
Full Council

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To: The Mayor and Councillors of Haringey Council.

Dear Sir/Madam,

A meeting of the Council of the London Borough of Haringey will be held at the Civic Centre, High Road, Wood Green, N22 8LE on MONDAY, 21ST JANUARY, 2008 at 19:30 HRS, to transact the following business:

AGENDA

- 1. TO RECEIVE APOLOGIES FOR ABSENCE**
- 2. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**
- 3. DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature

of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest and if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct and/or if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

- 4. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 26 NOVEMBER 2007. (PAGES 1 - 8)**
- 5. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL**
- 6. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE (TO FOLLOW)**
- 7. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES (TO FOLLOW)**
- 8. TO MAKE APPOINTMENTS TO OUTSIDE BODIES (PAGES 9 - 12)**
- 9. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM**
- 10. TO CONFIRM PARTICIPATION IN THE THREE LONDON LOCAL AUTHORITIES' BILLS RECENTLY DEPOSITED IN PARLIAMENT. (PAGES 13 - 28)**
- 11. TO REPORT FEEDBACK FOLLOWING CONSULTATION ON THE NEW STATEMENT OF LICENSING POLICY FOR THE LICENSING ACT 2003 AND TO SEEK ADOPTION OF THE STATEMENT OF LICENSING POLICY (PAGES 29 - 80)**
- 12. TO CONSIDER OPPOSITION BUSINESS SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO.12**
- 13. TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL PROCEDURE RULES NOS. 9 & 10**
- 14. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 81 - 106)**
 - a) The Cabinet – Reports number 6 & 7 /2007-8
 - b) Overview and Scrutiny Committee – Report number 2 / 2007-8
- 15. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13**

Motion F (2007/8)

Councillor Hare has given notice that he will move in the following terms:

This Council congratulates the success of Crouch End residents and independent traders in the introduction of a Crouch End bag for life.

This Council seeks to support similar initiatives throughout Haringey and to encourage retailers, businesses and commercial manufacturers to reduce excessive packaging, in particular the widespread use of throwaway plastic carrier bags.

This Council notes:

1. Annually an estimated total of around 17.5 billion throwaway plastic carrier bags are handed out by supermarkets in the UK and recognises the damage caused to the environment by throwaway plastic carrier bags
2. A plastic bag can take between 400 to 1,000 years to break down in the environment, and in the UK alone at least 200 million plastic bags end up as waste on our streets and parks every year.

This Council therefore resolves to:

1. Publicly encourage retailers to find ways of reducing the number of throwaway plastic bags they give out and to work with retailers to promote bags for life and promote 'plastic bags free zones'.
2. Endeavour to make Haringey a throwaway plastic bag free zone by 2010.
3. Actively encourage consumers to use bags for life, especially those made of natural materials, instead of disposable bags.
4. Set an example by only using biodegradable and reusable bags in Council promotions.
5. Write to Haringey's MPs, the Local Government Association and the Secretary of State for Environment, Food and Rural Affairs, informing them of this motion and urging them to use their respective influence to encourage the government to go further on their policy and find ways to encourage a reduction in throwaway plastic carrier bag usage on a national level.
6. Provide a progress report in 12 months time to Full Council on these initiatives.

Dr Ita O'Donovan
Chief Executive
River Park House
225 High Road
Wood Green
London N22 8HQ

Friday, 11 January 2008

**MINUTES OF THE FULL COUNCIL
MONDAY, 26 NOVEMBER 2007**

Councillors Thompson (Mayor), Dogus, Adamou, Adje, Aitken, Alexander, Amin, Baker, Basu, Beacham, Bevan, Beynon, Bloch, Bull, Butcher, Canver, Cooke, Davies, Demirci, Diakides, Dobbie, Dodds, Edge, Egan, Engert, Gorrie, Griffith, Haley, Hare, B. Harris, C. Harris, Hoban, Jones, Rahman Khan, Knight, Kober, Lister, Mallett, Meehan, Mughal, Newton, Oakes, Oatway, Patel, Peacock, Rainger, Reid, Reith, Santry, Stanton, Vanier, Weber, Whyte, Williams, Wilson and Winskill

