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To All Interested Parties

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19 August 2020

Dear Interested Parties

The Licensing Act 2003 has been in effect since November 2005, it regulates persons and premises that provide licensable activities, which are; the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment.

The council has a duty under the Act to carry out its licensing functions by promoting the four licensing objectives, each of which is of equal importance. The four objectives are:

- the Prevention of Crime and Disorder
- Public Safety
- the Prevention of Public Nuisance
- the Protection of Children from Harm.

The Act requires the council to have a Statement of Licensing Policy, this policy sets out how the council will administer its licensing functions under the Act. The policy must be kept under review and remains in existence for up to five years. A Cumulative Impact Policy for the 'Op-Can-Do' area of Peterborough was adopted in April 2013, and must be reviewed every 3 years. It was retained in 2015 following review and consultation. In 2018, following a further review and consultation, the licensing authority retained the policy and published a CIA statement to that effect.

Both the overarching policy and the Cumulative Impact Policy and Assessment are now subject to full review and consultation. The consultation is taking place **between 19 August to 14 October 2020**, and welcome any comments that you may have, regarding the overall policy including the Cumulative Impact Policy and Assessment.

As part of the consultation process, we are writing to those likely to be affected by the policy and recognise that in some areas it may be difficult to identify the correct persons or bodies to consult. With this in mind, it would be appreciated if you could pass this letter to the most appropriate person or body to respond, if necessary.

A draft of the reviewed policy, indicating the proposed amendments in accordance with Government guidance is available for viewing on our website at [www.peterborough.gov.uk](http://www.peterborough.gov.uk) Alternatively to request a copy please telephone 01733 747474 and ask for licensing.

If you wish to comment on the proposed Statement of Licensing Policy and or the Cumulative Impact Policy and Assessment, please do so in writing to the address above, or by email to: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk) by 14 October 2020, all comments received will be considered prior to adoption of the final policy.

Although we are not able to give an individual response to each comment received, we will be publishing the final policy on our website in December this year for implementation in January 2021.

Yours faithfully

Terri Martin  
Strategic Regulatory Officer – Licensing

**PETERBOROUGH CITY COUNCIL**

**LICENSING ACT 2003**

**STATEMENT**

**OF**

**LICENSING POLICY**

**Subject to 8 week consultation starting 19 August 2020  
to 14 October 2020**

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## DEFINITIONS

**Note:** In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and therefore in the Policy. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

**'the Act'** means the Licensing Act 2003 (c.17)

**'Licensable Activities'** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**'The Guidance'** means the guidance issued by the Secretary of State for the Department of Culture, Media and Sport under s.182 of the Act.

**'Licensed Premises'** includes club premises and events unless the context otherwise requires.

**'Designated Premises Supervisor (DPS)'** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

**'Regulated Entertainment'** is defined as;

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- Boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to that falling within the performance of live music; the playing of recorded music and the performance of dance.

**In some circumstances, the provision of regulated entertainment is not licensable, for further information please go to [www.gov.uk](http://www.gov.uk) (and search for entertainment licensing)**

**'Late Night Refreshment'** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**'Operating Schedule'** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**‘Other Persons’** means

Persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**‘Responsible Authority’** means any of the following: -

- The Chief Officer of Police
- The Fire Authority
- The enforcing authority for Health and Safety at Work
- The local planning authority
- The local weights and measures authority (Trading Standards)
- The Council responsible for minimising or preventing the risk of pollution of the environment or of harm to human health
- The body representing matters relating to the protection of children from harm
- In relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board
- The relevant Licensing Authority
- The Director of Public Health
- **Home Office (Immigration Enforcement)**

**‘Relevant Representations’** are representations which can be either in support of an application or against the application, (also called an objection) and must be:

- About the effect of the Premise Licence on the promotion of the licensing objectives;
- Are made by a responsible authority or any other person, have not been withdrawn and, in the case of representations made by other persons, they are not in the Council’s opinion frivolous or vexatious.
- Must relate directly to an application and received during the consultation period. Representations received outside the consultation period cannot be considered.
- An objection must relate to the licensable activities requested, **and must detail** how **you individuals, businesses, communities** and the objectives are likely to be adversely impacted by the activity, which the conditions proposed in the operating schedule of the application do not address or do not address sufficiently.

**‘Temporary Event Notice (TEN)’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to various conditions and limitations (see section 10). For further information, please go to [www.gov.uk](http://www.gov.uk) (and search for alcohol licensing)

Standard TEN: Must be received no later than 10 working days prior to the event. **(Not counting day of receipt of the application and day of the event).**

Late TEN: Must be received between 5 and 9 working days prior to the event. **(Not counting day of receipt of the application and day of the event).**

## THE CITY OF PETERBOROUGH AND DISTRICT

Peterborough is a modern and progressive City with a strong historical character that makes it a stimulating environment in which to live, work and visit.

In the 2011 Census, Peterborough had a population of approximately 183,000, with an approximate population of **203,600 in 2018**. ~~188,400 in 2013~~. **Compared to neighbouring districts and for the East of England and England as a whole, ONS estimates show that Peterborough has seen the strongest growth in population between 2011 and 2018, of 9.0%<sup>1</sup>**. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately **6,201,210** ~~350,000~~ people **in 2018 in both the East of England and East Midlands' region**.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today, Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the East of England. It is only 45 minutes from central London and within striking distance of the regions other great cities being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

An essential contribution to the continued development of the City of Peterborough are the differing types of premises and events licensed under the Licensing Act 2003. There are ~~over~~ **nearly** 600 licensed premises offering a wide range of leisure activities, such as live music, theatres, sports venues, cinema and a vast range of restaurants offering diverse menus to suit any palate.

The embankment along with the county showground provide facilities for several open-air larger type festivals and concerts. Visitors can enjoy a vast range of outdoor leisure activities and picturesque countryside – including 2,000 acres of riverside parkland. There are two theatres offering drama, ballet and concerts – the Key Theatre and the Cresset Theatre. For sports fans, Peterborough has ~~four~~ sports stadia, e.g. football, speedway, ice hockey ~~and greyhound~~.

Peterborough continues to invest in regeneration, infrastructure and accessibility, with projects within the city centre and the outskirts. This creates a vibrant mix of activities and premises catering for a multi-cultural city, offering a wide range of facilities to residents and visitors.

Peterborough is an intelligence led authority, the Safer Peterborough Partnership is an integrated multi-agency initiative working in partnership with the police and others to tackle many issues, e.g. crime, anti-social behaviour and alcohol related issues. This approach highlighted the 'Op Can Do' area as an area which had reached saturation and a Cumulative Impact Policy was introduced and took effect in April 2013.

<sup>1</sup>Cambridgeshire County Council Business Intelligence Research Team's 2018 - based population and dwelling stock forecasts.

## **1. INTRODUCTION**

- 1.1 This Statement of Licensing Policy has been produced in accordance with s.5 of the Licensing Act 2003 (the Act) which requires the Council to review and where appropriate renew its contents on a five yearly basis (subject to changes in legislation or otherwise prescribed by the Secretary of State).
- 1.2 In reviewing the Statement of Licensing Policy the Council has considered the Guidance issued under s.182 of the Act.
- 1.3 This policy provides information and guidance to licence applicants, licence holders, objectors and Other Persons on the general approach to be taken by the Council in respect of its obligations under the Act.
- 1.4 This policy is made available in key Council offices and via the Council's website: [www.peterborough.gov.uk](http://www.peterborough.gov.uk) under business.
- 1.5 The contents within the policy have been amended in line with Local Government Association (LGA)' Best Practice Framework for the Review of Licensing Policy Statements.

## **2. DISCLAIMER**

- 2.1 The content of the Council's Statement of Licensing Policy is aimed only to provide guidance and should not be interpreted as legal advice. It is strongly recommended that persons obtain their own legal advice if they are not sure of the requirements of the Act and/or the Guidance and Regulations issued in accordance with it.

