

Committee(s)	Dated:
Licensing Committee	14 July 2021
Subject: Licensing Act 2003: Review of Statement of Licensing Policy	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1,2,4,5,12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain's Department?	n/a
Report of: Director of Markets & 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, 2013, 2016 and 2017.

The next statutory review is due to be published in January 2022. The main amendments have been to update legislative changes and to recognise the effects of the COVID pandemic and actions that can be taken to mitigate terrorist activity.

The revised draft text of the Policy is appended to this report with a timescale for consultation and publication. Following consultation, the revised final Policy will be brought back for final discussion and agreement by your Committee on 13 October 2021 before formal adoption by the Court of Common Council.

Appendices to the Policy have not been included in this report as they have not altered, and they are documents this Committee will be familiar with. The one exception being the addition of the AI Fresco policy to assist the granting of permission to place tables and chairs on the highway by way of a pavement licence. Links to these documents will be provided to this Committee although the full text will be included in the consultation.

Recommendation(s)

Members are asked to:

- Agree the timetable and methodology to determine the final text and adoption of the Statement of Licensing Policy

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 2016 and again in January 2017 to reflect changes in legislation and internal procedures.
4. The next policy is due for publication no later than January 2022.

Current Position

5. The licensing policy provides transparency for everyone including local residents and businesses who will be able to refer to the policy when making, for example, representations. The policy can be used by applicants when applying for a premises licenses, or an amendment to an existing licence.
6. 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 has been amended to reflect the changes made since its last adoption whilst still meeting the above criteria. It is attached to this report as Appendix 1.
8. The main changes to the policy are as follows:
 - A change of layout to make it easier to read and refer to when necessary
 - Changed text to reflect recent legislative changes
 - New paragraphs and referrals on counter terrorism and the effects of the COVID pandemic
 - Temporary legislative changes introduced by COVID legislation

Proposals

9. 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 will fulfil these statutory obligations as far as its area of jurisdiction is concerned.

10. Consultees will be sent a copy of the amended policy and asked if there are any changes they would like to see incorporated. The consultation period will commence on Friday 16 July 2021 and finish on Friday 8 October 2021. In addition to those persons mentioned above, details of the consultation will be placed on the Corporation's web site with a full list of consultees added to the final policy as an appendix.
11. Once the consultation is complete the responses will be considered, and the Statement of Licensing Policy further amended where considered appropriate. The final report will then go before your committee on 13 October 2021 for final agreement and then be formally adopted by the Court of Common Council on 8 December 2021. This is a mandatory process to comply with statutory requirements.

Financial Implications

12. 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.

Conclusion

13. The Statement of Licensing Policy intended for publication in January 2022 amends and updates the previous policy to include legislative changes, acknowledging the occurrence of terrorist activity and the effects of the COVID pandemic.
14. The methodology for consultation meets the statutory requirements of the Licensing Act 2003 with the length of the consultation period meeting the Government's Code of Practice on Consultation.

Appendices

- Appendix 1 – Statement of Licensing Policy 2022
- Appendix 2 – Marked changes from previous Policy

Background Papers

- Licensing Act 2003 Section 182 Guidance
- Code of Practice on Consultation (H M Government)

Peter Davenport

Licensing Manager

T: 07718 120721

E: peter.davenport@cityoflondon.gov.uk