

<b>REPORT TO:</b>	<b>FULL COUNCIL 2 DECEMBER 2013</b>
<b>AGENDA ITEM:</b>	<b>12</b>
<b>SUBJECT:</b>	<b>LICENSING ACT 2003 – REVIEW OF LONDON BOROUGH OF CROYDON STATEMENT OF LICENSING POLICY</b>
<b>LEAD OFFICER:</b>	<b>Executive Director, Development &amp; Environment Department</b>
<b>CABINET MEMBER:</b>	<b>Cllr. Simon Hoar, Cabinet Member for Community Safety &amp; Public Protection</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<b>FINANCIAL SUMMARY:</b> 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.  There are no direct 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.  The costs of administering the functions associated with this report will be met from existing resources.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b>	

For general release

## 1. RECOMMENDATIONS

- 1.1. That the Council agrees the revisions to and re-publication of the Licensing Policy under the Licensing Act 2003 as appears at Appendix 1 to this report.

## 2. EXECUTIVE SUMMARY

2.1 The Licensing Act 2003 (the Act) makes 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; and
- 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. Originally, in each 3 year period thereafter, the Council had to keep its policy under review and revise it as it considered necessary. Due to a recent legislative change, this review must now take place every 5 years. In addition to this statutory time frame however, the Council may review its policy at any time within that 5 year period should it see fit.

2.3 The Council is not required to review its policy until 2016 but has decided that it wishes to review the policy earlier.

### **3. DETAIL**

3.1 On 4 October 2013, the current licensing policy was circulated to a number of bodies, together with a covering letter and a consultation document (which included a questionnaire) containing suggested amendments to the policy. The consultation was on proposals that the Licensing Policy Statement be revised to -

- reflect recent changes in licensing legislation;
- introduce Cumulative Impact Zones (CIZ's) in certain parts of the borough;
- note Special Stress Areas (SSA's) in certain parts of the borough; and
- explain the Council's approach to licensing hours for shops, stores and supermarkets.

3.2 At their meeting on 21 November 2013, the Council's Licensing Committee considered responses to the consultation and agreed that the revised Licensing Policy at Appendix 1 to this report with the changes shown in bold type be recommended for adoption by Full Council (Minute A22/13 refers).

3.3 Full details of the consultation exercise and the responses to it can be found in the report presented to the substantive Licensing Committee at their meeting on 21 November 2013 – LC20131121AR6 refers. No changes to the proposed revisions were considered necessary as a consequence of the responses received.

### **4. CONSULTATION**

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

DATE	ACTION
04.10.13	Revised Policy issued for consultation
08.11.13	Deadline for consultation responses
21.11.13	Licensing Committee recommended approval of revisions
02.12.13	Full Council
02.01.14	Publication (subject to agreement as above)

## 5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

### 5.1 The effect of the decision

There are no direct financial implications associated with this report, subject to the risks at 5.2.

### 5.2 Risks

The decision making process with regard to a review of the Councils 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.

### 5.3 Options

The options available are as detailed in the recommendations at paragraph 1 above.

### 5.4 Future savings/efficiencies

None identified.

(Approved by: Dianne Ellender, Head of Finance – Development & Environment and Central Departments)

## 6. COMMENTS OF THE SOLICITOR TO THE COUNCIL

6.1 The Solicitor to the Council comments that the procedures associated with the implementation of the Licensing Act 2003 and review of the Policy are determined by regulations and statutory guidance. Detailed advice has been taken from leading Counsel on the consultation process and revision to the policy.

(Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Solicitor to the Council).

## 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