

Committee(s):	Date(s):	Item no.
Licensing	19/04/2010	
Subject: Licensing Act 2003: Review of Statement of Licensing Policy	Public	
Report of: Director of Environmental Services	For Decision	
<p style="text-align: center;"><u>Summary</u></p> <p>The City of London Corporation in its capacity as Licensing Authority published its first statutory statement of licensing policy under the Licensing Act 2003 in January 2005. A subsequent review was published in January 2008.</p> <p>The current legislation requires that all licensing authorities review their policies every 3 years. During the spring and summer of this year consultation using letters, meetings, City publications and our City website will be undertaken with Members, Residents groups, the trade, responsible authorities, neighbouring London Boroughs and other interested parties to publicise and elicit responses concerning the policy review</p> <p>The text of the current statement of licensing policy will be reviewed and changed to reflect the relevant concerns and comments received, and the Policy amended as appropriate in accordance with the Licensing Objectives. The revised Policy will then be brought back for final discussion and agreement by your Committee for the required adoption date of January 2011.</p> <p>Recommendations</p> <p>It is recommended that your Committee:-</p> <ul style="list-style-type: none">• That Members note the requirement to review the current Policy• Agree the time table and methodology suggested here towards recommending any amendments to the current policy, in light of the consultation responses, and to determine the final text of the Statement of Licensing Policy.• That Licensing Committee recommends the final policy document to Common Council for agreement to be effective from January 2011.		

Background

1. As part of the implementation of the Licensing Act 2003 the City of London Corporation, in its capacity as Licensing Authority published its first statement of licensing principles. This document was drafted during 2004 and the text was agreed by your Committee in November of that year. Final approval by Common Council was granted the following month with the document being formally published on the statutory day of 7 January 2005.
2. The legislation states that licensing authorities must review and republish the statement of licensing policy every three years. A subsequent review was undertaken and agreed by your Committee to reflect that the new period that commenced on 7 January 2008.
3. After consideration, the Government decided that the three year mandatory review period should remain, so a further review is now necessary. This must be completed by January 2011

Current Position

4. The licensing statement provides transparency for everyone, including local residents and applicants for licenses, who will be able to refer to the statement when making representations or when preparing their applications. The Government recommend that it should also describe how the licensing authority's approach to licensing will be integrated with local council planning, crime prevention, transport and cultural strategies and any action plan or strategy for the management of the evening economy. The statements should also avoid duplicating other requirements e.g. health and safety regulations which already place a range of general duties on employers and license holders.
5. The City will seek views from any interested parties, but must consult the following:-
 - (i) The chief officer of police for the City of London licensing authority's area
 - (ii) The fire authority for the City
 - (iii) Representatives of holders of premises licenses issued by the City
 - (iv) Representatives of holders of club premises certificates issued by the City

- (v) Representatives of holders of personal licenses issued by that authority
 - (vi) Representatives of businesses and residents in the City
- 6. No indications have been formally received regarding the need for changes to the existing Statement of Licensing Policy prior to this consultation starting. However there are recent changes from Central Government, including mandatory conditions, that may need to be considered and now is the appropriate time to seek views on whether any changes are necessary or desirable.

Options

- 7. Once the consultation has been undertaken the responses should be considered and the Statement of Licensing Policy reviewed in light of these. Subsequently this will need to be agreed by Licensing Committee and then confirmed by the Court of Common Council. This is a mandatory process to comply with statutory requirement. The policy will be amended to ensure that it complies with Government policy and guidance, but also takes into account comments that are in line with the licensing objectives. Two options are considered as possible as outcomes of this process:
 - (i) the consultation and review may find that no changes are necessary for the current Policy, but this is highly unlikely in the light of legislative changes applied recently by Central Government or,
 - (ii) the consultation and review process recommend changes to the current Statement of Licensing Policy to update it in accordance with both government policy, legislative change and guidance as well as any evidence or changes considered necessary with respect to the City.

Proposals

- 8. It is suggested that, as with previous consultations, the consultees set out in paragraph 4 are written to asking for their comment on any changes they would wish to see incorporated into the review of City Licensing Policy Statement. This process will start in May 2010.
- 9. The form of the request will be general and will be amended on the basis of discussion and direction by your Committee. It is currently intended to ask for comment on; the existing policy, the Hadfield Report commissioned by

the City (which is the subject of a separate report to your Committee) and any item agreed during discussion at Committee.

In addition I propose the following:

10. That officers hold meetings with internal City Departments and the external interested parties to publicise the review and seek comments. The review process will also be promoted in City of London publications and its web site.
11. A working panel of officers and members be set up to consider the response to comments received and any changes to the new Policy Statement. The membership of this to be agreed in consultation with the Chairman and Deputy Chairman of the Licensing Committee.
12. The working panel will produce an updated document as a proposed Statement of Licensing Policy 2011 based on responses from the consultation process. This proposed Statement will then be presented to your Committee in the autumn of 2010 when any further changes can be considered.
13. The Licensing Committee put forward its recommendation to any other Committees as considered necessary on the advice of the Town Clerk's Department, followed by submission of the Statement of Licensing Policy to the Court of Common Council by December 2011.

Financial and Risk Implications

14. The work is already carried out by the Licensing team in Environmental Health and Public Protection and the net cost is minimal except for the cost of publication. Changes to policy may have resource implications and the Chamberlain will be consulted on the when the final draft is produced.

Legal Implications

15. The Comptroller and City Solicitor will also be consulted to advise on the legal implications of any proposed revisions.

Strategic Implications

16. This reports supports the City's Sustainable Community Strategy theme '....is safer and stronger' specifically supporting the objective 'to minimise any aspects of the emerging night time economy which are detrimental to the City, whilst continuing to support a vibrant and culturally rich environment'. This will be achieved by suggesting any useful

improvements to strategic and operational policy that arises as part of this process.

Consultees

17. No other Departments, or external interested parties have yet been directly consulted in relation to this preliminary report but relevant City Departments will be consulted as interested parties and their views incorporated into this process

Conclusion

18. The City of London Corporation is required by the Licensing Act 2003 to review its Statement of Licensing Policy of January 2008 and republish in January 2011.
19. This report introduces the proposed methodology and timescale to consult interested parties on the previous policy which will enable a revised Statement of Licensing Policy to be issued in accordance with the statutory timescale.

Background Papers:

Previous Licensing Policy January 2008

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