



<b>Report to:</b>	Licensing Committee XXX October 2023
<b>Lead Cabinet Member:</b>	Cllr Henry Batchelor
<b>Lead Officer:</b>	Rachel Jackson Principal Officer Licensing

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# Licensing Act 2003 – Review of Statement of Licensing Policy

## Executive Summary

1. That the Committee agree to recommend to Council the revision of the Statement of Licensing Policy under the Licensing Act 2003.

## Key Decision

## Recommendations

2. It is recommended that the Licensing Committee recommend to Council the adoption of the Statement of Licensing Policy under the Licensing Act 2003 for a period of up to five years from 31 January 2024.
3. The draft Policy is attached as Appendix A.

## Reasons for Recommendations

4. Section 5 of the Licensing Act 2003 requires a licensing authority to determine and publish a statement of its licensing policy at least once every five years. The policy must be published before it carries out any licensing functions under the 2003 Act. The current Policy is effective until 31 January 2024, so must now be republished.

## Details

5. There are no proposed fundamental changes to this policy, and it remains that there is no evidence to support implementing either a cumulative impact policy or early morning restriction orders.
6. Amendments to the policy have therefore been limited as follows:

**(i) Removal from Policy:**

Removal of obsolete and/or unnecessary information, minor revisions of dates, contacts, and departments etc.

Removal of reference to amusement with prizes as this sits within the Council's Gambling Act Policy Statement

Removal of annexe relating to the Enforcement Policy (and replaced with a hyperlink)

Removal of the annexe relating to Sexual Entertainment Venues (SEV) , as this sits within the Council's SEV policy.

**(ii) Revisions to Policy:**

- a) Updating the live music exemptions (page 5)
- b) Revision of the cumulative impact statement (page 8-9)
- c) Temporary Event Notices (page 16-17)

**(iii) Additions to Policy:**

- a) Spiking Prevention and Tackling Sexual Harassment statement (page 13)
- b) Prevention of violence against women and girls within the Large-Scale Events and Festivals paragraphs (pages 14-15)
- c) Paragraph 15.8 "Where considered necessary and where resources allow, the Environmental Health Team will look to monitor certain large scale outdoor events to ensure compliance with noise related licence conditions, in relation to the prevention of public nuisance." (page 15)
- d) Alcohol Delivery Services (page 15)

**(iv) Addition to Annexe A:**

- a) To add a sub-section in Annexe A, section 4.4 to highlight possible conditions for large scale outdoor events as follows:

Alternative conditions to the above for the prevention of public nuisance for large scale outdoor events may include the following:

Employ a suitably qualified and/or experienced Acoustic Consultant to produce and implement a Noise Management Plan for each event.

Submit a Noise Management Plan for approval which must include sound level predictions, details of all noise sources, a background noise survey (if requested), a scheme designed to minimise the impact of noise, details of how noise levels will be monitored and managed, details of sound tests, details of how noise complaints will be received and managed and a scheme designed to notify occupiers of nearby noise sensitive premises.

Submit a post event report for each event which includes all noise monitoring results, whether or not noise limits were complied with and details of any complaints and remedial action taken.

Submit a Waste Management Plan for approval which is designed to minimise the impact of litter associated with an event.

7. The Policy will remain in force for a period of up to five years but may be reviewed at any point prior if necessary. The Policy will form the basis of any decision taken in respect of applications or enforcement under the Licensing Act 2003 by Officers or any Committee Hearing.

## **Options**

8. The Committee may approve or amend the Policy, but full Council is required to adopt the Policy.

## **Implications**

### **Financial**

9. None for the purposes of this report.

### **Legal**

10. Failure to adopt and publish a new Policy Statement before 31 January 2024, would mean the Authority would fail to meet its statutory duties under the Act, and may be at risk of judicial review.

### **Staffing**

11. None for the purposes of this report.

### **Risks/Opportunities**

12. The Principal Accountant has advised that the proposed changes in the policy would not lead to any additional risk implications.

### **Consultation responses**

13. As part of the consultation process, Officers consulted with:

Cambridgeshire Constabulary

Cambridge Fire and Rescue service (Licensing) Cambridge Fire and Rescue

Cambridgeshire Social Services  
Environmental Health Service  
Directorate of Planning  
Director of Public Health  
Cambridgeshire Trading Standards  
Premises and Club Premises Certificate Holders  
Licensing solicitors and agents  
Parish and Town Councils  
Wider consultation via the Council's website

14. Consultation commenced on 21 June 2023 and ended on 7 August 2023.

15. Responses were received from:

- (i) Linton Parish Council who responded, “ The Linton Parish Council would like to raise the importance of the powers of SCDC in relation to noise issues and the regulation/enforcement of any agreed restrictions.” This has been reviewed and included and detailed at paragraph 6 (iii) c above.
- (ii) Environmental Health who requested the inclusion of a paragraph relating to additional conditions, which has been implemented and detailed at paragraph 6 (iv) a) above.

## **Background Papers**

Licensing Act 2003  
Guidance issued under Section 182 of the Licensing Act 2003  
Existing Statement of Licensing Policy

## **Appendices**

Appendix A: Draft Statement of Licensing Policy (Licensing Act 2003)

## **Report Author:**

Rachel Jackson – Principal Licensing Officer  
Telephone: (01954) 713397