

Committee(s)	Dated:
Licensing	11 July 2016
Subject: Licensing Act 2003: Review of Statement of Licensing Policy	Public
Report of: Director of Markets and 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 and January 2013.

Although not statutorily due for a further review until 2018 it was felt that due to changes in the Corporation's policies and procedures, improvements to the code of practice and major legislative changes to the Licensing Act 2003 there was a need to revise and update the Statement of Licensing Policy sooner.

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 26 October 2016.

Appendices to the Policy have not been included in this report as they have not changed and are documents you will be familiar with. They will be included in the consultation and future reports to your Committee.

Recommendation(s)

Members are asked to:

- Agree the draft Licensing Policy for consultation.
- Agree the time table 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 to update it following changes in legislation and internal procedures.
4. However, since the current Statement of Licensing Policy was adopted in January 2016 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 third scheme. These should all be reflected in the text of the Policy.

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 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 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.
7. The main changes to the policy are as follows:
 - A change of layout to make it easier to find areas of interest to the reader

- Changed text to reflect recent legislative changes (throughout)
- New sections on cumulative impact, late night levy and licensing hours
- Greater in-depth information on TENs
- Further emphasise on the importance of fully completing an application's operating schedule

Proposals

8. 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.

9. Consultees will be sent a copy of the amended policy and asked if there are any changes they would like to see incorporated. This process will start on Thursday July 21 2016 and finish on Thursday September 29 2016. In addition to those persons mentioned above, details of the consultation will be placed on the Corporation's web site.
10. Once the consultation is complete the responses will be considered and the Statement of Licensing Policy further amended where considered appropriate. A copy of this amended policy will be sent to the Licensing Reference Sub-Committee for their comments and to finalise any text.

11. The final report will then go before your committee on 26 October 2016 for final agreement and then be formally adopted by the Court of Common Council on 8 December 2016. This is a mandatory process to comply with statutory requirements.

Corporate & Strategic Implications

12. The proposals within this report will meet one of the objectives contained within the Licensing Business Plan for 2016/17, namely, 'Produce and publish a revised Statement of Licensing Policy under the Licensing Act 2003.'
13. The licensing policy is also in line with the City's Core Strategy in protecting amenities of the residential population.

Implications

14. 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.

Appendices

- Appendix 1 – Statement of Licensing Policy 2017

Background Papers

- Licensing Act 2003 Section 182 Guidance

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