

Item

REVIEW OF CUMULATIVE IMPACT AREAS WITHIN STATEMENT OF LICENSING POLICY



To:

Licensing Committee 19/03/2018

Report by:

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Wards affected:

All

1. Executive Summary

- 1.1 The Statement of Licensing Policy was recently reviewed, approved by Licensing Committee on 17 October 2017, and subsequently full Council on 19 October 2017 (see Appendix A).
- 1.2 The Special Policy on Cumulative Effect (the Cumulative Impact Policy) is contained within the Licensing Policy. During the consultation period Cambridge Constabulary responded to say that based on the figures provided in Appendix 3 of the Statement of Licensing Policy it is questionable whether the Romsey area of Mill Road should remain as part of the Cumulative Impact Area. This response is attached to the report as Appendix B.
- 1.3 Licensing Committee therefore requested officers to undertake a further twelve week formal consultation on whether to remove the Romsey area of Mill Road from the Cumulative Impact Area, or not.
- 1.4 The formal consultation took place between 13 November 2017 and 4 February 2018, and 29 responses were received (Appendix D); all supporting keeping the existing Cumulative Impact Area.

2. Recommendations

- 2.1 Members are recommended to consider the results of the public consultation exercise as summarised in Appendix E of this report; and
- 2.2 Decide whether:
 - 2.2.1 The Cumulative Impact Policy should remain as it is **or**
 - 2.2.2 To remove the Romsey area of Mill Road from the Cumulative Impact Policy.

3. Background

- 3.1 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 of the Policy (within Appendix A).
- 3.2 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.”
- 3.3 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.
- 3.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences 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.
- 3.5 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.
 - Subject to the consultation, include and publish details of the special policy in the licensing policy statement.
- 3.6 The Statement of Licensing Policy currently contains such a Cumulative Impact Policy. During the formal consultation of the full Licensing Policy mid last year, Cambridgeshire Constabulary responded based on the revised pattern of violent crime observed (Appendix A - Statement of Licensing Policy, Appendix 3). In their response to the Cambridgeshire Constabulary, questioned whether it is proportionate to maintain the Cumulative Impact Area for the whole length of Mill Road. Specifically, the Romsey area of Mill Road (from Railway Bridge to Brookfields) has seen a reduction in relevant crime levels, and the question was raised whether it should remain in the Cumulative Impact Area.
- 3.7 Following Licensing Committee approval in October 2017, the proposal to remove the Romsey area of Mill Road from the Cumulative Impact Area was subject to a twelve week public consultation between 13 November 2017 and 4 February 2018.
- 3.8 The consultation was undertaken by directly contacting the relevant responsible authorities and residents associations, all four Ward Committees, and publishing the consultation on our website and in the Cambridge News on Monday 13 November 2017 (see Appendix C for a full list). Additionally all those holding a premises licence or club premises certificate were directly consulted, as were all businesses in the Romsey area of Mill Road, places of interest such as school and churches within the Romsey and Coleridge wards and it was also raised at Area Committees.
- 3.9 A total of 29 responses were received to the consultation (Appendix D). Responses were from the Licensing Authority acting as a responsible authority, Councillors and individual members of the public. All 29 responses supported keeping the Cumulative Impact Area as it currently is and to not remove the Romsey area of Mill Road from it.

3.10 All responses received were considered by officers and Appendix E provides a summary of the responses received, specific considerations and summary of response provided.

4. Implications

(a) Financial Implications

There are no additional financial implications and the Council has met the cost of the consultation.

(b) Staffing Implications

There are no additional staffing implications.

(c) Equality and Poverty Implications

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

(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. Having a special policy on Cumulative Effect helps the Licensing Authority meet this obligation.

5. Consultation and communication considerations

5.1 In accordance with Government Code of Practice on consultation, the proposed change to the Cumulative Impact Policy was submitted for public consultation over a twelve week period between 13 November 2017 and 4 February 2018.

5.2 Consultation was undertaken as widely, with 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 in the relevant area. The consultation was also available to view on Cambridge City Council website and appeared in the Cambridge News on Monday 13 November 2017. Appendix C provided further details of those included.

- 5.3 All comments received are listed in the attached Appendix D, 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 E 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 Statement of Licensing Policy

7. Appendices

Appendix A – Current Statement of Licensing Policy

Appendix B – Response from Cambridge Constabulary in regards to review of Statement of Licensing Policy

Appendix C – List of Consultees

Appendix D – Comments and Responses from Consultation

Appendix E – Evaluation and Response to Consultee Feedback

Appendix F - 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, Senior Technical Officer, tel: 01223 - 457818, email: luke.catchpole@cambridge.gov.uk.