

CAMBRIDGE CITY COUNCIL

REPORT OF: Jas Lally
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TO: Licensing Committee

25/06/2012

WARDS: All

REVIEW OF STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003

1 INTRODUCTION

- 1.1 Section 5 of the Licensing Act 2003 provides that each Licensing Authority must determine and publish its policy with respect to the exercise of its licensing functions. This section further provides that the Licensing Authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate. The Council's existing Statement of Licensing Policy became effective on 21 July 2011.
- 1.2 On 25 April 2012, certain provisions of the Police Reform and Social Responsibility Act 2011 came in to force which amended parts of the Licensing Act 2003. As a result of these amendments, which are summarised in paragraph 3.1 of the report, it is necessary to review the Statement of Licensing Policy. The existing Statement of Licensing Policy is attached to the report as Appendix A with track changes highlighting the proposed amendments.
- 1.3 Any proposed revision to the Statement of Licensing Policy will be subject to consultation prior to referral to full Council for adoption.

2. RECOMMENDATIONS

2.1 Members are recommended:

To incorporate those changes to the Statement of Licensing Policy identified in Appendix A and agree to commence the statutory consultation process.

3. BACKGROUND

3.1 On 25 April 2012, the Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 as follows:

3.1.1 The Licensing Authority and Local Authority responsible for public health became responsible authorities;

3.1.2 The vicinity test for those who make a representation was removed and 'interested parties' became 'other persons';

3.1.3 The evidential burden on Licensing Authorities has been reduced, so instead of the Sub-Committee having to take 'necessary steps' to promote the licensing objectives when determining an application, they must now take 'appropriate steps' to promote the licensing objectives;

3.1.4 A Late Temporary Event Notice may now be accepted up to 5 working days prior to the event instead of 10 working days, and the Environmental Protection Team are now a consultee for all Temporary Event Notices received by Cambridge City Council in addition to the Chief Officer of Cambridgeshire Constabulary. The time limits for temporary event notices have also been relaxed such that an event may last for up to 168 hours instead of 96 hours and events may now take place on no more than 21 days in a calendar year, instead of 15 days;

3.1.5 A Premises Licence or Club Premises Certificate must be suspended for non-payment of the statutory annual fee unless the amount payable is disputed, or non-payment is due to an administrative error in which case, a 21 day grace period is provided; and

3.1.6 The Statement of Licensing Policy must now be reviewed at 5 yearly intervals instead of 3 yearly intervals.

3.2 These changes have been incorporated (where appropriate) in to the existing Statement of Licensing Policy shown in Appendix A and are highlighted as 'track changes'.

3.3 The Statement of Licensing Policy has been further amended to reflect the new guidance published in April 2012 by the Secretary of State under section 182 of the Licensing Act 2003. Paragraphs 2.4, 8.3 and 8.4 of the Policy shown in Appendix A have been amended as Annex D of the Guidance no longer exists and there is no longer a pool of conditions.

4. CONSULTATIONS

- 4.1 Any revision to the Statement of Licensing Policy must undergo statutory consultation and it is proposed to undertake 12 weeks consultation in accordance with HM Government's Code of Practice on consultation.
- 4.2 The results of the consultation exercise will be presented to Members at the Licensing Committee meeting on 08 October 2012 for consideration prior to referral to full Council on 24 October 2012 for final determination of the Statement of Licensing Policy.

5. CONCLUSIONS

- 5.1 Cambridge City Council has a duty to determine and publish a Statement of Licensing Policy. The amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 mean that parts of the policy are incorrect. It therefore seems appropriate to review the policy at this time rather than retain an incorrect policy.

6. IMPLICATIONS

(a) Financial Implications

The review of the Statement of Licensing Policy is a statutory function. The cost of consultation will be covered by the fees paid by Licence and Certificate holders.

(b) Staffing Implications

Existing staff resources will carry out the consultation and apply the policy once finalised.

(c) Equal Opportunities Implications

This is a statutory policy and it promotes equal opportunities. The policy does not prohibit any person from making an application or objecting to an application where they have a statutory right to do so.

(d) Environmental Implications

There are no apparent environmental implications that will result from consulting on the draft policy.

(e) **Community Safety**

Cambridge City Council must fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge. The policy promotes that fact and states that any decision by the Licensing Authority will be with a view to promoting the licensing objectives (prevention of crime & disorder, ensuring public safety, prevention of public nuisance and protection of children from harm).

APPENDICES

Appendix A

Existing Statement of Licensing Policy with proposed amendments incorporated to reflect legislative changes.

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

- [Licensing Act 2003](#)
- [Police Reform and Social Responsibility Act 2011](#)
- [Guidance Published by the Secretary of State under section 182 of the Licensing Act 2003](#)
- [Cambridge City Council's Existing Statement of Licensing Policy](#)

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