## **3. LICENSABLE ACTIVITIES**

- 3.1 This policy relates to all those activities identified as falling within the provisions of the Act, provided to the public, to registered club members or with a view to profit as defined within the Act.
- 3.2 The Licensing Act 2003 regulates the following activities:
  - Retail sale of alcohol
  - Supply of alcohol by or on behalf of a club, or to the order of, a member of the club
  - The provision of regulated entertainment
  - The provision of late night refreshment

## **4. OBJECTIVES**

- 4.1 The Council has a duty under the Act to carry out its licensing functions by promoting the licensing objectives, which are:-
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 4.2 Each objective has equal importance.
- 4.3 The Council will also in carrying out its duties have regard to the Guidance, this policy and any responses to consultation regarding this policy.
- 4.4 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with its neighbouring authorities, responsible authorities such as the Police, Fire Service, Health Service etc. local

businesses, licensed trade, residents and others, towards the promotion and delivery of the objectives.

- 4.5 The Council will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. This must be particularly addressed for applications within the Cumulative Impact area.
- 4.6 It is recommended and encouraged that all applicants for authorisations enter into informal discussions prior to the submission of an application in order to avoid potential problems and unnecessary hearings and appeals.
- 4.7 The Licensing Authority and the Responsible Authorities of the Council will offer as much advice and guidance to applicants as resources permit. If additional assistance is required the Licensing Authority provides a paid for licensing pre-application advice service for all applicants. Full details are available on the Council's website.

## 5. CONSULTATION

- 5.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing functions and the promotion of the licensing objectives. The Council will continue to consult with these parties upon receipt of applications where relevant, and for the further continuation and development of the Licensing Policy.
- 5.2 In reviewing this Policy, the Council ~~will be consulted~~ ~~over an 8 week period from 19 August 2020 to 14 October 2020~~ ~~06 July 2015 – 13 September 2015~~ ~~with the following:~~ ~~will be consulted~~ over an 8 week period from 19 August 2020 to 14 October 2020 with the following:
- (a) Chief Officer of Police for the area;
  - (b) Fire Authority for the area
  - (ba) Director of Public Health
  - (c) Persons/bodies representative of local holders of premises licenses;
  - (d) Persons/bodies representative of local holders of club premises certificates;
  - (e) Persons/bodies representative of local holders of personal licenses
  - (f) Persons/bodies representative of businesses and residents in its area;
- (And other bodies and groups that the Licensing Authority consider appropriate)
- 5.3 All responses to the consultation ~~were~~ ~~will be~~ given due consideration when determining the final policy.
- 5.4 A review of the policy was carried out by way of consultation with those listed in 5.2 to include a special policy. The consultation took place between 21/1/13 – 04/03/13.
- 5.5 The special policy was adopted by full council at a meeting held on 17 April 2013 ~~and retained in 2015 following review and consultation.~~
- 5.6 In 2018 a further review and consultation was carried out. The responses and evidence were evaluated and the licensing authority remained of the opinion, that the number of licensed premises in the Can-Do area, is such, that it is likely, that it would be inconsistent with the authority's duty to promote the licensing objectives, to grant any further licences in respect of any premises in the CIP area, and published a CIA statement to that effect. Please see section 12.

## 6. FUNDAMENTAL PRINCIPLES

- 6.1 Licensing is about regulating the carrying on of licensable activities by the appropriate control of licensed premises, qualifying clubs, and temporary events together with the people who manage such premises or hold Personal Licences within the terms of the Act.



- 6.2 In circumstances where conditions are required to be attached to the various authorisations, the focus will be on matters which are within the control of the individual licensee and others in possession of relevant authorisations (please see section 15 for more information on licence conditions).
- 6.3 In setting conditions the Council will primarily focus on the direct impact of the activities taking place at, or resulting from the licensed premises on those living, working or engaged in normal activity in the vicinity of the licensed premises.
- 6.4 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However:
- (a) licensing law is a key aspect of such control and therefore will always form part of an all round approach to the management of the entertainment evening and night-time economy within Peterborough; and
  - (b) licensees and Certificate Holders should take all reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden, or with the smoking ban in force, in a smoking shelter, where and to the extent that these matters are within their control.
- 6.5 Nothing in this policy prevents each licence application being considered on its own merits nor will it override the right of any individual to apply under the terms of the Licensing Act 2003 for a variety of permissions.
- 6.6 This policy does not seek to override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 6.7 If no relevant representations are received from responsible authorities or any other persons, applications must be granted as applied for. The only conditions which will be applied are those proposed within the operating schedule and any applicable mandatory condition(s).

## **7. IMMIGRATION ACT 2016**

- 7.1 Since April 2017 all applicants applying for a personal licence or premises licence will be required to demonstrate that they have the right to work in the UK. The list of documents which an applicant may provide to demonstrate their entitlement to work in the UK is published on gov.uk, at Annex A of Section 182 guidance and on relevant application forms.
- 7.2 Where an applicant's immigration permission to live and work in the UK is time-limited, or is curtailed or revoked by the Home Office, the licence will lapse and become invalid when the immigration permission expires.
- 7.3 A person is disqualified from applying for a personal licence or premises licence by reason of their immigration status if:
- The person requires leave to enter or remain in the UK and has not been granted it or
  - The person's leave to enter or remain in the UK is invalid, ceases to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise), or
  - Is subject to a condition preventing the person from doing work of that kind.

## **8. OTHER LEGISLATION**

- 8.1 Crime and Disorder Act 1998: Under this Act local authorities must have regard to the likely effect of the exercise of their functions, and do all they can to prevent crime and disorder in their area.

- 8.2 The Council will have particular regard to the likely impact of licensing on related crime and disorder in the district, particularly when considering the location, impact, operation and management of all proposed licence/certificate applications, renewals and variations of conditions. Any conditions attached to premises licences and club premises certificates will, so far as possible, consider and reflect the local crime prevention strategies.
- 8.3 The Council recognises that the Equality Act 2010 places a legal obligation on public authorities and has due regard to the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity.
- 8.4 The Licensing Authority also recognises its responsibilities under the Data Protection Act 2018, and the General Data Protection Regulation (GDPR) when it comes to handling and storing personal data, and has created a data retention and sharing policy which is available via the Council's website
- 8.5 Due to the national emergency, Central Government introduced legislation which affects licensed premises for a limited duration. As these changes are temporary and time limited in nature, they have been summarised in Annex A.

## 9. OTHER REGULATORY SYSTEMS / POLICIES

- 9.1 By consultation and liaison, the Council will secure the proper integration of this licensing policy with local crime prevention, community safety, environment, planning, tourism, health and wellbeing, race equality schemes and cultural strategies and any other relevant policy, in addition to plans introduced for the management of the City and the night-time economy. Many of these strategies are not directly related to the promotion of the four licensing objectives, but, indirectly impact upon them.
- 9.2 **Sexual Entertainment Venues (SEV):** On 02 December 2010 The Council adopted the amendment to the Local Government (Miscellaneous Provisions) Act 1982 (LG(MP)A 1982) with an effective commencement date of 08 February 2011. The effect of this means that premises which provide sexual entertainment on a regular basis (more than 11 occasions per year) will be required to obtain a SEV licence under LG(MP)A 1982. If the premises also require the sale and supply of alcohol, licences under both Acts will be required.
- 9.3 **Planning, building control and the licensing regimes:** Will be separate to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the planning committee or following appeals against decisions taken by that committee. Where a terminal hour has been set as a condition of planning permission for the use of premises for commercial purposes that are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 9.4 **Cultural Strategies:** The Council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. As part of implementing cultural strategies, proper account will be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays, for the wider cultural benefit of the communities.
- 9.5 **Public Spaces:** The Council wishes to promote a broad range of entertainment within its area including live music, dancing and theatre. To promote this policy the Council may, where appropriate, seek to obtain premises licences for Council owned public spaces within the community such as market squares, village greens, etc.
- 9.6 **Travelling Circuses:** Where types of entertainment are present in a performance by a travelling circus they will not be licensable provided that certain qualifying conditions are met. Guidance has listed these qualifying conditions as follows:

- The entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- The entertainment takes place between 08.00 and 23.00 on the same day
- The entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- The travelling circus has not been located on the same site for more than 28 consecutive days.

It should be noted that the circuses with performing animals will not be permitted, and therefore not licensed, on Council owned land.

