

Homes and Safer Communities

Licensing Policy Review

Cumulative Impact Policy

Lammas Street, Carmarthen

Consultation Document 2018



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Introduction

1. When the current policy was adopted by the authority in February 2016, it was resolved that a further consultation would be undertaken regarding the possible adoption of a cumulative impact policy in respect of Lammas Street, Carmarthen.
2. This is an opportunity for local residents, businesses, existing licence holders and their representatives to formally comment on the proposal and provide feedback to the Authority.
3. A plan showing Lammas Street, Carmarthen is attached as Appendix A. Lammas Street is highlighted in red from its junction with Dark Gate along the whole length of the street to its junction with Morfa Lane. If adopted for this area the cumulative impact policy would include any premises which shares a boundary with Lammas Street.

The consultation commences on the 3rd of April 2018 and finishes on the 1st of June 2018

4. The following paragraphs have been reproduced from the guidance issued by the Home Office under section 182 of the Licensing Act 2003.

What is Cumulative Impact ?

14.20 "Cumulative impact" is not mentioned specifically in the 2003 Act. In this Guidance, it means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. 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.

Effect of Special Policies

14.30 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club

premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

14.31 However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

14.32 Once adopted, special policies should be reviewed regularly to assess whether they are needed any longer or if those which are contained in the statement of licensing policy should be amended.

14.33 The absence of a special policy does not prevent any responsible authority or other person making representations on an application for the grant or variation 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.

14.34 Special policies may apply to the impact of a concentration of any licensed premises, including those licensed for the sale of alcohol on or off the premises, and premises licensed to provide late night refreshment. When establishing its evidence base for introducing a special policy, licensing authorities should be considering the contribution to cumulative impact made by different types of premises within its area, in order to determine the appropriateness of including different types of licensed premises within the special policy.

If adopted a cumulative impact policy would form part of the authority's Licensing Policy.

5. The Licensing Policy has four main purposes, these are:

- To reinforce to elected members on the licensing committee, the boundaries and power of the local authority, and to provide them with parameters under which to make their decisions. The committee will be able to test the application against criteria set out in the policy and if necessary add conditions to those set out in the operating schedule.
- To inform the licence applicants of the parameters under which the authority will make licence decisions, set out examples of good management practice and therefore how a licensed premises is likely to be able to operate within an area. (Note however that each case must be examined on an individual basis).
- To inform residents and businesses of the parameters under which the authority will make licence decisions, and therefore how their needs will be addressed.
- To inform a court of law how the council arrived at its decisions when these are challenged in a court, and to support these decisions.

6. This consultation paper is aimed at local residents, businesses, existing licence holders and their representatives. Indeed the council is anxious to receive the views of all interested parties.
7. The council has identified people and organisations that may be interested in responding to this consultation. However, the council would welcome the views of any interested parties and recipients should feel free to draw the attention of this paper to others who might be interested in responding to the consultation.
8. In order to comment in detail on the Cumulative Impact Policy , respondents may first wish to refer to the guidance issued under the Act to local authorities by the Secretary of State, as well as the current Licensing Policy and the Licensing Act itself. These documents may be viewed on the council's website at www.carmarthenshire.gov.uk by searching for current consultations.

Copies of these documents have also been deposited for reference purposes at the council's customer services centre at 3 Spilman Street, Carmarthen.

Responding to the Consultation

9. Respondents are advised that any amendments to the content of the licensing policy must reflect the four (4) statutory licensing objectives. These are:-
 - **The prevention of Crime and Disorder**
 - **Public Safety**
 - **The prevention of Public Nuisance**
 - **The protection of Children from Harm**
10. Your views are important to the council in reaching a fair and proportionate licensing policy. **Please could you ensure that we receive your views by the 1st of June 2018, although an earlier response would be appreciated.**
11. To assist respondents, we have created an online survey, which includes questions requesting feedback on particular matters. Participants are advised that supplementary information such as statistics and supporting statements can be uploaded as an attachment to the survey in Word or PDF form.

If you wish to receive a hardcopy of the questionnaire please contact Emyr Jones whose contact details are given below.

The response document can also be e-mailed to us at publicprotection@carmarthenshire.gov.uk

12. All consultation responses will be taken into account during the policy review process. Unfortunately it will not be possible to reply in detail to each consultation response.
13. Contact

**Emyr Jones
Licensing Lead
Homes and Safer Communities Division
Department for Communities
Carmarthenshire County Council
3, Spilman Street
Carmarthen
SA31 1LE**

Or by e-mail to: publicprotection@carmarthenshire.gov.uk

Thank you for taking time to respond to this consultation.

14. If you require any further information regarding the consultation document or the Licensing Act, please contact the licensing section on 01267 228717. This document is also available at <http://www.carmarthenshire.gov.wales/home/council-democracy/consultation-performance/>

Thank you for taking time to respond to this consultation.

15. If you require any further information regarding the consultation document or the Licensing Act, please contact the licensing section on 01267 228717. This document is also available at www.carmarthenshire.gov.uk

**If you would like this document
in large print, Braille or on audiotape,
please phone:
 01267 228717**

Atodiad A / Appendix A

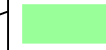
Heol Awst / Lammas Street



Heol Mansel Street



Heol Dwr / Water Street



Lon Morfa Lane



Porth Tywyll / Dark Gate

