

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Licensing Committee	16 January 2012	
<b>Subject:</b> <b>Licensing Sub-Committee Site Visit Protocol</b>	<b>Public</b>	
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>	
<p style="text-align: center;"><b><u>Summary</u></b></p> <p>At the last meeting of your Committee on 24 October 2011 you agreed that a protocol for site inspections by Sub-Committees should be drafted for consideration at your next meeting.</p> <p>Although there is some information concerning this issue in your Committee’s Public Hearings policy, national guidance recommends that more detailed local guidance should set out the rationale for requiring a site visit, and provide other relevant information.</p> <p>Consequently, a protocol has been drafted that should provide clear guidance to Members and officers as to the criteria that should be considered to determine if a site visit is necessary, and when and how one should be conducted.</p> <p><b>Recommendations</b></p> <ul style="list-style-type: none"><li>• I recommend that, subject to any amendments to meet the views of your Committee, you approve the Licensing Sub-Committee Site Visit Protocol, as contained in the Appendix to this report.</li></ul>		

## **Main Report**

### **Background**

1. At the meeting of your Committee on 24 October 2011 you considered a report of the Town Clerk in connection with Licensing Hearing Procedures. A discussion took place on how hearings should be conducted including the potential for visits to be made to the premises in question.
2. Your Committee discussed site inspections and it was noted that these would only take place when absolutely necessary. It was agreed that a protocol for site inspections would be produced and submitted to the next meeting.
3. Your Committee's policy on public hearings addresses this issue to a limited extent and in section 6 states:

“Site visits may be arranged to premises which are the subject of licence applications to enable Sub-Committee Members to become familiar with the issues to be considered. During the visits, Members will be accompanied by a licensing officer(s) and they should only enquire about and discuss factual matters, avoiding the temptation to put forward their own opinions. They should not, under any circumstances, accept refreshments on the premises or any other gift or offer of hospitality.”

4. There is no statutory guidance concerning site visits, but in January 2010 the Local Authority Coordinators of Regulatory Services (LACORS, now Local Government Regulation) issued guidance on ‘The role of Elected Members in relation to Licensing Committee Hearings under the Licensing Act 2003’.
5. There is a specific paragraph concerning site visits contained in the LACORS guidance which states as follows:

**“Site visits by Sub-Committee members are generally unnecessary and can put the Members and the Licensing Authority at risk of accusations of bias.** If a Licensing Authority believes there might be occasions where visits are required then it would be advised to have set out reasons why this might be the case in local guidance, so that there are clear criteria for justifying any visit, which can be documented. Licensing Authorities would also be advised to have clear guidance as to how the visits are conducted.”

### Current Position

6. As far as can be ascertained, there have only been three visits by a City Corporation Licensing Sub-Committee to a premises. This is in line with other London Boroughs, and a telephone survey of neighbouring authorities produced the following results:

Westminster		Visits have occurred once or twice where the building had yet to be built
Hackney		visit only if a particular problem is perceived ( very uncommon)
Islington		Only once since 2005
Tower Hamlets		no visits at all
Lambeth		No visits
Lewisham		occasionally but not very often

Wandsworth		Never visit
Hereford		Never visit
Manchester		Visits have occurred a couple of times since 2005
Birmingham		Have never visited

7. Most Licensing Authorities do not have specific guidance relating to site visits, but some have included it in guidance to Members and as part of protocols for Sub-Committees. Examples from several other Local Authorities have been considered in the preparation of the City Corporation protocol.

### **Options**

8. Your Committee has already agreed that a protocol is required and this has been drafted on the basis that, in accordance with the LACORS guidance mentioned above, inspections will only be undertaken where the need to do so meets the criteria outlined in the protocol.
9. In accordance with the Public Hearings Policy, the protocol envisages that the main reason for the visit is to ascertain specific factual information that is relevant to the application and which cannot be gleaned in any other way. Ideally, therefore, a visit for this purpose could take place in advance of a hearing if it is possible for arrangements to be made for all Members of the Sub-Committee to attend together.
10. For this reason, the protocol does not include any provision for other interested parties to attend. If there are questions that arise during the course of the visit, these can be raised at the hearing. However, your Committee may wish to consider the merits of interested parties being present, particularly if the inspection occurs following the adjournment of a hearing.
11. The adoption of a more detailed protocol, over and above the information contained in the Public Hearings Policy, will provide clear guidance to Members and officers as to the circumstances when a site visit is necessary, and when and how one should be conducted.

### **Proposals**

12. A protocol has been drafted and may be found in the Appendix to this report. Subject to any amendments that are agreed to meet the views of your Committee, I propose that the protocol should be adopted with immediate effect.

## **Corporate & Strategic Implications**

13. The proposed protocol is in accordance with your Licensing Committee's guidance on Public Hearings.

## **Implications**

14. The Comptroller and City Solicitor has been consulted and his comments are incorporated within the body of this report.

## **Conclusion**

15. The current guidance in relation to site visits by a Sub-Committee is inadequate, so it is recommended that a new protocol is adopted that provides further information for the benefit of Members and officers.

## **Appendix - Draft Licensing Sub-Committee Site Visit Protocol**

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