## 10. TEMPORARY EVENT NOTICES

- 10.1 A temporary events notice (TEN) is required for the sale of alcohol by retail, provision of regulated entertainment and/or the provision of late night refreshment, which is to take place at premises, which are currently unlicensed for the activities involved. Applicants are reminded that a limit of fewer than 500 persons at any one time applies to a temporary event and failure to comply with this limit may lead to the event closure or even prosecution. It is strongly recommended, therefore, that a means of recording the number of persons entering and leaving the premises is put into operation. There is nothing to stop a TEN being given for a premises where a premises licence is already in force although does not cover the type of event proposed.
- 10.2 If there are over 500 persons attending the event then this will fall outside the provisions of a temporary event notice and a premises licence will be required.
- 10.3 Applicants are reminded that an authorisation made under a TEN does not remove their obligations under any other legislation including that of statutory nuisance. Where necessary, permissions should be sought from the appropriate body. The Council strongly recommends that applicants familiarise themselves with these responsibilities which amongst others may include:-
- Planning permission
  - Health and Safety
  - Noise Pollution
  - Erection of temporary structures
  - Road closures
  - Use of pyrotechnics
  - Anti-social behaviour
- 10.4 As well as the limit on the number of persons permitted under a TEN the following conditions and limitations apply:-
- Duration – they are limited to events lasting for up to 168 hours (7 days);
  - Use of the same premises – the same premises cannot be used on more than **15** occasions in a calendar year, ~~(this will increase to 15 with effect from 1 January 2016)~~ but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used;
  - The total number of notices (this includes late and standard TENs) given by an individual within a calendar year (1 January to 31 December) – a Personal Licence Holder is limited to 50 notices in one year and ~~another~~ **those who do not hold a personal licence, to 5 notices per year** ~~person to 5 notices~~
  - The number of late TEN's is limited to 10 in a calendar year for a personal licence holder and two **for those who do not hold a personal licence.** ~~for other people.~~ If these limits are exceeded in a calendar year, the application will be returned as void and the event will not be authorised.
  - There must be a minimum period of 24 hours between events authorised under separate TEN's at the same premises by the same premises user or associate.

- Relevant persons - Police and Environmental Health have the opportunity to consider whether they should object, modify or attach conditions to a TEN based on any of the licensing objectives
- 10.5 When calculating the number of working days for submission of TENs, the day the notice is received and the first day of the event are excluded from the calculation. If a TEN application requests for an event to start before midnight and end after midnight this will count as two days towards the 21 day limitation.
- 10.6 **Standard and Late Temporary Event Notices:** There are two types of TEN, a standard TEN and a late TEN. These are subject to different processes. A standard TEN is given no later than ten working days before the event to which it relates, and a late TEN is given not before nine and not later than five working days before the event.
- 10.7 **Standard Temporary Event Notices:** Whilst a minimum of 10 working days' notice must be given to the Council and relevant persons for applications, it should be noted that this gives very little time for the Council to process the application and for the relevant persons to respond. Applicants are therefore encouraged to provide a minimum of 28 days' notice of a licensable event.
- 10.8 Where a TEN is held on premises where a premises licence or club premises certificate is in place, and the relevant persons believe that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives they can object and/or modify and/or request conditions from the premises licence or club premises certificate to be applied to the TEN.
- 10.9 Where an objection to a TEN is received from relevant persons and not withdrawn, the licensing authority must hold a hearing to consider the objection, unless all parties agree that this is unnecessary.
- 10.10 **Late Temporary Event Notices:** are intended to assist premises users who are required for reasons outside their control to provide licensable activities at premises in shorter time scales. However, there is a risk that the event may receive an objection from relevant persons, where this occurs the notice will not be valid and the event will not go ahead, as there is no scope for a hearing or the application of any existing conditions.

## 11. DUPLICATION

- 11.1 So far as is possible, this policy is not intended to duplicate existing legislation and other regulatory regimes that already place obligations on the self-employed, employers and operators of venues both in respect of employers and of the general public when on the premises in question. Therefore, conditions and control measures which would be a duplication of existing legislative requirements, cannot be imposed in the context of licensing law as they are already provided for in other legislation.

## 12. CUMULATIVE IMPACT

- 12.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can consider within its licensing policy statement. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises, e.g. a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 12.2 The licensing authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 12.3 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op

Can Do area. The first special policy took effect on 18 April 2013 and was subsequently reviewed and published on 07 January 2016.

- 12.4 A CIP (**Cumulative Impact Policy**) creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 12.5 Cumulative Impact was only ever described in Section 182 Guidance, however, with effect from 06 April 2018 cumulative impact is now incorporated within Section 5A of the Licensing Act 2003, following commencement of Section 141 of the Policing and Crime Act 2017 which amended the Licensing Act 2003. This puts Cumulative Impact Assessments (**CIA**) on a statutory footing and requires authorities to set out the evidence as to why the authority is of the opinion that a CIP is required for those types of premises and that defined area **in a CIA published statement**.
- 12.6 Section 5A of the Act requires CIA's to be reviewed and re-evaluated every three years in order to establish if the CIA is still relevant to current problems in the defined area.
- 12.7 A consultation took place between the dates of 06 August 2018 – 23 September 2018, with the statutory consultees as set out in 5(3) of the Act. Evidence produced during the consultation was reviewed and considered by the Licensing Act 2003 Committee at a meeting on 18 October 2018.
- 12.8 The Licensing Committee at the aforementioned meeting resolved to recommend that Full Council approve the retention of the current Cumulative Impact Policy and Assessment for the Op Can Do area.
- 12.9 In making its determination the Authority considered **paragraphs 14.29 and 14.30** of the Guidance (April 2018) and gave particular weight to evidence from local councillors, evidence obtained through local consultation and complaints recorded by the local authority, which may include complaints raised by local residents and residents' associations.
- 12.10 Applicants will need to address the CIA in their operating schedules in order to rebut such a presumption.
- 12.11 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the licensing authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the licensing authority when it developed its statement of licensing policy.
- 12.12 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 12.13 The absence of a special policy however, does not prevent any responsible authority or other persons making representations on a new application for the grant of a licence on the

grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

12.14 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority **including best practise schemes such as Best Bar None, Pubwatch or BIDs**
- **Community Protection Notices**
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as Public Spaces Protection Orders. Confiscation of alcohol from adults and children in designated areas.
- Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
- Powers to close down instantly premises or temporary events to prevent a nuisance or disorder from continuing, recurring or occurring.
- The power for responsible authorities and other persons to seek a review of a premises licence or club premises certificate.
- **Raising a contribution to policing the late night economy through the Late Night Levy.**
- **Early Morning Alcohol Restriction Orders**

12.15 The above may be supplemented by other local initiatives that seek to address these problems, for example through Safer Peterborough Partnership, in line with the strategic objectives for crime and disorder reduction in the city.

12.16 Information regarding Public Spaces Protection Orders (PSPO) can be found on the link below  
<https://www.peterborough.gov.uk/residents/saferpeterborough/public-spaces-protection-order>

