with the provisions that were previously in place under the CIP.
- 4.2 In response to the evidence provided by SWP and in line with requirements for publishing a CIA, the Licensing Authority has followed the steps identified, in considering whether to adopt a CIA:
- Identified concern about crime and disorder or public nuisance;
 - Considered whether there is good evidence that crime and disorder are occurring and that the problems are caused by customers of licensed premises
 - Considered where there is good evidence that crime and disorder has been an issue but has decreased due to a special policy being in place;
 - Identified the boundaries of the areas where problems are occurring; and
 - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a cumulative impact assessment in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation.
- 4.3 Having considered the available evidence and undertaken the required consultation, the Licensing Authority considers that it is appropriate and necessary to address the issues of cumulative impact identified

5.0 The CIA

5.1 Based on the evidence provided and the request from SWP that the CIA mirrors the matters and areas covered by the previous CIP, the areas covered by the CIA are as follows:

- 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.

The relevant 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

5.2 Wind Street and the surrounding area, The Kingsway and the surrounding area and High Street and College Street are within the area of the CIA as the Authority is satisfied that their inclusion is necessary and appropriate, given the number of premises licensed to supply alcohol for consumption on and off the premises in these streets, together with the incidence of crime, disorder attributable to customers of these premises.

5.3 In addition and in line with previous reviews of the CIP, it is 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, would 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 provisions of the CIA:

- 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.

5.4 The evidence for the CIA has been provided by South Wales Police on the grounds of Crime and Disorder.

5.5 This assessment will apply to all applications for the grant or variation of a premises licence or club premises certificate within the cumulative impact areas specified in paragraph 5.1, unless provided for in the exemptions listed in paragraph 5.3. This includes applications for variations for increased hours for licensable activities; increased capacity and any other matter that may add to the existing cumulative impact. This will relate to premises carrying on or proposing to carry on any of the following licensable activities:

- The sale or supply of alcohol, on or off the premises;
- The provision of late-night refreshment;
- The provision of any regulated entertainment.

5.6 The CIA does not apply to Temporary Event Notices (TENs) however, the Guidance issued under Section 182 of the Licensing Act 2003, states that it is

open to the police and environmental health authority to refer to this assessment and the evidence contained within it, when objecting to a TEN. The Licensing Authority considers this to be an appropriate approach as an extension of hours within the area covered by the CIA can have a direct impact on the promotion of the licensing objectives.

- 5.7 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.
- 5.8 The CIA does not remove the need for a relevant representation to be submitted by a responsible authority or 'other persons' in response to an application, where they consider it appropriate for the promotion of the licensing objectives and for the application to be determined by the Licensing Sub-Committee. Anyone making a representation may base it on the evidence published in the CIA.
- 5.9. If an application does not result in the receipt of relevant representations, the Licensing Authority will grant the application subject to conditions that are consistent with the operating schedule and any relevant mandatory conditions required by the Licensing Act 2003.
- 5.10. Applicants for the grant or variation of a premises licence or club premises certificate within the cumulative impact area, are expected to address the issues of cumulative impact within their applications and demonstrate that their application and proposed operation would not add to the cumulative impact.
- 5.11 Where relevant representations are received in respect of an application for a grant or variation of a premises licence or club premises certificate within the cumulative impact area, a hearing of the Licensing Sub-Committee will be held. If during the hearing an applicant is able to demonstrate that their application and operation will not add to the cumulative impact a licence may be granted. If an applicant is not able to demonstrate this, the policy of the Licensing Authority is to refuse the application.
- 5.12 This CIA will not be used:
 - as an absolute. The Statement of Licensing Policy will always allow for the circumstances of each application to be considered properly and on its own merits and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted;
 - as a ground for revoking an existing licence or certificate when representations are received about problems with those premises;
 - to impose quotas based on either the number of premises or the capacity of those premises. This is because quotas that indirectly have the effect of predetermining the outcome of any application would have no regard to the individual characteristics of the premises concerned.

5.13 The CIA will be kept under review and will remain in existence for a period of up to 3 years. It will be subject to review and further consultation before July 2026, when the licensing authority will consider whether it remains of the opinion set out in this assessment.

6.0 Other mechanisms for controlling cumulative impact

6.1 Once away from the licensed premises, a minority of consumers will behave badly and unlawfully. There are other mechanisms, both within and outside the licensing regime, that are available for addressing such issues. For example:

- 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;
- the provision of CCTV, ample taxi ranks, provision of late night public conveniences, street cleaning and Swansea BID;
- Powers of local authorities to designate and control areas where alcohol cannot be consumed;
- Confiscation of alcohol in designated areas;
- 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; and
- The Well-being of Future Generations (Wales) Act 2015.

6.2 The above can also be supplemented by other local initiatives that similarly address these problems, for example, through the Swansea Community Safety Partnership, in line with the strategic objectives for crime and disorder reduction within the City.