

CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Refuse & Environment (HRE)  
Head of Legal Services

TO:	Licensing Committee	6 <sup>th</sup> June 2011
	Full council	21 <sup>st</sup> July 2011
WARDS:	All	

**LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY.  
RESULTS OF PUBLIC CONSULTATION ON CONSIDERATION OF THE  
INCLUSION OF HILLS ROAD AS A FOURTH AREA OF THE CITY AND  
AN EXTENSION TO THE CAMBRIDGE LEISURE PARK AREA WITHIN  
THE CUMULATIVE IMPACT POLICY**

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**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. The Statement of Licensing Policy must be kept under review and approved by Full Council. Our current policy came into effect on 7<sup>th</sup> January 2011, following public consultation and approval by full council on 21<sup>st</sup> October 2010. Within the statement of licensing policy, the council currently has a special policy on cumulative impact covering three areas, one within the city centre, an area at the Cambridge Leisure Park and Mill Road.
- 1.2 Whilst undergoing public consultation on the above, the police presented new information providing evidence that Hills Road was also suffering a high level of alcohol related offences and anti-social behaviour, even though it has a lower proportionate density of licensed premises. The police therefore requested that the section of Hills Road running from the city to Purbeck Road be considered as a fourth cumulative impact area. The police evidence also recommended that the Cambridge Leisure Park cumulative impact area be extended to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road, due to its close proximity to the Leisure Park and Hills Road.

1.3 Members of the Licensing Committee approved the commencement of public consultation on the proposed amendments in October 2010 and twelve weeks public consultation was undertaken between 7<sup>th</sup> January – 31<sup>st</sup> March 2011.

1.4 The following documents are attached:

- Appendix A - the current statement of licensing policy, which includes, at Appendix 3 the police request and supporting additional evidence regarding Hills Road and the leisure park. This document can be accessed on the following link: [http://www.cambridge.gov.uk/public/docs/Statement\\_of\\_Licensing\\_Policy\\_Jan\\_2011.pdf](http://www.cambridge.gov.uk/public/docs/Statement_of_Licensing_Policy_Jan_2011.pdf)
- Appendix B - a summary of the written responses received, together with consideration of their content.
- Appendix C – amended wording to the statement of licensing policy.

1.5 The purpose of this report is:

- To advise members of the results of the public consultation exercise.
- To note the additional information provided by the police in their consultation response and the comments contained in the covering letter.
- For members to consider the evidence base provided by the police and the results of the consultation relating to the area requested.
- Having looked at the evidence base and results of the consultation for the two proposals and taking into account all comments made, to recommend the adoption and inclusion of the proposals.

1.6 Members need to be aware of the need to ensure that the Policy complies with the Licensing Act and Statutory Guidance. Appendix B indicates the consideration given to each comment received and provides reasons for the decision taken, if appropriate.

1.7 If, having given consideration to all the comments received, it is considered that the policy should include Hills Road and/or the extension to the leisure park, then the Statement of Licensing Policy should be amended at paragraph 5.8, as attached at Appendix C.

## 2. **RECOMMENDATIONS**

- 2.1 Taking into account the matters set out in Section 1 of the report, the licensing committee is recommended to consider a revision of the special policy on Cumulative Impact contained within the Statement of Licensing Policy and decide whether:
  - 2.1.1 on the evidence provided, they consider it is appropriate and necessary to adopt the section of Hills Road running from the city to Purbeck Road (both sides of the road) as a fourth area.
  - 2.2.2. on the evidence provided, they consider it is appropriate and necessary to extend the existing Cambridge Leisure Park cumulative impact area to include the section of Cherry Hinton Road opposite the leisure park running from Hills Road to Clifton Road (both sides of road).
  - 2.2.3 to approve the insertion of the appropriate wording as set out in Appendix C of the report.
- 2.2 To recommend adoption by full Council, within the Statement of Licensing Policy, the amendments stated in paragraphs 2.1.1. and 2.2.1. above and to revise paragraph 5.8 of the Statement of Licensing Policy as set out in Appendix C.

### 3. **BACKGROUND**

- 3.1 **Licensing Policy.** Under The Licensing Act 2003, each Council is required to produce, adopt and publish a Statement of Licensing Policy stating how it will administer its duties under the Act. The statement must be kept under review and remains in existence for up to three years. The current policy came into effect on 7th January 2011, for a period of up to three years, in line with all local authorities, although it can be subject to review and further consultation before its expiry in January 2014.
- 3.2 **Hills Road.** As a part of the consultation, the licensing authority has received a number of comments regarding Hills Road. In response to local concerns, the new information provided by the police data as shown in Appendix 3 of the current policy has enabled the Police to provide evidence that Hills Road also suffers a high level of alcohol related offences and anti-social behaviour, even though it has a lower proportionate density of licensed premises. Based upon this evidence, Chief Superintendent Needle has requested that the Licensing Authority consult upon consideration of Hills Road from the city (the junction of Regent Street) to Purbeck Road as a further area for inclusion within a Cumulative Impact Policy.