Apologies Councillor Portess

MINUTE NO.	SUBJECT/DECISION	ACTION BY
CNCL51.	<p>TO RECEIVE APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillor Portess.</p>	
CNCL52.	<p>TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972</p> <p>See minutes 59 & 61</p>	
CNCL53.	<p>DECLARATIONS OF INTEREST</p> <p>Members were asked by the Mayor to declare any personal interest in respect of items on the agenda. In accordance with Part 2 of the Members Code of Conduct set out in the Council's Constitution, any Member disclosing a personal interest which was also prejudicial would be asked to withdraw from the Chamber during consideration of the item and neither were they to seek to improperly influence a decision on the said item.</p> <p>Councillor Diakides declared a personal interest in Item 11 Motion E as a representative on the NDC Board.</p> <p>Councillor Kober declared a personal interest in Item 11 Motion E as a representative on the NDC Board.</p> <p>Councillor Amin declared a personal interest in Item 11 Motion E as a representative on the NDC Board.</p> <p>Councillor B. Harris declared a personal interest in Item 11 Motion E as a representative on the NDC Board.</p> <p>Councillor Oakes declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p>	

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	<p>Councillor Cooke declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Hare declared a personal non in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Egan declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Dogus declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Beacham declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Patel declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board.</p> <p>Councillor Peacock declared a personal interest in Item 11 Motion F as a Trustee on the Alexandra Palace and Park Board and in item 8 as Chair of the local planning group for the Park Lane Children's Centre.</p> <p>Councillor Butcher declared a personal interest in Item 8 as a Governor of Stroud Green School and Stroud Green Children's Centre.</p> <p>Councillor Adje declared a personal interest in Item 8 as a Governor of South Harringay Junior School.</p>	
<p>CNCL54.</p>	<p>TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 15 OCTOBER 2007 Copies of the Minutes of the last meeting having been circulated were taken as read.</p> <p>RESOLVED:</p> <p>That the minutes of the meeting of the Council held on 15 October 2007 be signed as a true record.</p>	
<p>CNCL55.</p>	<p>TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL</p> <p>1. The Mayor sadly reported that Lucy Arnold passed away on 12 November and her funeral took place this afternoon in Tottenham. Lucy had been a Councillor in Bowes Park from 1994 to 2002. She was Deputy Mayoress in 1995-96 and Mayoress in 1996-97 with her partner and fellow Councillor Ron Blanchard. Lucy also chaired a number of Council bodies.</p> <p>Councillor Adamou, Councillor Hare and the Leader of the Council,</p>	

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	<p>Councillor Meehan, each said a few words in memory of Lucy Arnold.</p> <p>The Full Council then stood for a minute's silence in memory of Lucy.</p> <ol style="list-style-type: none"> 2. The Mayor advised that Ex-Mayor and Councillor Herbie Brown had been quite unwell lately. The Mayor reported that Herbie was now making a good recovery. On behalf of the Council the Mayor had sent best wishes to Herbie. 3. The Mayor thanked all those who attended and supported the Remembrance Services in the borough on 11 November. The Mayor commented that he believed it was important that the commitment and sacrifices of those who fought and suffered in the cause of freedom, and that the good work of the Royal British Legion be supported and recognised. 4. The Mayor reported that Haringey took part in the 11 Million "Takeover Day" last Friday where young people in Haringey had the opportunity to celebrate the Universal Day of the Child. It also allowed young people to learn more about local institutions, organisations and decision making processes. The Mayor thanked all those Councillors and officers who supported this new venture. 5. On behalf of the Council the Mayor Congratulated Councillor Matt Cooke who had run the New York Marathon earlier in November, and despite injuring his hip early in the race, raised some £1,500 for the NSPCC. 6. The Mayor was delighted to announce that earlier today Haringey had been presented with an award of distinction from the Mayor of London in recognition of the outstanding and innovative work to further the aims of the London Domestic Violence Strategy and to make London a safer place. 	
<p>CNCL56.</p>	<p>TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE ON CHANGES TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the changes to Political Group composition resulting from Councillor Catherine Harris joining the Labour Group be noted. 2. That the membership of the General Purposes Committee be reduced by one Liberal Democrat position in order to reflect their overall number of seats on the Council. 3. That the following resultant changes to Council body memberships be agreed: <ul style="list-style-type: none"> ▪ That the Liberal Democrat membership of the General 	