Map Showing Current CI Policy Area in Green

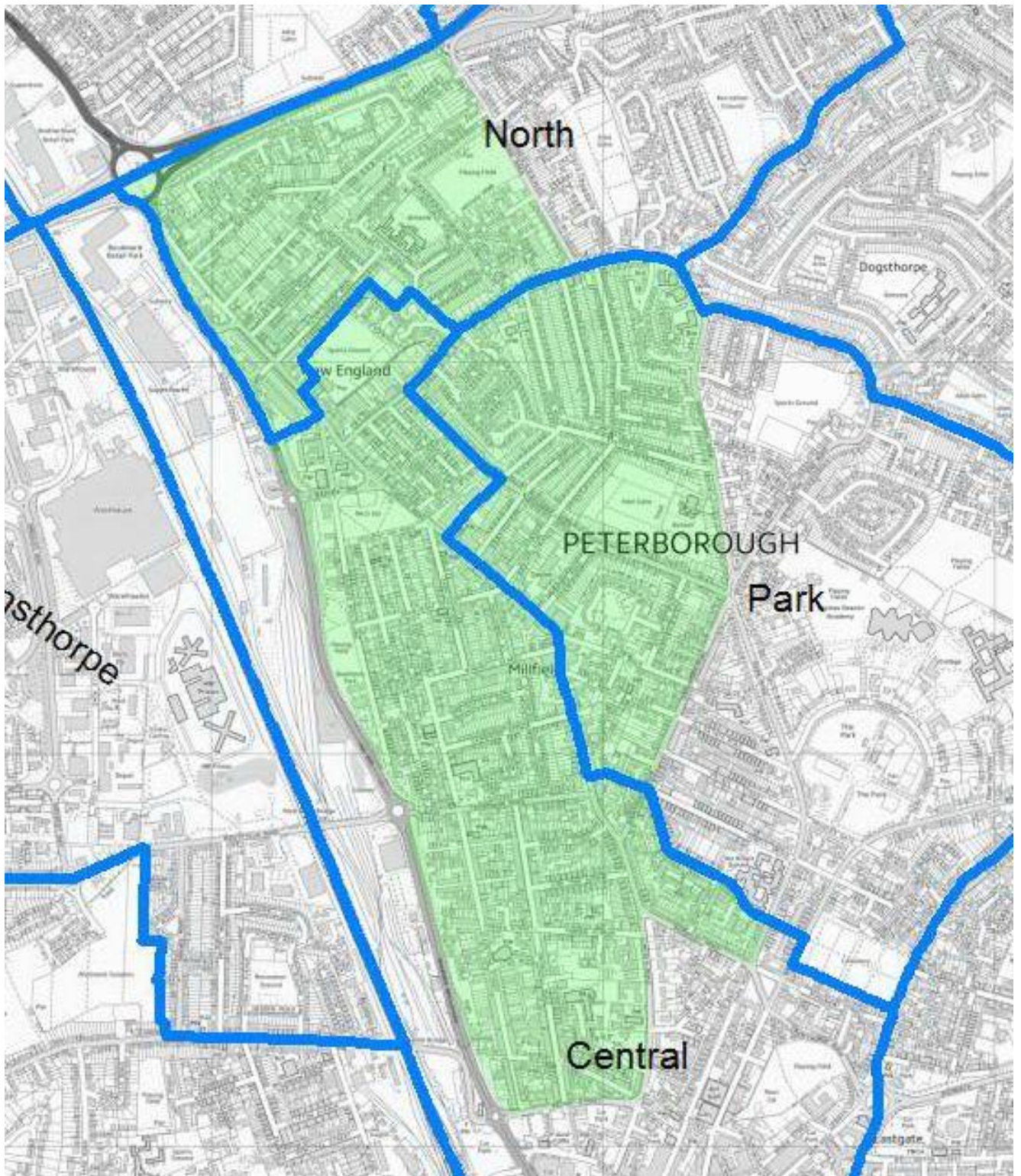


Table of Street Names Within the Current CI Area

Streets in the Op Can Do area		
Alexandra Road	Keats Way	1-359 Dogsthorpe Road
Allen Road	Keeton Road	40 - 50 Bright Street
Alma Road	Kipling Court	Beckets Close
Bamber Street	Lammas Road	Berry Court
Beech Avenue	Lawn Avenue	Boswell Close
Belham Road	Lime Tree Avenue	Burghley Mansions
Bourges Boulevard	Lincoln Road	Burns Close
Brassey Close	Link Road	Burrows Court
Brownlow Road	Lister Road	Carl Hall Court
Burghley Road	Lynton Road	Caroline Court
Burmer Road	Maskew Avenue	Cecil Pacey Court
Cambridge Avenue	Norfolk Street	Century Square
Cecil Road	North Street	Claridge Court
Chantry Close	Northfield Road	Coleridge Place
Chaucer Road	Norton Road	Connaught Mews
Church Walk	Nursery Close	Cromwell Court
Clare Road	Occupation Road	Dogsthorpe Grove
Clarence Road	Park Road	Dyson Close
Cobden Avenue	Parliament Street	Gillwell Mews
Cobden Street	Peveril Road	Gray Court
Cowper Road	Pope Way	Hamilton Court
Craig Street	Portland Avenue	Ingleborough
Cromwell Road	Russell Street	Johnson Walk
Crown Street	Scotney Street	Kimbolton Court
Dryden Road	Searjeant Street	Lincoln Gate
Eaglesthorpe	Shakespeare Avenue	Loire Court
English Street	Sheridan Road	Manor House Street
Exeter Road	Silverwood Road	Old Court Mews
Fitzwilliam Street	Springfield Road	Oxford Road
Foxdale	St James' Avenue	Parkodi Court
Fulbridge Road	St Mark's Street	Popley Court
Geneva Street	St Martins Street	'Raedwald Court
Gilpin Street	St Paul's Road	Rock Road
Gladstone Street	Stone Lane	Rosehall Court
Granville Street	Summerfield Road	Russell Mews
Green Lane	Taverners Road	Salaam Court
Hankey Street	Tennyson Road	Shelley Close
Harris Street	Thistle Moor Road	St Marks Apartments
Henry Court	Towler Street	St Marks Court
Henry Street	Vere Road	St Martins Mews
Herrick Close	Victoria street	The New Haven
Highbury Street	Warbon Avenue	Tom Lock Court
Windmill Street	Waterloo Road	up to 135 Park Road
Bamber Court	Wilberforce Road	Victoria Place
Walpole Court	York Road	



### **13. LICENSING HOURS / ZONING**

- 13.1 EMRO's: Early Morning Restriction Orders, are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 13.2 LNL: Late Night Levy, is a levy imposed on businesses which sell alcohol between midnight and 6am or part thereof. Funds raised by this levy are applied to the costs of policing crime and disorder connected to those sales of alcohol.
- 13.3 The Council notes guidance on the late night levy and EMRO's and has considered the options of adopting the provisions, but has no intention at this time of implementing either provision. The Council reserves the right to review this decision in the future.
- 13.4 The Council has not adopted fixed trading hours as a matter of policy. It recognises that flexible licensing hours with regard to the sale of alcohol is important to ensure that the concentrations of customers leaving premises simultaneously are avoided.
- 13.5 The Council recognises that providing consumers with greater choice and flexibility is important to a thriving evening and night-time economy however, this will be balanced carefully against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 13.6 There is no general presumption in favour of lengthening licensing hours and accordingly the Council may when issuing new licenses or following reviews of existing licenses reject a proposal or grant it with appropriate conditions and/or different hours from those requested.
- 13.7 Shops, stores and supermarkets will normally be permitted to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping, unless there are good reasons based on the four licensing objectives for restricting those hours. For example, a limitation on licensing hours may be appropriate following Police representations in the case of premises known to be a focus of disorder and disturbance because youths gather there.

### **14. CHILDREN AND LICENSED PREMISES**

- 14.1 There are a great variety of premises for which licences may be sought, including theatres, cinemas, restaurants, cafes, fast food outlets, community halls and schools where children may frequent. No statement of policy can properly anticipate every issue of concern that could arise in respect of children in relation to individual premises, and therefore the individual merits of each application will be considered in each case.
- 14.2 It is however an offence under the 2003 Act to:
- permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a TEN; and
  - to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5am at other premises supplying alcohol for consumption on the premises under the authority of any premises licence, club premises certificate or TEN.
- 14.3 Outside of these hours, the offence does not prevent the admission of unaccompanied children under 16 to the wide variety of premises where the consumption of alcohol is not the exclusive or primary activity. This does not mean that children should automatically be admitted to, or excluded from, such premises.

