

Item

Review of Statement of Licensing Policy



To:

Licensing Committee

Report by:

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Wards affected:

All

1. Executive Summary

- 1.1 The Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. The current Policy expires on 24 October 2017, and without a revised statement of Licensing Policy, Cambridge City Council will not be able to process any applications covered by the Licensing Act 2003.
- 1.2 Following a twelve week formal consultation five responses were received. These included comments relating to the cumulative impact areas, public health, littering and protection of licensed persons working in the industry.
- 1.3 With the revised crime statistics Cambridgeshire Constabulary have suggested that the current Special Policy on Cumulative Effect (the Cumulative Impact Policy) be amended so that the Romsey area of Mill Road (from Railway Bridge to Brookfields) may be removed from the current Cumulative Impact Area.

- 1.4 All responses were considered and proposed amendments to Statement of Licensing Policy made.
- 1.5 In order to update the Cumulative Impact Policy, a further formal twelve week consultation is required, in order to give interested parties an opportunity to respond to these further proposals.
- 1.6 Additionally, forthcoming changes to legislation mean that the Cumulative Impact Policy will soon have a statutory footing and will introduce a requirement on licensing authorities to review the evidence on which Cumulative Impact Policies are based at least every three years.
- 1.7 This will mean that the requirement to review the Statement of Licensing Policy will remain at five years, whilst the requirement to review Cumulative Impact Policy will become every three years.
- 1.8 It is proposed to separate these two Policies as they will have differing statutory review periods; five years for the Statement of Licensing Policy and three for the Cumulative Impact Policy.

2. Recommendations

- 2.1 Members are recommended to:
 - 2.1.1 Consider the results of the public consultation exercise as summarised in Appendix D of this report;
 - 2.1.2 Approve that the amended Statement of Licensing Policy attached to this report as Appendix F is to be adopted by full Council on 19 October 2019;
 - 2.1.3 Agree for the proposed changes to the Cumulative Impact Policy to be the subject of a further twelve week public consultation;
 - 2.1.4 Request officers to return to Licensing Committee with the outcome of the consultation; and
 - 2.1.5 Note the forthcoming changes in relation to the review periods for the Statement of Licensing Policy and Cumulative Impact Policy, and agree in principle to separating these two documents.

3. Background

- 3.1 Section 5 of the Licensing Act 2003 requires a licensing authority to prepare and publish a statement of its licensing policy at least every five years. During the five-year period, the policy must be kept under review and the licensing authority may make any revisions to it as it considers appropriate.

- 3.2 The existing Statement of Licensing Policy for Cambridge City Council became effective on 25 October 2012 (Appendix A). As such, the current Statement of Licensing Policy expires on 24 October 2017.
- 3.3 Should a new Statement of Licensing Policy not be in place by this date, then under the legislation, Cambridge City Council will not be able to process any applications covered by the Licensing Act 2003 until the policy is in place.
- 3.4 The process towards publishing a revised Statement of Licensing Policy commenced in April 2017 with an officer review of the existing Statement, taking into account the current Statutory Guidance, and updated alcohol related crime statistics provided by Cambridgeshire Constabulary.
- 3.5 Subsequently, the revised Statement was subject to a twelve week public consultation between 15th May 2017 and 6th August 2017. This was undertaken by directly contacting the relevant responsible authorities and residents associations, and publishing the consultation on our website and in the Cambridge News on Monday 15 May 2017 (see Appendix B for a full list). Additionally all those holding a premises licence or club premises certificate were directly consulted.
- 3.6 A total of 5 responses were received to the consultation (Appendix C). Responses were from Cambridgeshire Constabulary, Cambridgeshire County Council, ALMR (Association of Licensed Multiple Retailers, and two individuals. Notable comments were made in relation to cumulative impact areas, public health, littering and protection of licensed persons working in the industry.
- 3.7 All responses were considered by officers and responses sent to consultees addressing the matters they raised. Appendix D details the specific considerations and actions taken in relation to the consultation responses.
- 3.8 The current Statement of Licensing Policy contains details of a Special Policy on Cumulative Effect (the Cumulative Impact Policy). This is detailed within paragraphs 5.8 to 5.15 inclusive, and relevant maps showing the primary areas are included within Appendices 1 and 2 of the original Policy.
- 3.9 Since the last revision of the Statement of Licensing Policy, the Statutory Guidance, issued under Section 182 of the Licensing Act 2003 has been amended, and now provides further guidance on Cumulative Impact areas.
- 3.10 The term 'Cumulative impact' is defined in paragraph 14.20 of the Guidance issued under Section 182 of the Licensing Act 2003 as "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 therefore a proper matter for the licensing authority to consider in developing its licensing policy statement.

