

Item

## Review of Statement of Licensing Policy



**To:**

Licensing Committee

**Report by:**

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**Wards affected:**

All

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### 1. Executive Summary

- 1.1 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. The existing Statement of Licensing Policy for Cambridge City Council became effective on 19<sup>th</sup> October 2017.
- 1.2 The Statement of Licensing Policy has been reviewed within the 5 year period as on 6<sup>th</sup> April 2018, The Policing and Crime Act 2017 amended the Licensing Act 2003 to place Cumulative Impact Assessments on a statutory footing.
- 1.3 The Statement of Licensing Policy contains a section on the cumulative impact of a concentration of licensed premises.
- 1.4 The proposed Statement of Licensing Policy has seen this section amended and also produced as a stand-alone document, The Cumulative Impact Assessment.

- 1.5 The process to start the review of the Statement of Licensing Policy began in August 2020 and a twelve-week public consultation took place between 31<sup>st</sup> August 2020 and 22<sup>nd</sup> November 2020.
- 1.6 The current Statement of Licensing Policy expires on 18<sup>th</sup> October 2022 and a new Statement of Licensing Policy must be in place by this date otherwise 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.
- 1.7 The section on Cumulative Impact had to be reviewed before April 2021 and this is why the Statement of Licensing Policy is being reviewed within the five year period.

## **2. Recommendations**

- 2.1 Members are recommended to:
  - Consider the results of the public consultation exercise as summarised in Appendix B of this report;
  - Approve the amended Statement of Licensing Policy attached to this report as Appendix D. Appendix C includes tracked changes showing the amendments that have been made.

## **3. Background**

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- 3.1. **Review.** Under the Licensing Act 2003, each Council is required to produce, adopt and publish a Statement of Licensing Policy stating how it will exercise its functions under the Act. The statement must be kept under review and remains in existence for up to five years. This period ends on 18<sup>th</sup> October 2022
- 3.2 Under the legislation, the Council is not able to process any applications unless a statement of licensing policy is in place.
- 3.3 The issues raised in individual responses to the consultation affecting the review are detailed in Appendix B. 1 response was received as a result of the consultation exercise. All comments were addressed and no amendments were required to be made to the policy.
- 3.4 The Policy must comply with the Licensing Act and Statutory Guidance. For this reason, it has not always been possible to adopt suggestions put

forward. Appendix B indicates the consideration given to each comment received and provides reasons for the decision taken.

- 3.5 **Cumulative Impact.** The Council currently has a Cumulative Impact Policy within the Statement of Licensing Policy. The areas covered by the Cumulative Impact Policy are stated in paragraph 5.8 of the Licensing Policy.
- 3.6 The Policing and Crime Act 2017 amended the Licensing Act 2003 to place Cumulative Impact Assessments on a statutory footing.
- 3.7 As Cumulative Impact Policies (CIPs) were not part of the 2003 Act, there are no transitional provisions that apply to CIPs that were in place before 6<sup>th</sup> April 2018.
- 3.8 It was recommended that any existing CIPs should be reviewed within three years of the commencement of the legislation on Cumulative Impact Assessments or when the licensing policy statement is next due for review, whichever is sooner.
- 3.9 We have taken the opportunity to create a stand-alone Cumulative Impact Assessment before 6<sup>th</sup> April 2021 and review the Statement of Licensing Policy at the same time.

## **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.

### **(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 12-week period between 31<sup>st</sup> August 2020 and 22<sup>nd</sup> November 2020. Legislation requires that we undertake consultation with bodies prescribed in the Act for the review.
- 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 31<sup>st</sup> August 2020.
- 5.3 All comments received are listed in the attached Appendix B, 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. The schedule 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 – Comments and Responses from Consultation

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

Appendix D – Proposed Statement of Licensing Policy

Appendix E – 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](mailto:luke.catchpole@cambridge.gov.uk).