- 14.4 Conditions restricting the admission of children to any premises will not generally be attached to licences or certificates (except those identified in 14.10). Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club, subject to compliance with the Act
- 14.5 Where it is deemed appropriate to attach conditions to the licence in relation to access by children, this will be for the prevention of physical, moral or psychological harm to them.
- 14.6 Venue operators seeking premises licences and club premises certificates will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events. It may also be that their own risk assessments have determined that the presence of children is undesirable or inappropriate.
- 14.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedules, having regard to their particular type of premises and/or activities:-
- Effective and responsible management of the premises
  - Provision of a sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm
  - Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
  - Limitations on the hours when children may be present in all or parts of the premises
  - Limitations or exclusions by age when certain activities are taking place
  - Imposition of requirements for children to be accompanied by an adult
  - Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs.
- 14.8 Where no relevant representations are made to the Council, any proposed conditions in the operating schedule will be attached as conditions to the licence or certificate, subject to section 15 below, and will be enforceable.
- 14.9 Following receipt of any relevant representations, the Council will consider and determine each application, on its merits, as to whether to limit access by children or exclude them altogether from licensed premises by attaching any relevant conditions.
- 14.10 The conditions limiting and restricting access by children may include a combination of the following: -
- Limitations on the hours when children may be present in all or parts of the premises
  - Requirements for children to be accompanied by adults
  - Full exclusion of those people under 18 from the premises when any licensable activities are taking place
  - Limitations on the parts of premises to which children might be given access
  - Limitations or exclusions by age when certain specified activities are taking place e.g.
    - Where entertainment or services of an adult or sexual nature for example, lap-, table- or pole dancing, topless bar staff or striptease are commonly provided
    - Where there is a strong element of gambling on the premises (but not where there is a small number of cash prize gaming machines);
    - With a known association to drug activities – taking or dealing;
    - Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking.
    - Where the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

- 14.11 The Council recognises The **Cambridgeshire and Peterborough Safeguarding Children Partnership Board (CPSCPB)** as the competent body to advise on these matters.
- 14.12 **The Portman Group:** The Council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older.
- 14.13 **Proof of Age Schemes:** The Council commends proof of age cards accredited under the Proof of Age Standards Scheme (PASS).
- 14.14 **Children and Cinemas:** In the case of premises which are used for film exhibitions, **mandatory** conditions will be imposed restricting access only to those who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Council itself. **Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.**

## 15. LICENCE CONDITIONS

- 15.1 There are three different types of condition that may be attached to a licence or certificate:  
Proposed - those conditions offered within the operating schedule of the application:  
Imposed - attached by licensing authority following a hearing  
Mandatory - imposed by the Act and can be amended by the Secretary of State.  
All conditions should be clear, enforceable, evidenced, proportional, relevant, and capable of being understood.
- 15.2 One of the key concepts of the Act is that any conditions (other than the statutory mandatory conditions and those proposed within the application) attached to licences or certificates can only be imposed to licenses at a hearing following relevant representations. Conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 15.3 The Council will only attach conditions to premise licenses and club certificates where they are appropriate for the promotion of one or more of the four licensing objectives.
- 15.4 Conditions that are appropriate for the promotion of the licensing objectives should emerge initially through the operating schedule and risk assessment carried out by a prospective licensee or certificate holder at the time of application, particularly for applications within the cumulative impact area. **The licensing Authority may not replicate the exact wording from an applicant's operating schedule. A condition will be interpreted and may be re-worded, in accordance with the applicant's intention.**
- 15.5 The Council will not impose any conditions unless they are proposed or its discretion has been engaged following relevant representations having been received and upheld. In these circumstances, it may then only impose conditions as are appropriate to promote the licensing objectives arising out of the consideration of representations.
- 15.6 The Council will take into account:
- The character of the surrounding area;
  - The nature and character of the proposed operation;
  - The impact that the activity will have on those living, working or engaged in normal activities in the area concerned.
- 15.7 Conditions will generally be considered inappropriate if they are already adequately covered by other legislation.
- 15.8 The pool of conditions cover, among other things, issues surrounding:

- Crime and disorder, incorporating local crime prevention strategies, e.g. CCTV at certain premises;
- Public safety (including fire safety and means of escape);
- Theatres and cinemas (promotion of public safety);
- Anti-social behaviour (inc: public nuisance, provision of clearance of litter outside premises, fly posting);
- Protection of children from harm;

Further information can be found via the Council's website [www.peterborough.gov.uk](http://www.peterborough.gov.uk) under 'business'

~~14.9 Any conditions not listed in the pool may be specifically tailored by this Council and attached as conditions where appropriate.~~

15.9 In determining what conditions should be attached to licences and certificates, to appropriately promote the licensing objectives, the Council will be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.

## 16. ENFORCEMENT

16.1 The Council will establish arrangements with the responsible authorities on enforcement issues in addition to carrying out their own regular inspections. These protocols will provide for the targeting of agreed problem and high-risk premises, with a 'light touch' to low risk, well managed premises.

16.2 Operators are reminded of their obligations to provide appropriate training for staff to ensure the promotion of the licensing objectives, compliance with the Act and conditions of operation.

16.3 All decisions and enforcement action taken by the Council will have regard to the relevant provisions of the Act, national guidance, e.g. BRDO (Better Regulation Delivery Office) Regulators' Code and the enforcement policy of the Council. To this end, the key principles of consistency, targeting, transparency and proportionality will be maintained.

16.4 Responsible authorities may carry out their own enforcement activities such as test purchasing, on and off sales, underage and proxy sales. Any national guidance will be observed when these activities are conducted.

16.5 Premises licences and club premises certificates are subject to an annual fee. The Council must suspend these authorisations for the non-payment of the annual fee. Where disputes or administrative errors arise, there is a grace period of 21 days to resolve (from the due date of the invoice). If the dispute or error is not resolved, a notice of suspension will be given to the premises providing the date (minimum of two working days) when the suspension notice takes effect.

16.6 Where an authorisation is suspended, any licensable activities taking place would be unauthorised and subject to further enforcement. Responsible authorities will be notified of suspension notices issued.

16.7 With effect from April 2017 (following changes made by the Policing and Crime Act 2017), the Licensing Authority may revoke or suspend (for a maximum period of 6 months) a personal licence where the licence holder is convicted of a relevant or foreign offence and or required to pay an immigration penalty.

## 17. REVIEWS

17.1 The licensing authority works in partnership with the responsible authorities to promote the licensing objectives and will aim to give licensees early warning of any concerns identified at a premises.

- 17.2 Reviews of premise licences represent a key protection for the community where matters arise at the premise in connection with any of the four licensing objectives.
- 17.3 There are certain circumstances (as detailed within guidance), when the crime prevention objective is being undermined, it is expected that revocation of the licence, even in the first instance will be seriously considered.
- 17.4 At any stage following the grant of a Premises Licence a responsible authority or any other person may request a review. Evidence would be required based on one or more of the licensing objectives.
- 17.5 If relevant representations are made about a current licence, the Council will hold a hearing to consider them, unless the Council, the applicant and those making representations agree that the hearing is not necessary.
- 17.6 Additionally a review of the licence will normally follow any action by the Police or Local Authority to close down the premises on grounds of disorder or public nuisance.
- 17.7 No more than one review will normally be permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a Closure Notice or Order.
- 17.8 Where entertainment is deregulated, between 08.00 and 23.00 and it is having a negative impact on the licensing objectives, a premises licence or club premises certificate can be reviewed to bring the entertainment back under the scope of the authorisation and appropriate conditions can be applied **and enforced**.
- 17.9 A summary review (or expedited) is appropriate for premises experiencing serious crime or disorder. It is a fast track licence review where the Council can attach interim conditions (where appropriate) to a premises licence where the responsible authority consider that the premises concerned is associated with serious crime or disorder or both. The Council can take the following interim steps:
- Modification of the conditions of the premises licence
  - The exclusion of the sale of alcohol (or other licensable activities) from the scope of the licence
  - Removal of the DPS
  - Suspension of the licence
- 17.10 The decision takes effect immediately or as soon as the Council directs. The Council will have regard to the Guidance when processing summary reviews.
- 17.11 Licensing officers may not initiate their own review of premises licences.

## **18. DELEGATION / DECISION MAKING / ADMINISTRATION**

- 18.1 When determining applications the Council will have regard to the Guidance and this policy. Therefore, determination of applications made under the Act will be made by either the Licensing Committee, by a Sub-Committee of the Licensing Committee, or by one or more authorised officers acting in accordance with the Council's Scheme of Delegation. (See table of delegations on page 23)
- 18.2 A decision made by an officer under the Council's Scheme of Delegation, will be considered a decision made by the Council.
- 18.3 The Council will consider relevant representations made both in support of or opposition to any application.