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	<p>Purposes Committee be: Councillors Bloch, Beynon and Whyte.</p> <ul style="list-style-type: none"> ▪ That Councillor Gorrie replace Councillor C Harris on the Remuneration Committee. ▪ That Councillor C Harris be shown as a Labour Member on the Disciplinary pool and the Wood Green Area Assembly. <p>4. That it be noted that Gerald Almeroth had been appointed as the Council's Chief Financial Officer and would retain the role of Section 151 Officer.</p>	
CNCL57.	<p>TO RECEIVE THE REPORTS OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES</p> <p>There were no items to report.</p>	
CNCL58.	<p>TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM</p> <p>A petition was received from residents of Claremont Road and Stanhope Gardens N6 requesting an extension of the CPZ to cover these roads.</p> <p>Councillor Haley, Cabinet Member for Environment and Conservation responded to the petition. Councillor Williams also commented on Councillor Haley's response.</p> <p>One deputation was received from Haringey Youth Council. Adam Jogee and Shayan Mofitzadeh addressed the Council on behalf of the Haringey Youth Council Executive. Members asked questions of the deputation and received responses thereto.</p> <p>The Council applauded both Adam and Shayan on their presentations and the Mayor thanked them both.</p>	
CNCL59.	<p>TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10</p> <p>The Mayor agreed to the admission of this Item as urgent business. Under Standing Orders, notice of questions was not requested until eight clear days before the meeting, following which matters raised had to be researched and replies prepared, in order to be given at the meeting.</p> <p>There were 8 oral questions and 25 for written answer. All questions were dealt with within the allotted time.</p>	
CNCL60.	<p>TO RECEIVE REPORTS FROM THE FOLLOWING BODIES</p> <p>Cabinet Report 5 2007/08</p> <p>The Leader gave a brief resume of the report of Cabinet which was before the meeting for consideration. Other Members questioned details</p>	

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	<p>of the report and the Leader responded accordingly.</p> <p>The Leader thanked all those who had been involved in the organisation of the recent Anti Bullying March.</p> <p>RESOLVED:</p> <ol style="list-style-type: none"> 1. That the Cabinet report no. 5 be received and adopted. 2. That the Council withdraw from the Upper Lee Valley Executive Board and the local economic partnership. 3. That participation in the co-ordinating structures for the Upper Lee Vision North London's Waterside as outlined in the report be approved and that the Leader and the Cabinet Member for Regeneration and Enterprise be appointed to serve on the Leader's Forum. 	
<p>CNCL61.</p>	<p>TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13 <u>MOTION E(2007/08):</u></p> <p>It was moved by Councillor Hoban and seconded by Councillor Oakes that:</p> <p>“This Council notes that the New Deal for Communities (NDC) is a key programme in the Government's strategy to tackle multiple deprivation in the most deprived neighbourhoods in the country, giving some of the poorest communities the resources to tackle their problems in an intensive way and co-ordinated way.</p> <p>This Council recognises the successful bid for over £50 million of NDC funding for The Bridge Seven Sisters area, which has brought opportunities to tackle the five key NDC themes of: poor job prospects; high levels of crime; educational under-achievement; poor health; and problems with housing and the physical environment in the Bridge Seven Sisters area.</p> <p>This council further notes with concern however, that the observations and recommendations contained within the Final Internal Audit Report on The Bridge NDC, submitted to the Council in September 2006, highlighted significant problems relating to administration and delivery of the spending programme. The audit executive summary noted that a limited level of assurance can be provided in relation to the spending programme and identified that weaknesses in the system of controls are such as to put the system objectives at risk. This Council also notes that a petition signed by 600 local residents was delivered to the Office of the Deputy Prime Minister in November 2004 raising serious questions regarding the NDC accounts following dismissal of two public members of the</p>	

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Bridge NDC Board.

This Council therefore believes that full public confidence in this multi-million NDC 'resident-led' spending programme can only be restored through the implementation of a full independent financial forensic investigation of the NDC accounts.

Haringey Council therefore resolves to

1. Commission an immediate independent financial forensic investigation of The Bridge Seven Sisters spending programme, covering the period 2001-2007
2. Present the auditor's findings and recommendations in full to full council at the earliest opportunity following receipt of the report".

On a vote there being 24 for the motion and 31 against the motion was declared LOST.

At this point in the proceedings the Mayor agreed to accept the submission of an emergency motion.

MOTION F (2007/08):

It was moved by Councillor Williams and seconded by Councillor Whyte that:

'This Council;

- Deplores the ending of party proportionality by the Alexandra Palace board over the appointment of board members of Alexandra Palace Trading Limited
- Expresses grave concern over the escalating additional costs to the Council of the recent high court decision in relation regarding the Alexandra Palace, now estimated at £1 million to March.

