

REPORT TO:	LICENSING COMMITTEE 23 NOVEMBER 2017
SUBJECT:	LICENSING ACT 2003 – REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY
LEAD OFFICER:	Executive Director, Place Department
CABINET MEMBER:	Cllr. Hamida Ali, Cabinet Member for Communities, Safety & Justice
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT:	
FINANCIAL SUMMARY:	
<p>The Licensing Act 2003 became fully operational on 24 November 2005. The local authority has been processing applications with regard to this legislation since 7 February 2005, which was the start of the conversion period under the Act.</p> <p>There are no financial implications associated with this report, save for those set out in the body of the report with regard to decision making by the Licensing Sub-Committee, the substantive licensing committee and full Council.</p> <p>The costs of administering the functions associated with this report will be met from existing resources.</p>	
FORWARD PLAN KEY DECISION REFERENCE NO.:	

For general release

<p>1. RECOMMENDATIONS</p> <p>The Committee is asked to:</p> <p>1.1. Consider the outcome of the consultation on the review of Licensing Policy and proposed revisions to that Policy.</p> <p>1.2 Recommend the adoption of the revised Licensing Policy at Appendix 5 to full Council at its meeting on 4 December 2017.</p>

2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 made local authorities, as licensing authorities, responsible for the administration of licences and certificates for:

- The sale/supply of alcohol
- The provision of regulated entertainment and
- The provision of late night refreshment

There are four licensing objectives which underpin the legislation and these are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

All decisions under the Act must be taken with a view to promoting these licensing objectives.

2.2 In addition to processing applications, the Act requires each licensing authority to determine and publish a policy setting out how it will exercise its functions under the Act. The first London Borough of Croydon Licensing Policy was published on 1 December 2004. The Act requires the Council to review & re publish its policy every 5 years but it may also review it at any time within that 5 year period should it see fit.

2.3 The policy was last reviewed in 2013 and re published in January 2014. The Council is therefore not required to review its policy until 2018 but has decided that it wishes to review the policy earlier.

2.4 This report details the consultation undertaken as part of the review and seeks a recommendation to full Council for adoption of the revised policy.

3. DETAIL

3.1 On 2 October 2017, the revised licensing policy was circulated to a number of bodies, together with a covering letter which set out the proposed amendments to the policy. The consultation period was 6 weeks, ending on 13 November 2017. A copy of the revised policy and the covering letter are attached at Appendix 1.

3.2 A list of bodies included in the consultation is attached at Appendix 2. In addition, full details of the review were placed on the 'Get Involved' pages of the Council website and a press release was issued regarding the consultation.

3.3 Written comments were received during the consultation period and a copy of those comments are attached at Appendix 3. A schedule of the specific comments made is attached at Appendix 4 to this report showing where the policy has been changed, or not, as a result of those comments.

3.4 Attached at Appendix 5 is a copy of the draft, updated licensing policy.

4. CONSULTATION

- 4.1 The timetable leading up to the Licensing Policy being re published is as follows:

DATE	ACTION
13.11.17	Deadline for consultation responses.
23.11.17	Licensing Committee
04.12.17	Full Council
04.01.18	Publication

5. FINANCIAL CONSIDERATIONS

1 Revenue and Capital consequences of report recommendations

There are no direct financial implications associated with this report, subject to the risks at 2 & 3 below. This matter is being processed as part of normal duties and therefore the work associated with it is contained within the departmental budget.

2 The Effect of the Decision

Decisions of the Licensing Sub Committee, the substantive licensing committee and full Council may be subject to appeal and/or Judicial Review

3 Risks

An appeal against a decision of the Licensing Sub-Committee or a Judicial Review of the application and/or policy making processes may present financial risks to the Council with regard to any award of costs against it.

4 Options

There are no other options available to the Council

5 Savings/Future Efficiencies

None identified

(Approved by: Felicia Wright, Head of Finance – Place Department)

6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

- 6.1 The Solicitor to the Council comments that the Statement of Licensing Policy provides the framework under which the licensing function is administered and the Council's approach under the Licensing Act 2003.
- 6.2 The Licensing Act 2003 requires the determination and publication of a Statement of Licensing Policy for each successive five year period. The current policy expires in 2018. The Council must keep the policy under review during the five year period and make such changes as are considered necessary.
- 6.3 In accordance with the Licensing Act 2003 the Statement of Licensing Policy must be determined by full Council after consultation with prescribed bodies.

- 6.4 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version was issued by the Home Office in April 2017.

Approved by: Sandra Herbert Head of Litigation and Corporate Law for and on behalf of Jacqueline Harris-Baker Council Solicitor and Monitoring Officer

7. HUMAN RESOURCES IMPACT

- 7.1 The workload associated with the review of the Licensing Policy has been undertaken within existing resources.

8. CUSTOMER IMPACT

- 8.1 The Licensing Act 2003 impacts on existing and potential licensed premises. By extension, the Council's licensing policy also impacts on current and potential licence/certificate holders.

9. EQUALITIES IMPACT

- 9.1 An initial Equalities Impact Assessment was undertaken in relation to the proposed revisions and which indicated that a full Equalities Impact Assessment was not required.

10. ENVIRONMENTAL AND DESIGN IMPACT

- 10.1 The provisions of the Licensing Act 2003 include consideration of the environmental impact of licensed premises.

11. CRIME AND DISORDER REDUCTION IMPACT

- 11.1 Three of the four licensing objectives in the Act relate to the prevention of crime and disorder and public nuisance and the protection of children from harm. The night time economy is a priority issue in the Council's 'crime and disorder reduction strategy' and the licensing policy is a document that the Council, as licensing authority, should have regard to when deciding licence/certificate applications.

12. RISK ASSESSMENT

- 12.1 The decision making process with regard to a review of the Council's licensing policy may be subjected to judicial review. A judicial review presents financial risks and risks to the reputation of the organisation which is subject to it. Any licensee or certificate holder under the Act has the right of appeal to the Magistrates' Court if they feel aggrieved over the Council's decision to grant, refuse or vary a licence/certificate. There is a risk that if the appellant wins, legal costs could be awarded against the Council.

13. HUMAN RIGHTS IMPACT

- 13.1 The procedures implemented to determine the Council's licensing policy are compliant with the provisions of the Human Rights Act.

14. FREEDOM OF INFORMATION/DATA PROTECTION CONSIDERATIONS

14.1 The Licensing Policy will be accessible as part of the Council's Publication Scheme maintained under the Freedom of Information Act.

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BACKGROUND DOCUMENTS: None