- 18.4 Where a relevant representation is made then the authorised officer will liaise with the applicant and relevant parties to try and reach an agreement between them and the Council, as to the need for final determination by the Licensing Committee or Sub-Committee.
- 18.5 Where relevant representations are raised which cannot be resolved by mediation, matters will be referred to either of the aforementioned committees for determination.
- 18.6 The licensing authority is also a responsible authority and will make representations and review licenses where it considers appropriate. This does not negate the requirement for other responsible authorities or other persons from acting in their own capacity.
- 18.7 Where the licensing authority utilises the responsible authority provision, there is separation of responsibilities to ensure procedural fairness and eliminate any conflicts of interest. The officer acting as the responsible authority will be a different officer to that who is acting in its capacity as the licensing authority.
- 18.8 In cases where only positive relevant representations are received and upon agreement of the Applicant, the Licensing Authority and the other persons making those representations, it will not be necessary to hold a hearing to determine the application.
- 18.9 Each application will be determined on its individual merits taking into consideration the four licensing objectives.
- 18.10 Where it is determined that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned, on members of the public living, working or engaged in normal activity in the area concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.
- 18.11 If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Council's consideration will balance those representations against the wider benefits of the community. Furthermore, the Council acknowledges the advice received from the DCMS that the views of local minorities should not be allowed to predominate over the general interests of the community.
- 18.12 It may be appropriate for the Sub-Committee in some circumstances to conduct a site visit. In such circumstances, Members will observe the Members' Licensing Code of Good Practice and Procedure for Licensing Sub-Committee Site Visits.
- 18.13 All parties will receive a fair hearing.
- 18.14 The Council will ensure that Members and Officers having responsibility under the Act will receive appropriate training to administer and enforce the Act.
- 18.15 Upon request, the Licence Committee will receive regular reports on decisions made by officers to ensure that an overall picture of the state of licences in the area is maintained.
- 18.16 The Council will give comprehensive reasons for its decisions and such reasons shall also address the extent to which the decision has been made with regard to this Policy and Guidance.

## **19. APPEALS**

- 19.1 **Magistrates' Court Appeals:** Other than in the case of personal licences, all appeals in connection with various decisions made by the Council will be determined by the Magistrates' Court in the area which the premises concerned are situated.
- 19.2 In the case of personal licences, the appeal must be made to the Magistrates' Court in the area in which the Council (or any part of it) which made the decision is situated.

- 19.3 Beginning with the day the appellant was notified by the Council of the decision to be appealed against; the appellant has a period of 21 days to commence his appeal by the issue of a complaint and notice of appeal to the Magistrates' Court. A fee is payable to the Court and the 21 day period is strict and cannot be extended.
- 19.4 The Council will always be a Respondent to the appeal, but in cases where a favourable decision has been made for an applicant licence holder, club or premises user against the representations of a responsible authority or an interested party or the objections of the chief officer of Police, the holder of the premises or personal licence or club premises certificate or the person who gave an interim authority notice or the premises user will also be a respondent to the appeal and the person who made the relevant representation or the chief officer of Police will be the appellants.
- 19.5 On determining an appeal, the court may:
- Dismiss the appeal;
  - Substitute for the decision appealed against any other decision which could have been made by the Council; or
  - Remit the case back to the Council to dispose of it in accordance with the direction of the court.
- 19.6 The court may make such order as to costs as it sees fit.
- 19.7 The court, on hearing any appeal, may therefore review the merits of the decision on the facts and consider points of law or address both.
- 19.8 In hearing an appeal against any decision made by the Council, the Magistrates' Court will have regard to this licensing policy statement and the Guidance.
- 19.9 The Court can depart from both if it is justified to do so, depending on the individual circumstances.
- 19.10 This Council, therefore, when determining applications will give comprehensive reasons for its decisions.
- 19.11 Any decision made by the Magistrates' Court will be implemented by the Council immediately.

## **20. EFFECTIVE DATE AND REVIEW**

- 20.1 This policy statement will take effect on 7 January 2021<sup>46</sup>
- 20.2 This policy statement will be kept under review, consulted on, and will remain in existence for a period of up to five years. It is subject to review and further consultation before 7 January 2026<sup>4</sup> (subject to changes in legislation prescribed by the Secretary of State).

## 21. Table: Recommended Delegations of Functions

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence	If a Police objection	If no objection made
Application for Personal Licence with unspent convictions	All cases	
Decision to revoke or suspend a personal licence where the licence holder is convicted of a relevant or foreign offence and or required to pay an immigration penalty.	All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application for Provisional Statement	If a relevant representation made	If no relevant representation made
Application to vary Premises Licence/Club Premises Certificate	If a relevant representation made	If no relevant representation made
Application to vary designated Premises Supervisor	If a Police objection	All other cases
Request to be removed as designated Premises Supervisor		All cases
Application for transfer of Premises Licence	If a Police objection	All other cases
Applications for interim authorities	If a Police objection	All other cases
Application to review Premises Licence/club Premises Certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc		All cases
Decision to object when Local Authority is a Consultee and not the relevant Authority considering the application	All cases	
Determination of an objection by relevant persons to a Temporary Event Notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation applications and determination of application		All cases



## 22. CONTACT DETAILS

### THE LICENSING AUTHORITY:

The Licensing Team  
Peterborough City Council  
~~Sand Martin House Town Hall~~  
~~Bittern Way Bridge Street~~  
~~Fletton Quays~~  
Peterborough  
PE2 8TY 44FA  
T: 01733 747474  
E: [eh.licensing@peterborough.gov.uk](mailto:eh.licensing@peterborough.gov.uk)  
  
[www.peterborough.gov.uk](http://www.peterborough.gov.uk)  
(under the Business section)

### THE RESPONSIBLE AUTHORITIES:

#### Cambridgeshire Constabulary

Licensing Department  
Cambs Constabulary North Division  
~~Thorpe Wood 4<sup>th</sup> Floor Bayard Place~~  
~~Broadway~~  
Peterborough  
PE3 6SD 44HZ  
T: 01733 424438 / 424449

#### Cambridgeshire Fire and Rescue:

Cambs Fire & Rescue Service  
Peterborough District  
Dogsthorpe Fire Station  
Dogsthorpe Road  
Peterborough  
PE1 3RE  
T: 01733 353206

#### ~~Safeguarding Children Board~~ The Cambridgeshire and Peterborough Safeguarding Children Partnership Board (CPSCP)

Child Protection and Review Manager  
Peterborough City Council  
Children's Services – Social Care  
~~Sand Martin House 2<sup>nd</sup> Floor, Bayard Place~~  
~~Bittern Way Broadway~~  
~~Fletton Quays~~  
Peterborough  
PE2 8TY 44FB  
T: 01733 863744  
E: [safeguardingboards@cambridgeshire.gov.uk](mailto:safeguardingboards@cambridgeshire.gov.uk)

#### Environmental Health - Pollution

Pollution Control Team  
Peterborough City Council  
~~Sand Martin House Town Hall~~  
~~Bittern Way Bridge Street~~  
~~Fletton Quays~~  
Peterborough  
PE2 8TY 44FA  
T: 01733 747474  
E: [pollution.control@peterborough.gcsz.gov.uk](mailto:pollution.control@peterborough.gcsz.gov.uk)

#### Health and Safety:

e.g. Public houses, nightclubs,  
shops, restaurants, takeaways,  
Community centres managed by  
a committee

Health & Safety Team  
Peterborough City Council  
~~Sand Martin House Town Hall~~  
~~Bittern Way Bridge Street~~  
~~Fletton Quays~~  
Peterborough  
PE2 8TY 44FA  
T: 01733 747474  
E: [healthandsafetey@peterborough.gov.uk](mailto:healthandsafetey@peterborough.gov.uk)

Premises **managed** by Peterborough City Council e.g. schools, leisure centres

Health and Safety Executive  
14 Cardiff Road  
Luton  
LU1 1PP  
T: 01582 444200

**Planning**

Planning Services  
Peterborough City Council  
**Sand Martin House** ~~Town Hall~~  
**Bittern Way** ~~Bridge Street~~  
**Fletton Quays**  
Peterborough  
PE2 8TY ~~4-1HF~~  
T: 01733 453410  
E: [planningcontrol@peterborough.gov.uk](mailto:planningcontrol@peterborough.gov.uk)