And therefore undertakes to:

- Write to the board of trustees expressing the Council's dismay at the ending of proportionality asking the board to restore it.
- Set out to councillors in detail how the £1 million additional costs have arisen and undertake to report to councillors on a monthly basis on this grave financial situation for the Council.'

An amendment to the emergency Motion was moved by Councillor Cooke and seconded by Councillor Meehan that:

'Delete all after ..."This Council"; and insert:

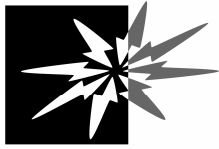
**MINUTES OF THE FULL COUNCIL
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	<p>“Notes that Alexandra Palace Trading Ltd. (APTL) the trading arm of the Alexandra Palace Trust is a wholly independent trading company limited by shares and as such, is completely exempt (as are all Private Companies) from the regulations regarding political proportionality.</p> <p>Notes that, after considering representations made with regards to the issue of political proportionality and following discussions between Councillor Cooke and Councillor Hare on Friday 23 November 2007, Councillor Cooke intends to bring proposals to the next meeting of the Alexandra Palace and Park Trust Board to the effect that the Opposition should have another place on the board of APTL.</p> <p>Notes that at a meeting of the Cabinet on 20 November 2007, the Cabinet Member for resources, Councillor Adje, agreed to provide to Councillor Williams and Members of the Cabinet a further explanation of the budget position regarding Alexandra Palace”.</p> <p>On a vote there being 30 in favour of the amendment and 25 against, the amendment to the motion was declared CARRIED.</p> <p>The substantive motion was then put to the vote and declared CARRIED unanimously.</p>	
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COUNCILLOR SHEIK THOMPSON

Mayor

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Haringey Council

Agenda item:

8

Council**On 21 January 2008**Report Title: **APPOINTMENTS TO OUTSIDE BODIES**

Forward Plan reference number (if applicable):

Report of: **CHIEF EXECUTIVE**

Wards(s) affected: All

Report for: Non Key

1. Purpose

1.1 To advise the Council of nominations of Council representatives to fill current vacancies on outside bodies and seek approval for appointments

2. Recommendations

2.1 That the appointments to outside bodies, as set out in the attached schedule, be approved.

Report Authorised by: **Assistant Chief Executive (People and Organisational Development).**

Contact Officer: **Ken Pryor, Deputy Head of Local Democracy and Member Services.**
Tel: 0208 489 2915

3. Local Government (Access to Information) Act 1985

3.1 The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Ken Pryor on 020 8489 2915:

Information supplied by the Party Groups.

Proposed Appointments to Outside Bodies

Outside bodies vacancy; report to Council 21 January 2008

Body name

Homes for

Haringey, ALMO

Board

ALMO

Granted Aid: no

Term of Office: 1 year
From To

Cll Bevan 15/10/07 31/05/08

Cllr Egan 21/05/07 31/05/08

Cllr Mughal 16/07/07 31/05/08

Cllr Stanton 21/05/07 31/05/08

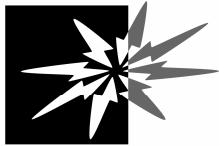
NEW

Cllr Whyte Lib/dem

21/01/08

31/05/08 Replaces Cllr Baker

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Haringey Council

The Council

On

21 January 2008Report Title: **Confirming Participation in the London Local Authorities Bills**Forward Plan reference number (if applicable): **N/A**Report of: **The Director of Corporate Resources**Wards(s) affected: **All**Report for: **Resolution by Full Council****1. Purpose (That is, the decision required)**

1.1 To confirm Haringey Council's continued participation in the three London Local Authorities' Bills recently deposited in Parliament.

2. Recommendation

2.1 That Members pass the resolution below:

CONFIRMING RESOLUTION OF LONDON BOROUGH COUNCIL
LONDON BOROUGH OF HARINGEY

RESOLVED that the resolution of this Council passed at a meeting of the Council held on 15 October 2007 to promote a Bill or Bills in the last session of Parliament, pursuant to which the Bills intituled "A Bill to confer further powers upon local authorities in London; and for related purposes"; "A Bill to introduce in London a prohibition on the supply of certain bags by retailers, to confer powers upon the local authorities in London to enforce the prohibition; and for related purposes" and "A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes" have been deposited in Parliament, be and the same is hereby confirmed.