- 3.3 **Leisure Park.** Due to the close proximity to the leisure park and Hills Road the police also request in Appendix 3 that the section of Cherry Hinton Road, opposite the leisure park running from Hills Road to Clifton road be included in the existing Cambridge Park Cumulative impact area.
- 3.4 The Licensing Committee agreed to the commencement of consultation on 11<sup>th</sup> October 2011. The matter is now returned to Committee for their consideration upon completion of the consultation period.
- 3.5 The issues raised in individual responses to the consultation are summarised in Appendix B. All have been considered and addressed.
- 3.6 **Cumulative impact** The Council currently has a Cumulative Impact Policy within the Statement of Licensing Policy, to cover three specific areas of the city. Cumulative impact is not mentioned in the Act or Regulations but paragraph 3.13 of the Government Guidance defines it 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.
- 3.7 Government Guidance 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 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.
- 3.8 In considering whether to adopt a special policy, the authority needs to take the following steps:
- Identification of concern about crime and disorder or public nuisance

- Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identifying the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when cumulative impact is imminent;
- Consultation with those specified in the legislation as a part of the general consultation required in respect of the whole statement of licensing policy;
- Subject to consultation; inclusion of a special policy about future premises licence or club premises certificate applications from that area;
- Publication of a special policy as part of the statement of licensing policy

## 4 PUBLIC CONSULTATION

- 4.1 In accordance with the Government Code of Practice, public consultation took place over a 12-week period between 7<sup>th</sup> January and 31<sup>st</sup> March 2011. Legislation requires that we undertake consultation with bodies prescribed in the Act.
- 4.2 Consultation was undertaken as widely as possible, with over 100 letters being sent out, including the Chief Officer of Police and all other parties as required by legislation, i.e. persons/bodies representing personal licences, premises licences and club premises certificates, businesses and residents associations. The consultation exercise was advertised on our website throughout the 12 week period, together with the police letter, supporting evidence and existing policy. Officers attended the relevant area committees.
- 4.3 We received 27 responses to the consultation within the prescribed consultation period, all in support of the proposed amendments. 19 responses relate to Hills Road and 8 supports both Hills Road and the Leisure Park. The comments received are summarised in Appendix 2. The schedule shows the nature of the comment, the evaluation of the comment and the action taken.
- 4.4 The revision to the Statement of Licensing Policy will need to be formally adopted by the Council on 21<sup>st</sup> July 2011.

## 5. ISSUES AND OPTIONS

- 5.1 To consider the comments received. To recommend adoption of the additional areas and the insertion of the appropriate wording into

paragraph 5.8 of the Statement of Licensing Policy to Full Council on 21<sup>st</sup> July 2011.

- 5.2 Members are reminded that they approved the existing Statement of Licensing Policy in October 2010 and were consulted as a part of the consultation exercise, having the opportunity to comment at that time. Any further amendments to the policy at this stage could impact on its legality.
- 5.3 Should Committee decline to recommend the adoption of the proposals, then the existing Statement of Licensing Policy will continue in its present form until its existing expiry date of 6<sup>th</sup> January 2014, unless further reviewed in the interim period. We must keep the policy under review and have the ability to further review it before this date should a need arise.

## 6. CONCLUSIONS

- 6.1 We are committed to providing a policy showing how the Council will administer its functions under the Act. The policy should meet the needs of all parties; yet have regard to Government Guidance. This report shows how we have provided the opportunity for the public to be involved in the process of revising our policy in response to local requirements and input towards the decision on the proposals to amend the areas within the cumulative impact policy.

## 7. IMPLICATIONS

- (a) Financial Implications  
Provision is made in the Council's budget to review the statement of licensing policy and the Council meets the cost of consultation.
- (b) Staffing Implications  
There are no additional staffing implications. Budget provision is made for the review of the policy.
- (c) Equal Opportunities Implications  
We have undertaken wide consultation in an endeavour to reach all affected parties. We have undertaken a Stage 1 Equalities Impact Assessment on the Statement of Licensing Policy, last reviewed in August 2009.
- (d) Environmental Implications  
The Act requires the licensing authority to carry out its functions 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) Community Safety

If satisfied that the number and density of licensed premises are undermining the licensing objectives, a cumulative impact policy should provide a more robust framework for the refusal of new or major variations of premises licenses, if representation is received.

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

Statement of Licensing Policy

Responses to consultation

Guidance issued under Section 182 of the Licensing Act 2003

To inspect these documents contact Christine Allison on extension 7899. The author and contact officer for queries on the report is Christine Allison, extension 7899.

Report file: M:\EVERYONE\Lic Committee Mtgs 2003 sub/L11-0606 Hills Rd CI

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