

City of London Corporation Licensing Sub-Committee Site Visit Protocol

Introduction

LACORS Guidanceⁱ states that site visits by Sub-Committee members are generally unnecessary and can give rise to accusations of bias.

In the event that inspections are considered to be necessary then it is advisable to set out in local guidance the circumstances under which the licensing authority would consider an inspection to be appropriate. This protocol provides the necessary guidance.

When should a visit take place?

Site visits should only be conducted where the Sub-Committee would gain substantial benefit in its consideration of the application, and to obtain factual information about the internal layout of the premises. Criteria that could justify a site visit are as follows:

- Where the application to be considered by the Sub-Committee is factually complicated or contentious and a visit would assist in understanding the issues involved;
- When a site visit would reduce the time required to clarify factual matters such as details of the premises layout – e.g. the impact of the proposed application is difficult to visualise from the plans and any supporting documents, or where the application is to vary the layout of the premises substantially;
- Where a relevant representation makes reference to the layout of the premises and a site visit would assist in assessing the representations;
- At the discretion of the Chairman of the Sub-Committee, in other exceptional circumstances, e.g. where there are matters that have not previously been encountered by Members.

Authorisation of site visits

If the Licensing Team considers that there are grounds for the Sub-Committee to visit a premises, this will be mentioned in the report to the Sub-Committee and the reasons outlined. Wherever possible, the Licensing Team will notify the Sub-Committee Chairman of the circumstances prior to the report being circulated. If the Sub-Committee Chairman agrees that an inspection is required,

he/she will request that the Licensing Manager makes the necessary arrangements in advance of the hearing.

When, on receipt of a report that does not recommend a site visit, a Licensing Sub-Committee Member considers that a site inspection is necessary, he/she will advise the Sub-Committee Chairman accordingly. If he/she concurs, the Sub-Committee Chairman will liaise with the Licensing Manager to arrange a visit of all the Sub-Committee Members to the premises, either in advance of the hearing, or if necessary, following an adjournment of the hearing.

During the visit

If a site visit is required, the procedure below should be followed:

- The visit will be undertaken as a group visit attended by all the Licensing Sub-Committee Members, and its purpose should be confined to that outlined in the report, or as indicated by the Chairman;
- The Licensing Sub-Committee should keep together as a group and not engage individually with any parties;
- The Sub-Committee will be accompanied by a Licensing Officer who may be asked factual questions by Members, but Members should avoid the temptation to put forward their own opinions;
- Details of those present, questions asked and answers given will be recorded by the Licensing Officer;
- No representation from any party shall be heard or accepted on the visit;
- No indication should be given during the visit of the likely outcome of the application;
- Decisions will not be made on the site visits but will be made at the Sub-Committee Hearing in accordance with the City Corporation public hearing procedure;
- Members should not, under any circumstances, accept refreshments on the premises or any other gift or offer of hospitality.

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ⁱ “LACORS Guidance: The Role of Elected members in Relation to Licensing Committee Hearings under the Licensing Act 2003” (January 2010 update)