

Committee(s)	Dated:
Licensing	25 October 2016
Subject: Licensing Act 2003: Review of Statement of Licensing Policy	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Peter Davenport - Licensing	

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. Subsequent reviews were published in January 2008 and again in January 2011 and January 2013.

Although not statutorily due for a further review until 2018 it was felt that due to changes in the Corporation's policies and procedures, improvements to the 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 text of the Policy finished on Thursday 29 September 2016. Three responses to the consultation were received. Their concerns and comments have been taken into account in minor revisions to the Policy attached as an appendix to this report.

Recommendation(s)

Members are asked to:

- Consider the Licensing Policy 2017 in light of the consultation responses and agree 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 in January 2005. 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 was reviewed earlier than the statutory time limit in January 2013 to update it following changes in legislation and internal procedures.
4. However, since the current Statement of Licensing Policy was adopted in January 2013 there have again been significant changes to the Licensing Act 2003 and the policies and procedures operated by the licensing team including improvements to the safety thurst scheme and the introduction of the Late Night Levy. These should all be reflected in the text of the Policy.
5. The licensing policy provides transparency for everyone including local residents and businesses, who will be able to refer to the policy when making representations, and applicants for premises licenses 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.
6. The preparation of the new Policy has also taken into consideration a document produce by the Safe Sociable London Partnership entitled 'Called in for Review: London Statement of Licensing Policies. Lessons Learnt and Future Development'. The document compares Policies from the London Authorities, suggesting the areas that should be included within a Policy and highlighting examples of best practice.
7. The main changes to the policy were as follows:
 - Updated statutory references
 - Amended text to reflex legislative changes
 - References and new sections on the Late Night Levy, Temporary Event Notices and Cumulative impact.
 - Re-ordering the text to make the document more user friendly and easier for members of the public, applicants and current licence holders to find information relevant to their needs.
 - Expanded information on the four licensing objectives particularly, 'the prevention of public nuisance' and 'the protection of children from harm'.

- New sections on licensing hours and how to make an application.

Consultation

8. The consultation period ran from 25 July 2016 until 29 September 2016. During that period the licensing service received four comments. One was from a responsible authority, one was from a Member and two were from residents.
9. The comments received have been examined and a revised text of the Statement of Licensing Policy 2017 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 1. Changes to the Policy since being put before your Committee on 11 July 2016 have been highlighted.
10. 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 of 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.

11. In addition to the above the following persons, or group of persons were also consulted:
 - All Members of the Common Council
 - All members of the Licensing Liaison Partnership
 - A representative sample of businesses
 - A representative sample of licensing legal experts
 - A representative sample of those premises paying the Late Night Levy

Corporate & Strategic Implications

12. The proposals within this report will meet one of the objectives contained within the Licensing Business Plan for 2016/17, namely, 'Produce and publish a revised Statement of Licensing Policy under the Licensing Act 2003.'
13. The licensing policy is also in line with the City's Core Strategy in protecting amenities of the residential population.

Implications

14. 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.

Appendices

- Appendix 1 – Statement of Licensing Policy 2017 (highlighted to reflex changes following consultation)

Background Papers

- Licensing Act 2003 Section 182 Guidance
- Previous Statement of Licensing Policy – January 2013
- Called in for Review – Safe Sociable London Partnership

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