- 3.11 The guidance further states that where, after considering the available evidence and consulting prescribed individuals, the licensing authority is satisfied that it is appropriate and necessary to include an approach to cumulative impact within the licensing policy statement, it can indicate that it will be adopting a special cumulative impact policy for a designated area. The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licence or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representation, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.
- 3.12 In considering whether to adopt a special policy, the authority needs to take the following steps:
- Identification of concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
 - Consideration of whether it can be demonstrated that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
 - If such problems are occurring, identifying whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent.
 - Identifying the boundaries of the area where problems are occurring.
 - Consultation with those specified in the legislation as part of the general consultation required in respect of the whole statement of licensing policy.
 - Subject to the consultation, include and publish details of the special policy in the licensing policy statement.
- 3.13 Based on the revised pattern of violent crime observed, Cambridgeshire Constabulary have questioned whether the current Cumulative Impact Areas are proportionate for all currently included areas. Specifically, the Romsey area of Mill Road (from Railway Bridge to Brookfields) has seen a reduction in relevant crime levels, and it is suggested that this may be removed from the current Cumulative Impact Area.
- 3.14 Where appropriate the draft Statement of Licensing Policy was amended accordingly. However, the suggested amendments do not at this stage include the proposed amendments to the Cumulative impact areas, as this would be subject to a separate twelve week formal consultation period.

- 3.15 Appendix E highlights all proposed amendments to the existing Statement of Licensing Policy, and Appendix F provides the final proposed Statement of Licensing Policy.
- 3.16 As the evidence provided by Cambridgeshire Constabulary regarding alcohol related violent crimes no longer supports the existing Cumulative Impact areas, a separate consultation exercise will need to be undertaken in order to review the appropriateness of removing the Romsey area of Mill Road from the existing Cumulative Impact Area.
- 3.17 In addition, amendments to the method by which Cumulative Impact Policies are overseen will be introduced by Section 141 of the Policing and Crime Act 2017 which will amend the Licensing Act 2003. It will put Cumulative Impact Policies on a statutory footing and will additionally introduce a requirement on licensing authorities to review the evidence on which Cumulative Impact Policies are based at least every three years.
- 3.18 This will mean that the requirement to review the Statement of Licensing Policy will remain at five years, whilst the requirement to review Cumulative Impact Policy will become every three years.
- 3.19 Whilst not in place yet, Members will have the opportunity to either separate these two policies that will have differing review periods, or keep with one policy that covers both items but would require a full review every three years.
- 3.20 It is proposed that by separating the two policies, the documents may be independently reviewed in a more focussed and streamlined manner. Furthermore Cambridgeshire Constabulary have confirmed their support for this approach.
- 3.21 Although no date has yet been given to when this will take effect, should Members support the separation of these policies, it would mean that the Cumulative Impact Policy will be a standalone policy rather than included as part of the Statement of Licensing Policy.
- 3.22 The result will be that the Statement of Licensing Policy and Cumulative Impact Policy will have differing statutory review periods; five years for the former and three for the latter.

4. Implications

(a) Financial Implications

Provision has been made in the Council's budget to review the statement of licensing policy and 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) Equality and Poverty Implications

An Equality Impact Assessment (EqIA) has been completed alongside the review of this policy (Appendix G).

(d) Environmental Implications

The Act requires the Licensing Authority to carry out its function with a view to promoting the four licensing objectives, one of which is the prevention of public nuisance, to protect the local environment and community.

(e) Procurement Implications

Nil

(f) Community Safety Implications

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.

5. Consultation and communication considerations

- 5.1 In accordance with Government Code of Practice on consultation, the draft Statement of Licensing Policy was submitted for public consultation over a twelve week period between 15 May 2017 and 6 August 2017. Legislation requires that we undertake consultation with bodies prescribed in the Act for the review of the Cumulative Impact Policy.
- 5.2 Consultation was undertaken as widely as possible, with approximately 600 letters and emails being sent out, including the Chief Officer of Police and all other parties as required by legislation, including persons/bodies representing holders of premises licences and club premises certificates, businesses and residents associations. The consultation was also available to view on Cambridge City Council website and appeared in the Cambridge News on Monday 15 May 2017.
- 5.3 All comments received are listed in the attached Appendix C, which relates to specific written comments received in response to the draft policy. Consideration to all comments has been given in drawing up the Policy. Additionally, Appendix D shows the nature of the comment, the evaluation of the comment and the action taken.

6. Background papers

Background papers used in the preparation of this report:

- (a) Licensing Act 2003
- (b) Guidance published under section 182 of the Licensing Act 2003
- (c) Policing and Crime Act 2017
- (d) Cambridge City Council's Existing Statement of Licensing Policy

7. Appendices

Appendix A – Current Statement of Licensing Policy

Appendix B – List of Consultees

Appendix C – Comments and Responses from Consultation

Appendix D – Evaluation and Response to Consultee Feedback

Appendix E – Draft Statement of Licensing Policy with changes made in red

Appendix F – Proposed Statement of Licensing Policy

Appendix G - Equality Impact Assessment

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Luke Catchpole, Technical Officer, tel: 01223 457818, email: luke.catchpole@cambridge.gov.uk.