

CAMBRIDGE CITY COUNCIL

REPORT OF: The Licensing Manager

TO: Area Committees

17th & 24th June, 8th & 15th July 2010

WARDS: All

LICENSING ACT 2003 – PUBLIC CONSULTATION ON THE STATEMENT OF LICENSING POLICY (WITH INCLUDED CUMULATIVE IMPACT POLICY)

1 INTRODUCTION

- 1.1 The Licensing Act 2003 “the Act” requires that, for each three year period, the Council must determine its policy to exercise its licensing functions and publish a statement of that policy before the beginning of the period. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current policy expires on 6th January 2011 and the Council is required to determine the policy for the period 7th January 2011 to 6th January 2014. The policy must be consulted upon prior to it being adopted. The HM Government Code of Practice on Consultation recommends a 12-week consultation period.
- 1.3 In the past three years, there have been a number of updates to the guidance and new legislation, which has amended the Act.
- 1.4 Attached as Appendix A is a draft for public consultation, taking into account the relevant revisions as they apply to Cambridge City Council’s Statement of Licensing Policy.
- 1.5 The purpose of this report is to inform the Area Committee of the redrafted policy as a part of the public consultation process and to request feedback on its content, prior to the drawing up of a final policy. Following consultation, a final draft will be prepared, taking into account the consultation responses and will be reported to the Licensing Committee and to Council.

2 RECOMMENDATIONS

- 2.1 The Area Committee is recommended to :
 - (a) Make the public aware of the draft Statement of Licensing Policy, that it is subject to public consultation for a 12-week period between 14th June and 5th September 2010 and to involve them in the process.
 - (b) Consider the content of the policy, including the cumulative impact policy contained within the Statement of Licensing Policy

- (c) Request that any comments regarding the policy and the Council's approach to cumulative impact should be submitted to the Licensing Manager before the close of the consultation period on 5th September 2010.

3 BACKGROUND

- 3.1 The Act requires the Council to produce, adopt and publish a Statement of Licensing Policy, stating how it exercise its licensing functions. The policy must be kept under review and remains in existence for up to three years. The current period expires on 6th January 2011. The Council must determine the policy for a three-year period 7th January 2011 to 6th January 2014. The Council is not able to process any applications unless a statement of licensing policy is in place.
- 3.2 The Council's first Statement of Licensing Policy came into effect on 7th January 2005 and ran for a three-year period until 6th January 2008.
- 3.3 A second Statement of Licensing Policy, which took effect from 7th January 2008 - 6th January 2011 contained a number of updating amendments. Following a request by Cambridgeshire Constabulary and public consultation, a special Cumulative Impact Policy was incorporated within the Statement of Licensing Policy for two areas: a prescribed area of the city centre and the Cambridge Leisure site.
- 3.4 During the consultation period for the second policy, a further request was made by Cambridgeshire Constabulary for the inclusion of Mill Road as a third cumulative impact area. Separate consultation was undertaken and the third area of Mill Road was added, effective from 22nd May 2008.
- 3.5 There is no statutory procedure for reviewing cumulative impact areas, however government guidance recommends that once adopted, special policies for cumulative impact should be reviewed regularly to assess whether they are needed any longer or whether they need expanding. The public consultation invites representations about this.
- 3.6 The proposed draft incorporates changes over the past three years in the legislation and guidance. A review section has been added and information within the enforcement section has been updated. The revised draft Statement of Licensing Policy tracks all the changes to the existing policy for ease of reference.
- 3.7 It is imperative that we have a policy in order to meet our statutory duties. If the Council does do not have a licensing policy in place by 7th January 2011 it will be unable to process any applications and will be in breach of the statutory duties imposed by the Act. In order to do this we are required to undertake public consultation.

4 PUBLIC CONSULTATION

- 4.1 Legislation requires that before determining or revising its policy, the licensing authority must consult with bodies prescribed in the Act. These include the police, fire and rescue and persons/bodies representative of local holders of

personal and premises licences, club premises certificates and persons/bodies representative of businesses and residents in the area.

