

Committee(s):	Date(s):	
Licensing	22 October 2012	
Subject: Licensing Code of Practice	Public	
Report of: Director of Markets and Consumer Protection	For Decision	

### **Summary**

In order to ensure that the night time economy does not conflict with the rights of residents and other members of the public to enjoy their lives in safety and without nuisance, the report recommends the introduction of a code of practice and risk assessment scheme, which will supplement the formal statement of licensing policy.

The Code gives guidance on how to promote the four licensing objectives and will be taken into account by the licensing authority in such matters as hearings and reviews.

The Assessment scheme will allocate points to premises dependent on a number of incidents. As the business accumulates points it will trigger action points for the responsible authorities to intervene. If the business accumulates a certain number of points it opens itself to a formal review of its licence.

If agreed it is the intention of the licensing service to launch the code and scheme in early 2013 for full implementation by April 2013.

### **Recommendations**

It is recommended that your Committee:-

- Agree the Code of Practice and Risk Assessment Scheme as presented in the appendices to this report be implemented in April 2013 (subject to considerations arising from the consultation).
- Agree that the code and scheme be launched by February 2013.

### **Main Report**

#### **Background**

1. The Licensing Act 2003 (the 'Act') focuses on the promotion of four statutory licensing objectives which must be addressed when licensing functions are undertaken namely, The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
2. However, very little is done to ensure that these objectives are being fully considered before the point that something goes wrong whether that is a complaint about noise, a reported crime or something found during a

routine inspection. Consequently the number of complaints about licensed premises are increasing as are the number of hearings and reviews.

3. Steps have been recently taken to emphasise the importance of a premises licence application form's operating schedule and the encouragement of pre-application meetings. The introduction of a code of practice (the 'code') is another proactive strategy aimed at reducing problems with licensed premises and ensuring that the night time economy does not interfere with the rights of local residents to enjoy their lives, particularly during the early hours of the morning.

### **Current Position**

4. The aim of the code is to provide applicants and licence holders with guidance on good practice with the promotion of the four licensing objectives of paramount importance and to supplement the formal statement of licensing policy.
5. The code outlines what the City of London licensing authority partners expect in practical terms from applicants when completing their operating schedules and from licence holders when operating their premises under the terms of their licence. A copy of the draft code can be seen as Appendix I.
6. Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held. The code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment.
7. The Corporation expects applicants of premises licences to have regard to the code when completing their operating schedule and for licences holders to have regard ensuring a 'well run' premises. Although the code is not a statutory document it is intended that it will be taken into consideration by the licensing authority:
  - When responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule
  - As a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and to avoid further problems
  - For the review of licenses where there is evidence that licensees have not promoted the licensing objectives
8. A risk assessment scheme for licensed premises will operate in conjunction with the code to provide a simple but effective monitoring tool which

brings together the findings of the licensing authority, other responsible authorities and members of the public.

9. Information will be collected from all possible sources to provide a comprehensive overview of problems occurring at licensed premises in the City of London. Information will be particularly collected from the Police, The City's Environmental Health (pollution team) and Trading Standards service, fire authorities and members of the public. All relevant incidents will carry penalty points on a sliding scale depending on the severity of the incident.
10. When a premises reaches a certain number of points it will move from its starting point of being in a green zone through amber to red as the number of points accumulate.
11. When a premises moves into an amber zone it will be contacted by the licensing authority and/or other responsible authority to encourage a self assessment and to draw up an action plan based around the principles of the code.
12. If the premises continues to accumulate points and moves into the red zone it is a clear sign that the licensing objectives are being undermined and immediate action is required from the licence holder. Further action will attempt to bring the number of points down and thus move the premises back down to amber and eventually green. Failure to achieve that will open the premises to the risk of a review. Full details of the risk assessment scheme can be seen as Appendix II.
13. Both the Code and the Assessment Scheme are currently out for consultation until the 16 October 2012.

### **Proposals**

14. An updated report will be presented to this committee with the results of the consultation along with suggestions for any amendments to the code or scheme.
15. If agreed, the code and scheme to be launched in January/February 2013 to members of the licensed profession. The complete package to be fully implemented in April 2013.

### **Corporate & Strategic Implications**

16. The code of practice and risk assessment scheme is in line with the City's Core Strategy in protecting amenities of the residential population.

### **Implications**

17. To fully implement the code and risk assessment scheme an increase in resources will be required. Every licensed premises will be 'scored' on a rolling twelve month basis along with the necessary administration. The

number of premises inspected will increase from current levels along with the necessary liaison with other responsible authorities.

18. The increase in resources can be funded either from the Late Night Levy if implemented or a slight increase in licence fees in 2013 following an amendment to the Licensing Act 2003 which permits the licensing authority to charge a fee based on full cost recovery.

### **Background Papers:**

### **Appendices**

*Appendix I – Licensing Code of Practice*

*Appendix II – Licensing Risk Assessment Scheme*

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