Report Authorised by: **The Director of Corporate Resources**

Julie Parker, Director of Corporate Resources

Contact Officer: Terence Mitchison, Senior Project Lawyer Corporate

Tel: 020 8489 5936

Email: terence.mitchison@haringey.gov.uk**3. Executive Summary**

3.1 The full Council resolved to participate in promoting the London Local Authorities Bills at its meeting on 15 October. A second resolution of the Council is now required to confirm Haringey's participation.

4. Chief Finance Officer's Comments

4.1 London Councils are asking for an immediate contribution of £10,000 from each Borough which should cover most of the costs of promoting the three Bills but a smaller additional contribution may be required later. The cost will need to be met by the Directorate promoting the measures.

5. Head of Legal Services' Comments

5.1 The legal and constitutional implications are incorporated into the main report.

6. Local Government (Access to Information) Act 1985

6.1 Background papers:

The London Local Authorities Bill

The London Local Authorities and Transport for London (No.2) Bill

The London Local Authorities (Shopping Bags) Bill

Requests to view the background papers should be made to the Contact Officer

7. Background

7.1 This matter was previously reported to the General Purposes Committee on 11 September 2007 and then to full Council on 15 October when Members passed the first standard form resolution that Haringey should participate in the promotion of the proposed local legislation.

7.2 All the Boroughs, except Hounslow, passed this first resolution. The final decision to proceed with the legislation was agreed by the Leaders' Committee of London Councils meeting on 13 November. The Bills were deposited in Parliament on 27 November.

7.3 A second resolution by each of the Boroughs is now legally necessary to confirm their participation following the deposit of the Bills in Parliament.

8. The Three Bills

8.1 The Leaders' Committee meeting on 13 November decided to make the proposed restrictions on throw-away shopping bags into a separate Bill because of the complex and controversial nature of this item. This is now the London Local Authorities (Shopping Bags) Bill ("the Bags Bill"). It is described in more detail in section 12 below.

- 8.2 As stated in the report to Council on 15 October, the traffic and highways measures have to be progressed as a separate joint Bill, promoted both by the Boroughs and by Transport for London, because the legislation would affect both the roads controlled by the Boroughs and those controlled by Transport for London. This is now the London Local Authorities and Transport for London (No. 2) Bill (“the joint Bill”). Its proposals are described in Appendix 1 attached to this report.
- 8.3 The remaining measures, which would be operated or enforced primarily by the Boroughs, are to be progressed as the Tenth London Local Authorities Bill (“the 10th LLA Bill”). Its proposals are described in Appendix 2 attached to this report.
- 8.4 There are now three Bills, rather than the two Bills described in the report to Council on 15 October. However, the restrictions on shopping bags were included in the lengthy first resolution passed by the participating Councils.

9. Items Deleted from the Bills

- 9.1 Since the previous report to Council, 8 items have been deleted from the Bills for the reasons set out below:
- (i) ENV 3 – levy on chewing gum – deleted after discussion with DEFRA for lack of political support,
 - (ii) ENV 5 – pigeon control areas – deleted because adequate powers are now in the Local Government and Public Involvement in Health Act 2007,
 - (iii) ENV 11 – depositing refuse containers on the highway – deleted because adequate powers are now in the Clean Neighbourhoods & Environment Act 2005,
 - (iv) ENV 12 – removal of placards and posters – deleted because Richmond agreed not to pursue the issue of recovering costs where the removal of adverts from phone kiosks necessitated repainting or repair,
 - (v) PPR 3 – controls on social clubs – deleted because of Leading Counsel’s advice that they would not be compliant with human rights law (see section 10 below),
 - (vi) STT 4 – controls on providing free food in street – deleted because of lack of support and because Westminster, on its own, will pursue this issue,
 - (vii) TRN 11 – enforcement by PCN against using mobile phones while driving – deleted because of advice that endorseable offences should continue to be prosecuted by criminal procedure,
 - (viii) TRN 16 – decriminalised enforcement of abnormal loads regulations – TfL have concluded that these powers are not needed.

