

Committee(s):	Date(s):	
Reference Sub (Licensing) Committee Licensing Committee	13 July 2012 16 July 2012	
Subject: Code of Practice for Licensed Premises	Public	
Report of: Director of Markets and Consumer Protection	For Decision	
<u>Summary</u>		
<p>This report introduces initial ideas for a Code of Practice for licensed premises as requested by Members. The report has opted for a set of standards which the City Corporation feel should apply to all licensed premises in the City of London.</p> <p>The Code is linked with the City Corporation’s Licensing Policy and also introduces a risk assessment scheme for enforcement purposes. Where premises do not meet the necessary standards they will be scored on a ‘traffic light’ scale. When a premises is ‘amber’ rated the Licensing Service, and/or other responsible authorities, will meet with the licence holder and attempt to resolve any issues. Where a premises is ‘red’ rated it is open to review where appropriate.</p> <p>The report recommends a draft version of the Code be sent to various stakeholders for consultation with a final draft to this committee for recommendation in October 2012.</p>		
<u>Recommendations</u>		
I recommend that Members agree to the proposals outlined in paragraphs 15-18.		

Main Report

Background

1. There has been recognition by Members and officers that licensed premises within the City of London should abide by a set of standards/rules in addition to those set out in the Corporation’s Licensing Policy and what can legally be achieved by way of conditions placed on a licence.
2. This culminated in a statement included in the ‘Memorandum of Understanding (MOU) between the Markets & Consumer protection Department, Public Protection Service (PPS) and the City of London Police (CoLP)’ signed on 10 November 2011.

3. The MOU requires that the above teams cooperate to ensure the promotion of the licensing objectives and that premises are managed in accordance with the Corporation's Licensing Policy. In order to formalise this approach the following document is to be developed:

‘A joint code of good practice for licensed premises that outlines what is expected in practical terms where this is not explicit in the City's Statement of Licensing Policy or in the conditions attached to individual licences.’

4. The format of the Code of Practice was discussed at a meeting of the Licensing Liaison Partnership held on 21 May 2012. Although nothing specific was suggested the discussion was sufficient for officers of the licensing service to commence putting together an outline Code.

Progress to Date

5. The Licensing Team believe that any Code should not rely on a ‘buy in’ from premises, as with the Safety Thirst scheme, but should set standards applicable to all licensed premises within the City of London. There may, however, have to be a way of assessing and scoring different types of premises/standards as the criteria applicable, for example, to a nightclub will not necessarily apply to a restaurant.
6. It is likely that premises will be categorised for example Night Club, Public House, Restaurant etc., with each of the Code's standards being suffixed by an appropriate letter representing the applicable category of premises.
7. Further, it was felt that this was an opportunity to link standards with an enforcement risk assessment. This will give the licensing team a basis for carrying out inspections and justification for bringing reviews when a premises operates in a manner which is not in compliance with the standards recommended in the Code of Practice.
8. It is the intention that the Code will have the following features:
 - A set of standards applicable to all licensed premises for each of the four licensing objectives.
 - Standards in each of the four sections that will be deemed to be the minimum the Corporation feels appropriate for licensed premises to adhere to.
 - A point scoring system associated with the standards based on non-compliance, although it will be feasible for a premises to comply with the standards but still to accumulate points e.g. a particular premises may implement all recommended measures to prevent

public nuisance but still can not stop patrons leaving from shouting in the street.

- The use of a traffic light system of risk assessment for each of the licensed premises.
9. The standards will be linked to The City Corporation's Licensing Policy and will cover such areas as staff training, liaison with responsible authorities, safety of customers, obstruction of the highway, dispersal of patrons etc. Some of the standards will cover topics already referred to in the Licensing Policy which will emphasise those topics that are considered important.
 10. The standards will also be linked with the City Corporation's Safety Thirst scheme and will ensure that premises will not be rewarded for meeting Safety Thirst criteria alone, but will also have to meet the standards in the Code of Practice. Work is continuing in order to bring the two schemes closer together if possible.
 11. A first draft of the introduction to the Code and examples of 'crime & disorder' standards are attached as Appendix 1.
 12. The 'risk assessment' scheme will incorporate a scoring system for a number of areas whereby premises can accumulate points if they either fail to meet a standard or carry on an activity that is not conducive to the licensing objectives. For example a premises will accumulate points if they are the subject of justified complaints, receive enforcement notices, or have reported crime.
 13. When a premises reaches a set number of points their status will change from green to amber. At this stage the Licensing service and/or the City of London Police Licensing Team and the City Corporation's Pollution Team will meet with the licence holder and attempt to resolve any issues. The priority will be the promotion of the licensing objectives.
 14. When a premises' status changes to red the licensing authority, in its role as a responsible authority, will consider if a review of the premises is warranted. If the majority of points are gained from areas of crime and disorder or public nuisance, the Police or Environmental Health respectively will be expected to take the lead role for any possible review.

Proposals

15. Officers will continue to develop standards for each of the areas covered by the licensing objectives in line with the example given in Appendix 1. Some standards are to be considered as the minimum required in order to operate a licensed premises within the City of London. These will be clearly marked as such.

16. Criteria for a risk assessment scheme are to be developed with scoring bands set for green, amber and red status. The criteria will be closely linked to the Code's standards.
17. The final draft Code should be sent to stakeholders for consultation during August and September 2012 after input and agreement from the Licensing Reference Sub Committee. The stakeholders will include Members, officers from other services, other responsible authorities, members of the public and licensed premises.
18. Results of the consultation will be collated and incorporated in a report to the Licensing Committee in October 2012.

Corporate & Strategic Implications

19. The above action meets the requirements of the Markets and Consumer Protection Enforcement Policy for Public Protection.
20. Reference to the Code of Practice will need to be incorporated in an amendment to the Corporation's Statement of Licensing Policy 2011.

Implications

21. The legal implications have been addressed in consultation with the Comptroller and City Solicitor's Department. There are no direct financial implications to this report.

Appendices

1. Example layout for Code of Practice

Contact:

Peter Davenport, 020 7332 3227

peter.davenport@cityoflondon.gov.uk