

Committee(s):	Date(s):	
Licensing Court of Common Council	14 January 2013 17 January 2013	
Subject: Licensing Act 2003: Review of Statement of Licensing Policy		Public
Report of: Director of Markets and Consumer Protection		For Decision

Summary

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 and again in January 2011.

Although not statutorily due for a further review until 2016 it was felt that due to changes in the Corporation's policies and procedures, the introduction of a new code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

The consultation period for the revised draft text of the Policy finished on Friday 21 December 2012. Six responses to the consultation were received. Their concerns and comments have been taken into account in a revised policy text attached to this report.

Recommendations

It is recommended that your Committee:-

- Consider the recommended amendments to the draft 2013 Statement of Licensing Policy in light of the consultation responses and determine the final text.
- Recommend the policy document to Common Council for their approval.

Main Report

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 agreed by your Committee in November 2004. 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 stated 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 the new period that commenced in January 2008 and again in January 2011.

3. The Licensing Act 2003 was amended in April 2012 which extended the period between policy reviews from three to five years. The current City Corporation Policy is therefore not due for review until 2016.
4. However, since the current Statement of Licensing Policy was adopted in January 2011 there have been significant changes to the Licensing Act 2003 which should be reflected in the text of the Policy.
5. Further, there have been significant changes within the policies and procedures carried out by the Licensing Service including the imminent introduction of a Code of Practice and risk assessment scheme, the active encouragement of pre-application meetings, a reiteration of the importance for applicants to provide a complete and meaningful operating schedule and a total revision of the 'Pool of Conditions' used to advise applicants of the type of condition the City Corporation feel appropriate to include on a premises licence. All the above changes should be incorporated within the Statement of Licensing Policy.
6. The licensing policy provides transparency for everyone, including local residents and applicants for premises licenses, who will be able to refer to the statement when making representations or when preparing their applications. The Government recommend that the policy 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.
7. The text of the current policy was amended to reflect the changes made since its last adoption whilst still meeting the above criteria. The amended text was put before this Committee on 22 October 2012 and agreed for consultation. The consultation document is attached to this report as Appendix 1.
8. The main changes to the current Policy were as follows:
 - Updated references to the Corporation's UDP (paragraphs 3 and 4)
 - Amended text to reflect recent legislative changes (throughout). For example the term 'necessary' has been replaced with the term 'appropriate' and 'interested parties' has been replaced with 'other persons'.
 - Updated references to regulated entertainment and live music.

- References to changes in Corporate Policy in relation to the introduction of pre-application meetings and the Code of Practice (paragraphs 30 and 31)
- References to emphasise the importance of fully completing an application's operating schedule (paragraph 29)
- Details of a change in how an application is to be advertised (paragraph 47)
- Details of how representations will be considered (paragraph 48)

Consultation

9. The consultation period ran from 9 November 2012 until 21 December 2012. During that period the licensing service received six comments. Two were from residents, two from responsible authorities and two from members. The comments are attached as Appendix 2.
10. The comments received have been examined and a revised text of the Statement of Licensing Policy 2013 has been produced to take into account their concerns and general points where felt necessary. A copy of the revised text, and that proposed to be agreed to be put before Common Council, is attached as Appendix 3. A note as to how the text has altered since being sent out for consultation can be seen as Appendix 4.
11. When revising its licensing policy it is a legal requirement for a licensing authority to consult the following:-
 - The Chief Officer of Police for the licensing authority's area,
 - The Fire and Rescue Authority for that area,
 - Each Primary Care Trust or Local Health Board for an area any part of which is in the licensing authority's area,
 - Each local authority whose public health functions are exercisable in respect of an area any part of which is in the licensing authority's area,
 - Such persons considered to be representative of holders or premises licences issued by the licensing authority,
 - Such persons considered to be representative of holders of club premises certificates issued by the licensing authority,
 - Such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority,

- Such other persons as the licensing authority considers to be representative of businesses and residents in its area

The City Corporation has fulfilled these statutory obligations as far as its area of jurisdiction is concerned. A complete list of persons consulted can be seen as Appendix 5.

Corporate & Strategic Implications

13. The proposals within this report will meet one of the objectives contained within the Port Health and Public Protection Business Plan for 2012/13, namely, ‘To review the Statement of licensing policy in light of recent changes in legislation and policy.’
14. The licensing policy is also in line with the City’s Core Strategy in protecting amenities of the residential population.

Implications

15. There are no direct financial or risk implications for the Corporation’s services associated with this report. Costs for the publication of the new policy can be met within current budget.
16. However if the risk assessment scheme, which is to run alongside the Code of Practice, is to be fully implemented with every licensed premises being ‘scored’ on a rolling twelve month basis extra resources will be required by the licensing service in order to monitor the scheme and carry out the increase in inspections. This was referred to in another report put before this committee in October 2012 entitled, ‘Licensing Code of Practice’.

Background Papers:

Previous Statement of Licensing Policy - January 2011

Appendices

Appendix 1 – Statement of Licensing Policy 2013 as sent for consultation

Appendix 2 – Comments received during consultation period

Appendix 3 – Revised text of the Licensing Policy (taking into account comments received during consultation)

Appendix 4 – Detailed changes to text of Licensing Policy

Appendix 5 – List of Consultees

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