

REPORT OF: The Licensing Manager

TO: East, South & West/Central Area Committees 10th & 24th Feb,
3rd March 2011

WARDS: Abbey, Coleridge, Petersfield, Romsey, Cherry Hinton,
Queen Edith, Trumpington, Market, Castle, Newnham

**LICENSING ACT 2003 – PUBLIC CONSULTATION ON THE
INCLUSION OF A FOURTH CUMULATIVE IMPACT AREA AND AN
EXTENSION TO THE EXISTING LEISURE PARK CUMULATIVE
IMPACT AREA WITHIN THE STATEMENT OF LICENSING POLICY.**

1 INTRODUCTION

- 1.1 The Licensing Act 2003 “the Act” requires the Council to publish a statement of licensing policy, setting out its licensing functions. The Statement of Licensing Policy must be kept under review and approved by Full Council.
- 1.2 The current policy, attached as Appendix A, came into effect on 7th January 2011. The policy was consulted upon prior to it being adopted. Arising from the consultation process, a request was received from Cambridgeshire Constabulary for consideration to be given to the introduction of a section of Hills Road as a fourth cumulative impact area and an extension to the existing Cambridge Leisure Park cumulative impact area.
- 1.4 The purpose of this report is to inform the Area Committee of the public consultation process and to request feedback on the two proposals. The HM Government Code of Practice on Consultation recommends a 12-week consultation period.
- 1.5 Having taken into consideration the consultation response, the policy may be extended to include one or both of the areas. The response will be reported to the Licensing Committee, then Full Council.

2 RECOMMENDATIONS

- 2.1 The Area Committee is recommended to:
- 2.1.1 Make the public aware of the draft amendments to the Statement of Licensing Policy, that are subject to public consultation for a 12-week period between 7th January and 31st March 2011 and to involve them in the consultation process.
- 2.1.2 Consider the draft amendments to paragraph 5.8 of the special policy on cumulative effect that is contained within the Statement of Licensing Policy, namely:
- (a) The addition of a fourth cumulative impact area being the section of Hills Road running from the city to Purbeck Road (both sides of the road).
- (b) The extension of the existing Cambridge Leisure Park area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of the road).
- 2.1.3 Request that any comments regarding the proposed amendments to the special policy on cumulative effect should be submitted to the Licensing Manager before the close of the consultation period on 31st March 2011.

3 BACKGROUND

- 3.1 The Act requires the Council to produce adopt and publish a Statement of Licensing Policy, stating how it exercises its licensing functions. The policy must be kept under review and remains in existence for up to three years.
- 3.2 The Council's first Statement of Licensing Policy came into effect on 7th January 2005 and ran until 6th January 2008. A second Statement of Licensing Policy, which took effect from 7th January 2008 - 6th January 2011, incorporated a special Cumulative Impact Policy within the Statement of Licensing Policy for a prescribed area of the city centre and the Cambridge Leisure site. The two areas were introduced following a request by Cambridgeshire Constabulary and public consultation.
- 3.4 During the consultation period for the second policy, Cambridgeshire Constabulary requested 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 The current, third Statement of Licensing Policy came into effect on 7th January 2011, again following public consultation. During the consultation period, Cambridgeshire Constabulary requested the inclusion of Hills Road as a fourth cumulative impact area and an extension to the existing Cambridge Leisure Park area. The request and evidence forms Appendix 3 to the current Statement of Licensing Policy. As a result, we are now undertaking public consultation in the areas likely to be affected by this request.
- 3.6 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 enables representations about this.
- 3.7 The only change to the existing statement of licensing policy as a result of the proposals, will be the amendment of paragraph 5.8, to reflect the decision of the council following the consultation exercise. The proposed draft amendment is attached as Appendix B to the report.

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 document and process is available to view on the consultation section of Cambridge City Council's website and officers will be attending Area Committees during the consultation period.
- 4.3 Raising awareness at Area Committees, gives the opportunity for members of the public to be involved in the process of developing the policy and to comment on the proposals.
- 4.4 We welcome any feedback or any concerns you may have on the requests. 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 consider the areas proposed for inclusion within its special policy on cumulative impact. We will be publishing the results on our website in June 2011, together with any amendments to paragraph 5.8 of the policy.

4.5 Early feedback would be appreciated, with all feedback being received by 31st March 2010.

4.6 The public can access the policy and covering letter from Cambridgeshire Constabulary (Appendix 3) on the consultation section of 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 any amendments.

5.2 The Statement of Licensing Policy contains 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. Government guidance recommends that once adopted, 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 commenced on 7th January 2011, for a period of up to three years. This report provides the opportunity for the public to be involved in the process of developing our policy and input towards the Council's approach to cumulative impact.

7. IMPLICATIONS

(a) Financial Implications

Provision is 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 is made for reviews 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. An EqlA has been prepared for the Licensing function.

(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 that have a negative impact on the licensing objectives.

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/AC11-Jan/ Hills Rd Consult

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