

Report – Licensing Committee

Review of Statement of Licensing Policy - Licensing Act 2003

To be presented on Thursday, 9th December 2021

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

The City of London Corporation, in its capacity as Licensing Authority, is required to publish its statutory Statement of Licensing Policy under the Licensing Act 2003. The next Policy is to be published by the end of January 2022. It was felt that the existing Policy did not require a major overhaul and amendments have been made to cover legislative changes to the Licensing Act 2003 and to recognise the effects of the recent pandemic and how that is affecting, and may continue to affect, licensed premises.

The Policy has also been revised to include the effects on licensed premises of issues that are more prevalent today or issues where people's perceptions have changed and are more in the public eye than five years ago. These include steps to mitigate terrorist activity and steps that can be taken to assist vulnerable people.

The consultation period for the revised text of the Policy finished on Friday 8 October 2021. In addition to comments from Members of the Licensing Committee, four responses to the consultation were received. Their concerns and comments have been taken into account in the revised Policy, which was approved by the Committee on 13 October; however, at that meeting it was noted that further feedback concerning suicide awareness (which should be incorporated) had not yet been received from Public Health Officers, and thus was not able to be included in time for the Licensing Committee to review within the new Licensing Policy. Members therefore agreed the Policy in principle, subject to the inclusion of health and safety commentary, to be reviewed by the Town Clerk under delegated authority, in consultation with the Chairman and Deputy Chairman, for final approval and onward submission to the Court.

The outstanding information has now been received and the final Policy is presented to the court for approval.

RECOMMENDATION

We **recommend** that the revised Statement of Licensing Policy, as set out at Appendix 1, be approved for adoption.

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 the Court of Common Council in December 2004 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 the Court of Common Council 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 thrust 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 produced 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. 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 the Licensing 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.

8. 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 the Licensing Committee to reflect the new period that commenced in January 2008 and again in January 2011.
9. 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. The latest Policy was published in January 2018.
10. Since the current Statement of Licensing Policy was adopted there have again been changes to the Licensing Act 2003 and the policies and procedures operated by the licensing team. One of these major changes follows the unprecedented COVID pandemic and the effects this will continue to have on licensed premises. These effects should all be reflected in the text of the Policy.
11. In recent years the subject of mental health has been more openly talked about along with the issues affecting vulnerable persons in general. Licensed premises can play a part, albeit small, in training staff to recognise these issues and again, this is reflected in the new Policy.
12. Finally, the introduction of pavement licences to assist businesses in the COVID recovery period has brought the threat of terrorist activity to the fore. Guidelines issued by NaCTSO (National Counter Terrorism Security Officer) together with CPNI (The Centre for the Protection of the National Infrastructure) and the Metropolitan Police Service, lay down measures to help mitigate terrorist activity in relation to Pavement Licence Applications. As the majority of Pavement Licence Applications come from licensed premises these guidelines have been included within the new Policy.
13. 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 when preparing their premises licence 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.
14. The preparation of the 2018 Policy took into consideration a document produced 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. There has not been seen to be a need to change our approach to the new 2022 Policy.

15. The main changes to the policy are therefore as follows:

- Updated statutory references
- Amended text to reflect legislative changes
- References to Counter Terrorism and Vulnerable persons.
- Steps that can be taken to assist licensed premises during this post pandemic period.
- Minor changes to the layout to assist users of the Policy.

Consultation

16. The consultation period ran from 16 July 2021 until 8 October 2021. During that period the licensing service received four comments in addition to comments from Members of the Licensing Committee. One was from a responsible authority and three were from other Corporation services.

17. The comments received were examined and a revised text of the Statement of Licensing Policy 2022 produced to take into account their concerns and general points where felt necessary. A copy is attached as Appendix 1.

18. 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.

19. 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

Corporate & Strategic Implications

20. The proposals within this report will meet one of the objectives contained within the Licensing Business Plan for 2021/22, namely, 'Publish New Licensing policy'.
21. The licensing policy is also in line with all three of the City's Core Strategy Aims namely, contribute to a Flourishing Society, Shape outstanding Environments and Support a Thriving Economy.

Implications

22. 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 budgets.

Appendices

- Appendix 1 – Statement of Licensing Policy 2022

All of which we submit to the judgement of this Honourable Court.

DATED this 23rd day of November 2021.

SIGNED on behalf of the Committee.

Sophie Ann Fernandes
Chairman, Licensing Committee