10. Social Clubs Controls

- 10.1 This item was initiated by Haringey Members and officers. Unfortunately, it was dropped from the Bills at a late stage because of advice to London Councils from James Goudie QC that the proposed measures would be in breach of human rights law.
- 10.2 The proposal had been to require social clubs to register with the Council with certain exceptions. Any owner or manager of an unregistered social club was to be liable on conviction to a £1,000 fine. Most of the recorded “problems” associated with social clubs in the Borough had been related to drug dealing, the unlawful use of gaming machines and to unlawful sales of alcohol by persons not licensed under the Licensing Act 2003.
- 10.3 Counsel has advised that the proposed local legislation would amount to a wide-ranging interference with the “right to private life” in Article 8 and the “right of free association” in Article 11 of the European Convention on Human Rights. There were already existing statutory powers to deal with the problems most commonly recorded in Haringey. New powers proposed in Government Bills already before Parliament, such as the Criminal Justice & Immigration Bill, which would go some way to address problems of disorder in social clubs. Therefore, Haringey’s proposed controls were not proportionate and went further than was necessary in the circumstances.
- 10.4 In addition most of the proposed reasons for the Council being able to refuse to register a social club had to do with health and safety, including fire safety, which were not rationally connected with the problems recorded by Haringey officers.
- 10.5 There were no obvious ways to amend the proposed social clubs legislation to make it human rights law compliant and so the item had to be dropped from the Bills.

11. Item added to the Bills

- 11.1 The meeting of the Leaders’ Committee on 13 November agreed to a request from Camden that a late item conferring new Housing powers be included within the 10th LLA Bill. This is now item HSE 3 and contained in clauses 21 and 22 of the Bill.
- 11.2 The main point is to remove the requirement that 24 hours notice must be given in every case to owners and occupiers before Council officers can exercise powers of entry under the Housing Act 2004. The Bill would remove the need for notice where there were imminent risks to health or safety and in cases where the officers were invited to enter premises by the occupier.
- 11.3 An additional problem under the Housing Act 2004 is that each exercise of a power of entry into premises must be individually authorised by an officer at Chief Officer or Deputy Chief Officer level. The Bill would allow authorisations to be given below Deputy Chief Officer level but the power to authorise entry would be restricted to

officers reporting directly to the relevant Deputy Chief Officer.

12. Restrictions on Shopping Bags

- 12.1 The Leaders' Committee on 13 November considered whether the restrictions on throwaway shopping bags should be in the form of an outright ban on their use or in the form of a levy. Although a ban would be more likely to give rise to opposition and concerns from central government, the levy would be more complicated to administer and difficult to enforce. Furthermore, responses to the on-line public consultation carried out by London Councils from mid-September to late October showed 58.2 % of respondents favouring a ban while 34.4 % favoured a levy and only 7.4% preferring to do nothing (the total number of respondents was 1,752).
- 12.2 The Leaders' Committee decided to promote a ban rather than a levy. This would send a public message appropriate to the scale of the problem. At least 1.6 billion throwaway shopping bags are distributed by shops in London each year. The great majority are used only once before being sent to landfill waste disposal sites. Only about 1 in 200 bags are being recycled. Plastic bags can take over 400 years to break down in landfill. Increasingly, other cities from San Francisco to Zanzibar are taking some form of action to address the problem.
- 12.3 The Bill will ban throwaway bags supplied by a retailer to a customer for the purpose of transporting goods just purchased from that retailer. The ban will not apply to "long-life" shopping bags designed to be used for a large number of shopping trips to different retailers. Nor will it apply to packaging which is sealed before the goods are offered for sale on the shelves. Some other bags will be exempt from the ban, such as those to be used primarily for waste disposal (e.g. bin-liners) and small bags used to contain unpackaged food. London Councils will be given powers to amend the categories of "exempt bags" by future resolution.
- 12.4 The ban will be enforced through penalty charges payable to the Borough Council where the offending retailer is located. Only the retailer who supplies a bag in breach of the ban, or the retailer who permits or causes a bag to be supplied to its customers by another person, will be liable to pay the penalty. The customer cannot be penalised for receiving or using a throwaway bag.
- 12.5 The ban will apply to any throwaway bag and not simply to plastic or paper bags. There are likely to be legal obstacles to defining the banned bags simply on the basis of the material, for example, trying to ban plastic bags specifically. As a matter of practical reality, bags made of more durable materials are more likely to be treated as long-life bags exempt from the ban. Achieving a workable definition that clearly distinguishes between throwaway and long-life bags is a problem aspect of the Bill.