**Trading Standards**

Trading Standards Department  
Peterborough City Council  
**Sand Martin House** ~~Town Hall~~  
**Bittern Way** ~~Bridge Street~~  
**Fletton Quays**  
Peterborough  
PE2 8TY ~~4-1HF~~  
T: 01733 747474  
T: 03454 040506 for consumer advice  
E: [trading.standards@peterborough.gov.uk](mailto:trading.standards@peterborough.gov.uk)

**Public Health**

Director of Public Health  
Peterborough City Council  
2<sup>nd</sup> Floor Town Hall  
Peterborough  
PE1 1HQ  
T: 01733 747474  
E: [publichealth@peterborough.gov.uk](mailto:publichealth@peterborough.gov.uk)

**Home Office**

**Home Office (Immigration Enforcement)**  
**Alcohol Licensing Team**  
**Lunar House**  
**40 Wellesley Road**  
**Croydon**  
**CR9 2BY**  
E: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

**For vessels carrying more than 12 passengers the certifying authority will be: -**

Maritime & Coastguard Agency  
Surveyor In Charge  
Harwich Marine Office  
East Terrace  
Walton-on-Naze  
Essex  
CO14 8PY  
T: 01255 682107

**For Vessels carrying 12 or less passengers the certifying authority will be: -**

Environment Agency  
Kingfisher House  
Goldhay Way  
Orton Goldhay  
Peterborough  
PE2 5ZR

T: 01733 464277

**Further information can be found on the following links:**

Peterborough City Council website; [www.peterborough.gov.uk/business](http://www.peterborough.gov.uk/business)

Home Office website: [www.gov.uk/government/organisations/home-office](http://www.gov.uk/government/organisations/home-office)

Guidance issued under section 182 of the Act:

[www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003](http://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003)

The Licensing Act 2003: [www.legislation.gov.uk/ukpga/2003/17/contents](http://www.legislation.gov.uk/ukpga/2003/17/contents)

Information Commissioners Office: [ico.org.uk](http://ico.org.uk)

Draft for consultation

## Supplementary information to Peterborough City Council Licensing Act 2003 Statement of Licensing Policy 2021 - Paragraph 8.5 – Temporary Legislation

### Coronavirus legislation.

The Coronavirus legislation, regulations and guidance, are constantly evolving and being adapted as circumstances change, although the legislation is expected to be limited in duration. At the time of writing, none of the legislative changes would permanently amend the Licensing Act 2003, therefore have not been written in to the overarching 5 year policy. A brief summary pertaining to licensed premises is provided below.

On 23 March 2020, the Government told people to stay at home and introduced emergency legislation to close certain businesses, this included types of licensed premises. On the 4 July 2020 the regulations changed, which allowed certain types licensed premises to reopen, provided certain measures were put in place and requirements met. Some types of licensed premises were required to remain closed.

On 18 July 2020, legislation to grant local authorities new powers to respond to a serious and imminent threat to public health and to prevent COVID-19 (“coronavirus”) transmission in a local authority’s area where this is necessary and proportionate to manage spread of the coronavirus in the local authority’s area took effect. These regulations have procedural requirements and include powers for local authorities to:

- restrict access to, or close, individual premises
- prohibit certain events (or types of event) from taking place
- restrict access to, or close, public outdoor places (or types of outdoor public places)

In certain circumstances, local authorities have powers to require and enforce the closure of licensed premises.

### Business and Planning Act 2020.

#### Summary – Temporary Amendments to the Licensing Act 2003

To promote economic recovery and growth in certain sections of the hospitality industry, Central Government Introduced the Business and Planning Act 2020. The 2020 Act, which received Royal Assent on 26 July 2020, amends the Licensing Act 2003, by inserting sections 172F to 172L.

The effect of which gives temporary (until 31 September 2021, unless extended by the Secretary of State) authorisation to premises which have a premises licence under the 2003 Act to have ‘off sales’ provision, where a current premises licence only authorises on sales, and suspend certain conditions attached to existing premises licences which authorise on and off sales, with a ‘cut off’ time of 11pm. Premises utilising these provisions are required to display a notice to that effect.

It contains provision for redress to Responsible Authorities, (not members of the public) via an expedited review process, very similar to the current expedited review process under s53A to 53D of the 2003 Act. It does not apply to CPC’s (Club Premises Certificate).

#### Current premises licence authorising ‘on sales’ only

Where a premises licence is in effect and it authorises ‘on sales’, it is considered varied for the relevant period to include ‘off sales’, subject to the condition that every off-sale must be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises. Except where premises are considered disqualified from this process.

#### Disqualifying criteria

Premises licences which have in the last three (3) years, been subject to any of the below, are considered disqualified from the new provision:

- Been refused to grant a premises licence with off sales permission
- Been refused to vary a premises licence to include off sales
- The premises licence was varied or modified to exclude off sales

### **Current premises licence authorising 'on and off sales'**

Where a premises licence is in effect and it authorises 'on and off sales', it is considered varied, in so far as, any conditions currently attached which restrict off sales in the following way, are considered suspended for the relevant period

- Any condition which restricts the hours during which off sales can be made which are different to those permitted for on sales.
- Any condition which requires the 'off sale' to be in a sealed container
- Any condition which restricts 'sale for delivery' of alcohol off sales, where 'on sales' are permitted  
"sale for delivery" - in relation to a premises licence means an off sale for delivery by or on behalf of the holder of the licence to a building which is used for residential or work purposes (or both)

### **Redress - Summary off sales expedited review**

A Responsible Authority (RA) (including Public Health) may apply under section 172G, for an 'expedited off sales review' of a premises licence which has been varied/modified by the Act, under any of the licensing objectives, where it can be evidenced that the 'off sales' activity is having a negative impact on the licensing objectives.

### **Interim steps**

Where an expedited off sales review application is received, within 48 hours, the licensing authority must determine if any permitted interim steps need to be applied, pending determination of the review application by licensing sub-committee within 28 days.

Where the review is in relation to a premises licence which had 'on sales' only, the interim steps and final determination, the committee must consider are:

- Modify the conditions of the licence, in so far as it relates to 'off sales'
- Exclude 'off sales' (authorised by this Act) from the scope of the licence
- Suspend 'off sales' (for a maximum of 3 months on final determination of review application)

Where the review is in relation to a premises licence which had 'on and off sales', but conditions have been suspended, the interim steps and final determination, the committee must consider are:

- Alteration or omission of the 'suspended' conditions
- Addition of one or more new conditions, which must not affect any conditions of the licence which existed immediately before the Bill took effect.

### **Hearing against interim steps**

If the premises licence holder makes a representation against the interim steps and does not withdraw it, the licensing authority must within 48 hours hold a hearing to consider those representations, and give advance notice of the hearing to the premises licence holder and the RA which served the application.

At the hearing the licensing authority must consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to withdraw or modify the steps, having regard to representations made by the licence holder and the RA. The licence holder can only make further representation against the interim steps if there has been a material change in circumstances since the hearing.

**Representation period:** for representations from the applicant, RA's and other persons, begins on the first working day after the publication of the notice and ends on the ninth subsequent working day. Representations received outside this period are not considered valid.

### **Determination hearing**

The licensing authority must hold a hearing to determine the expedited off sales review application within 28 days of receipt of the application. Must review the interim steps applied, consider all relevant representations. (Including representations from 'other persons')

The licensing authority can only take the same options (as above) for interim steps, as appropriate for the promotion of the objectives. They may consider the final determination to have effect only for a specified period not exceeding 3 months.

The licensing authority must notify the licence holder, the applicant (RA), the chief officer of police, and any other person who made relevant representations of its determination, providing reasons.

The final determination decision does not have effect until the appeal period has expired, or if the decision is appealed against, the time until the appeal is disposed of. However, the interim steps apply during this period and expire when the decision takes effect.

### **Appeal process**

The Committee's interim steps decision and final determination of the application, can be appealed, within 28 days, by the holder of the licence, the RA which served the review application or any other person who made relevant representations in relation to the application.

Where the appeal is against the interim steps, the Magistrates court must hear it within 28 days

## **Business and Planning Act 2020**

### **Summary - Pavement Licences – issued and administered by City Centre Services**

Again to promote economic recovery and growth, the 2020 Act introduced a 'fast track' ability for premises to apply to use prescribed parts of the highway, as external areas for tables and chairs etc. The new provisions are time limited (until 30 September 2021, unless extended by the Secretary of State) and do not repeal any existing legislative provisions which are currently available.