- 4.2 We are undertaking consultation as widely as possible by a variety of means, including letters to those mentioned in paragraph 4.1 above. The process and document will appear on Cambridge City Council's website, in libraries and council offices and officers will be attending Area Committees during the consultation period.
- 4.3 By raising the issue at Area Committees, it gives the opportunity for members of the public to be involved in the process of developing the policy and to comment/ provide feedback on its content.
- 4.4 We welcome any feedback on any concerns you may have on the policy, or on any matters you feel may have been omitted. We are mindful that there will be a need for further amendments to the policy arising as a result of feedback from the consultation process, or any additional legislative changes.
- 4.5 All comments will be considered in drawing up the final policy, although we will not be able to give individual responses to comments received. Subject to the findings of the consultation, the Council may wish to reconsider its special policy on cumulative impact. We will be publishing the results on our website in November 2010 and the final policy in January 2011.
- 4.6 Early feedback would be appreciated, with all feedback being received by 5th September 2010.
- 4.7 The public can access the draft policy and covering letter on our website www.cambridge.gov.uk, or alternatively hard copies can be made available by visiting the Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, during office hours or telephoning 01223 457879.

5. ISSUES AND OPTIONS

- 5.1 We have a statutory duty to prepare and publish a statement of licensing policy, to undertake public consultation and to consider any feedback. Having considered all comments, we must then draw up and adopt the final statement before 7th January 2011. If the council fails to do this, then it will be unable to fulfil its duties, with possible additional financial and legal consequences arising.
- 5.2 The Statement of Licensing Policy must contain a section, setting out our approach to cumulative impact. Our existing policy contains a special policy on cumulative impact for three areas of the city. Once adopted, guidance recommends that this should be reviewed regularly to assess whether the special policy is needed any longer or whether it needs expanding. The public consultation invites representations about this.

6. CONCLUSIONS

- 6.1 We are committed to providing a Statement of Licensing Policy setting out the way in which the Council will exercise its licensing functions under the Act. Our current policy runs out on 6th January 2011. We are given a statutory

time period to review our policy, which includes consultation, adoption and publishing. Complying with the timeframe will enable the Council to continue to undertake its legal duties beyond January 2011 as required by the Licensing Act 2003. This report provides the opportunity for the public to be involved in the process of determining our policy and input towards the Council's approach to cumulative impact.

7. IMPLICATIONS

(a) Financial Implications

Provision has been made in the Council's budget to review the statement of licensing policy. The Council will meet the cost of consultation.

(b) Staffing Implications

There are no additional staffing implications. Budget provision has been made for the review of the policy.

(c) Equal Opportunities Implications

The deregulation of licensing hours was aimed to provide more freedom to the leisure and hospitality trade, which has to be balanced by the requirements of residents for a safe and nuisance free environment. We are undertaking wide consultation in an endeavour to reach all affected parties.

(d) Environmental Implications

The environmental implications are minimal. The legislation sets out four licensing objectives to be followed and provides certain checks and balances to protect the local environment and community.

(e) Community Safety

The Government hoped that by removing licensing conditions (e.g. set licensing hours, zoning etc.) deregulation would encourage sensible alcohol consumption and reduced crime and disorder. A number of later enhancements to the government guidance and amendments to the Licensing Act brought about by more recent legislation e.g. Policing and Crime Act 2009, have particularly focussed on police powers and issues surrounding community safety and sensible drinking. The cumulative impact policy also provides a robust framework against which the council could refuse new applications or variations of premises licenses.

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

To inspect these documents contact Christine Allison on extension 7899.

The author and contact officer for queries on the report is Christine Allison on extension 7899.

Report file: M:\EVERYONE\Lic Committee Mtgs 2003 sub/AC10-24706 SOLP LA2003

Date originated: 11th May 2010

Date of last revision: 11th May 2010