

EXTRACTS FROM WESTMINSTER CITY COUNCIL STATEMENT OF LICENSING POLICY

D: SPATIAL POLICIES

D20. The Licensing Authority may consider granting applications for licences that duplicate the terms and conditions of the current operational licence for that same premises but are issued to the landowner, or other person with an interest in the property and that the licence has not affect by condition. These 'Shadow Licences' are normally sought by the landowner to protect the interest of their property due to the Policy to refuse certain new applications. A Shadow Licence will, in the event that a licence lapses, is surrendered or is revoked the property own can look to market the property with the licence. The holder of the Shadow Licence would in those circumstances need to apply to the Licensing Authority to vary the licence to remove any conditions preventing the use of that licence. At that point the Licensing Authority will consider whether the operation of the premises is likely to be an exception to policy. It will be for the Shadow Licence licensee to demonstrate that they are an exception within the applications operating schedule.

H: LICENCE CONDITIONS AND ENFORCEMENT

H20. The Act permits more than one licence to be in effect at any onetime at the same premises and it has been established in law that the landlord may apply for a second or subsequent licence.

H21. The council remains concerned however that the holding of additional licences has the potential to undermine the sanctions available to it in response to a review application under the Act. This would be the case if action was taken in respect ozone of the licences in effect at the premises, but the premises continued to operate under the authority of a second licence which had not been affected by the review proceedings.

H22. The council recognises that landlords have powers over their tenants outside of the licensing regime and would expect responsible landlords to exert that control to promote the licensing objectives. Where the landlord is also a licence holder of premises licence in effect at the premises the council considers that the landlord has further responsibilities in respect of the operation of the premises to promote the licensing objectives.

H23. In order to promote the licensing objectives the council will take a holistic view of the licensing circumstances at the premises. When the licensing authority makes an application to review a premises licence to promote the licensing objectives at a premises, it will also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives. Where the applicant for the review is not the licensing authority it will encourage the applicant to also consider whether it is appropriate to review all the licences in effect at the premises,

and will consider bringing a review of any other licence in effect at those premises if it considers it appropriate to promote the licensing objectives.

H24. To support the council's approach to multiple licences for the same premises it is the licensing authority's policy that all licences take effect when granted and continue to have effect in accordance with Section 26 of the 2003 Act, and that the imposition of a condition which purports to suspend the effect of a licence would not promote the licensing objectives.