The new provisions are based on the current system under Part 7A of the Highways Act 1980, but is limited to certain premises for certain purposes. It reduces the consultation period to 7 days, with determination within 14 days (or tacitly granted as applied for), and removes the requirement for planning permission for change of use.

To an extent, these changes run alongside (but do not rely upon) the changes to the Licensing Act 2003 as detailed above.

## Cumulative Impact Assessment Statement for the New England and Millfield area of Peterborough

This document is produced in accordance with Section 5A of the Licensing Act 2003

### Background

Peterborough City Council adopted a cumulative impact policy in the area of Millfield New England, locally known as Can-Do, on 17/4/13 which was applicable to all types of licensed premises within the defined boundary. The decision was based on the number of licensed premises in the boundary area had reached or was about to reach saturation. The cumulative impact of the saturation of licensed premises was having a negative impact on the four licensing objectives.

The policy was reviewed and subject to consultation in 2015, where it was determined to retain the cumulative impact policy for the defined boundary of Can-Do, as the saturation of licensed premises continued to have a negative impact on the four objectives and residents in the locality.

### Current

A further review and consultation was carried out between 6 August 2018 to 23 September 2018 which invited comments and responses on the future of the policy.

The Licensing Committee convened on the 18 October 2018 and considered all responses and evidence made available (orally and in writing) and determined to retain the cumulative impact policy as the licensing authority considers that the number of premises licenses and/or club premises certificates in the defined boundary is such that it is likely that granting further licenses would be inconsistent with the authority's duty to promote the licensing objectives.

Further details including responses and minutes of the meeting can be found on the following link <https://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=142&MId=4159&Ver=4>

### Evidence

#### Licensed premises in the defined Can-Do cumulative impact boundary

At the time of the review and determination by the licensing authority, there were approximately 100 licensed premises within the defined boundary. Of these 100 there were approximately:

- 14 premises licensed for consumption of alcohol on the premises
- 35 premises licensed for off sales of alcohol
- 24 premises licensed for on and off sales of alcohol
- 27 premises licensed with no alcohol provision

#### Numbers of licensed premises at the start of consultation 19 August 2020

There are approximately 85 licensed premises within the defined boundary. Of these 85, approximately:

- 18 premises licensed for the consumption of alcohol on the premises
- 30 premises licensed for off sales of alcohol
- 19 premises licensed for on and off sales of alcohol
- 18 premises licensed with no alcohol provision

The licensing authority considers that the defined area remains saturated with licensed premises which, cumulatively is having a negative impact on the licensing objectives and residents.

### Public health

In making it's determination the licensing authority considered the public health evidence, which shows that Peterborough has statistically significantly higher rates of:

- Hospital admissions for alcohol-related conditions in under 40s (all persons and males only)

- Hospital admissions as a result of intentional self-poisoning by and exposure to alcohol conditions (all persons, males only and females only)
- Hospital admissions for alcohol-related cardiovascular disease conditions (all persons, males only and females only)
- Alcohol related road traffic accidents
- The volume of pure alcohol sold through the off trade is statistically significantly higher in Peterborough than in England. In Peterborough, the crude rate of such sales is 7.2 litres per adult, compared to the national average of 5.5 litres.

Peterborough is the only area within the East of England region to have a statistically significantly high directly age-standardised rate of hospital admission episodes for alcohol-related conditions in under 40s for all persons and males.

A considerable body of research examines the relationship between alcohol outlet density and alcohol – related harms. This shows that areas with more deprivation tend to have greater alcohol outlet density, which means that regulating the local availability of alcohol has the potential to reduce health inequalities, which supports the use of the cumulative impact policy in the Can-Do area, which has high levels of deprivation.

The socio-economic issues including relatively high rates of relative deprivation in the defined boundary remain a concern. Alcohol is known to be a cause of over 200 health conditions and has a number of social negative impacts, including loss of earnings or unemployment, family or relationship problems and problems with the law. Many of these harms affect both the drinker and those around them, including families, friends and strangers.

NICE guidelines recommend that a cumulative impact policy should be used where an area is saturated with licensed premises and the evidence suggests that additional premises may affect the licensing objectives.

#### **Current issues in the defined Can-Do cumulative impact area**

The ‘Can-Do’ programme was launched in September 2011, it was a ten year vision jointly led by Peterborough City Council and Cambridgeshire Constabulary, to tackle the many challenges faced in the area and bring about transformational change to improve the quality of life, outlook and aspirations of local people. The programme took a holistic view of the identified issues, and provided a framework to ensure all resources and services available were co-ordinated and effectively delivered appropriately, to meet the needs of the community.

The defined Can-Do boundary includes Gladstone, Millfield and New England communities. These three adjacent neighbourhoods span the Central, North and Park wards of Peterborough. The population has increased significantly and is typically the focal point for many new arrival residents and economic migrants. The area has a disproportionate level of social challenges, is residentially overcrowded has poor housing stock and high levels of HMOs, with a community that is becoming increasingly fragmented with inherent tensions.

Lincoln Road is the main traffic route and is continually choked with traffic. The saturation of licensed premises in this area has contributed to issues of anti-social behaviour directly affecting the health and wellbeing of residents, leaving them feeling unsafe. The area has the highest density in terms of number of premises selling alcohol in proximity to residential dwellings in Peterborough.

Outreach projects have engaged with the general public including people drinking on the streets of the area and have identified key learning points, such as:

- Drinking in public places is a social norm for many young Eastern Europeans
- Mistrust of statutory services among some recent arrivals

Community groups have been established and are working together on the challenges to bring about positive change to the area for those who reside and work there. Public feedback and information from



community groups indicate that alcohol related problems and alcohol related anti-social behaviour is vastly under-reported. This can be attributed to lack of English language skills and a mistrust of authority.

Ward Councillors and community groups representing businesses and residents in the area, indicate that the density of outlets selling alcohol in the Can-Do area contributes significantly to volatility and anti-social behaviour and negatively impacts on all four licensing objectives. Residents state that they fear to go out late at night. The presence of drunk individuals whose behaviour is aggressive and unpredictable can be intimidating for residents.

Issues of alcohol related litter, anti-social behaviour such as toileting in resident's gardens, noise disturbance such as rowdy behaviour, shouting and fighting are regularly witnessed and reported to ward councillors and community groups. It also negatively impacts on the use of public areas, children's play areas and green spaces such as Victoria Gardens. Such issues can seriously affect children's general wellbeing, sleep and sense of security.

Local residents expect ward councillors, the licensing authority and the council as a whole to take action, and be seen to take action to improve the lives and wellbeing of all those living and working in this area.

**Other measures in place.**

The Can-Do area has been prone to suffer from the effects of alcohol related anti-social behaviour for many years. A Designated Public Places Order (DPPO) was initially implemented in 2007 and was extended in 2011. This was replaced with a Public Spaces Protection Order (PSPO) in June 2017.

The frequency of cleansing for streets and open spaces in the Can-Do area is significantly higher in comparison to other areas of the city. This is partly attributable to the amount of alcohol related litter (bottles, cans) which pose a safety risk and degrade the area.

Partnership working involving the Licensing Authority, Cambridgeshire Constabulary, Trading Standards, UKBA and HMRC and other responsible authorities, continues with a view to improving the standards and compliance with general law in the Can-Do area. Enforcement action has been taken against individual premises which have failed to operate in accordance with legislation and conditions of their licences. This work continues.

**In conclusion.**

The cumulative impact policy allows greater scrutiny of applications, this has resulted in more considered applications with appropriate conditions being served on the authority. Where applications have been made which have demonstrated that the grant of the application will not further negatively impact on the objectives, the licence has been granted.

The licensing authority and the council need to restore and nurture the community's confidence and trust as the area does continue to present a number of complex, multi-layered challenges. The saturation of licensed premises remains one of those challenges. The imminent introduction of the Peterborough Integration Strategy, of which the Can-Do programme is integral, that the Peterborough Together Partnership is developing will bring many new opportunities to achieve this and has secured £7.5m of capital investment for the area.

Signed by .....  
Chair of the Licensing Committee

Date.....