13. Progress of the Bills

- 13.1 The three Bills have been given leave to proceed and first readings are expected soon. The Bags Bill will be introduced into the House of Commons and the other two Bills will be introduced into the House of Lords.
- 13.2 London Councils carried out public consultations on all three Bills in the autumn of 2007. There have also been consultation with specific interest groups. Discussions are continuing with DEFRA, DCLG and the Government Office for London.
- 13.3 Objections to the Bills have been invited by way of petition. The deadline for lodging them is the end of January 2008. At the time of drafting this report no petitions had been received but it is highly likely that some petitions will be lodged probably near to the deadline. If there is news of a petition before full Council meets, this will be conveyed to Members.

14. The Second Resolution

- 14.1 In order to comply with the legal requirements for local legislation, all the promoting Boroughs must now pass a second resolution to confirm their continuing participation. The resolution set out at paragraph 2.1 must be passed without amendment by a majority of the whole membership of the Council at the meeting of the full Council on 21 January. All the participating Boroughs are being asked to pass the same resolution, in formal legal wording, at meetings in January or February.
- 14.2 The full Council meeting on 21 January is the advertised date for Haringey as given in a statutory notice placed in the Evening Standard by London Councils. It will not be possible to defer a decision. If Members do not pass the resolution as it stands, then Haringey will not participate in the Bills and none of the proposed legislation will apply in Haringey.
- 14.3 If Members do have reservations or concerns about specific items in the Bills, the best course would be to discuss the issues with officers. A further report could then be submitted to a future full Council and Members could resolve to ask London Councils to make any items that Haringey did not support into adoptive provisions in the relevant Bill. These provisions would not become law in Haringey unless full Council eventually resolved to adopt them at some future time.

15. Recommendation

- 15.1 That Members pass the resolution below:

CONFIRMING RESOLUTION OF LONDON BOROUGH COUNCIL
LONDON BOROUGH OF HARINGEY

RESOLVED that the resolution of this Council passed at a meeting of the Council held on 15 October 2007 to promote a Bill or Bills in the last session of Parliament, pursuant to which the Bills intituled “A Bill to confer further powers upon local authorities in London; and for related purposes”; “A Bill to introduce in London a prohibition on the supply of certain bags by retailers, to confer powers upon the local authorities in London to enforce the prohibition; and for related purposes” and “A Bill to confer further powers upon local authorities in London and upon Transport for London; and for related purposes” have been deposited in Parliament, be and the same is hereby confirmed.

16. Financial Implications

16.1 London Councils are asking for an immediate contribution of £10,000 from each Borough which should cover most of the costs of promoting the three Bills but a smaller additional contribution may be required later. The cost will need to be met by the Directorate promoting the measures.

17. Legal Implications

17.1 The legal and constitutional implications are incorporated into the main report.

18. Appendices

18.1 Appendix 1 summarises the provisions of the London Local Authorities and Transport for London (No. 2) Bill (“the joint Bill”).

18.2 Appendix 2 summarises the provisions of the Tenth London Local Authorities Bill.

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APPENDIX 1**PROVISIONS IN THE LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON BILL (NO.2) BILL [THE JOINT BILL]**

Number of item & clause(s) in the Bill	Initiating Borough	Summary	Details of the Provision in the Bill
ENV 8 Clauses 4 to 14	Westminster & Kingston	Control of items placed on the highway	The Bill will give authorised officers the power by notice to require the removal of any object (except statutory undertakers' equipment and other expressly permitted items) deposited on a highway. If the person responsible does not comply, or cannot be identified, the Council can itself remove the object, dispose of it and recover costs.
ENV 9 Clauses 15 & 16	English Heritage	Powers for Councils to attach street lamps & traffic signs to buildings	The Bill will give other Councils similar powers to those enjoyed now by the City of London Corporation. The City can affix street lamps and traffic signs to buildings by giving notice but do not need the express consent of the building owners except in the case of statutory undertakers where express consent is required. If consent is unreasonably withheld the Council can refer the matter to the local Magistrates.
TRN 1	Kingston and Wandsworth	Power for Councils to	The Bill will give Councils powers to recover extra

Clauses 26 & 27		recover costs of special events on highways	costs of traffic management and street cleaning arising from commercial sports and events including film-making. Costs can be recovered from the site owner/occupier and disputes can be resolved by appeal to local Magistrates.
TRN 2 Clauses 35 to 39	Hammersmith & Fulham	Powers for Councils to provide charging points for electric cars	The Bill will give Councils new express powers to provide charging apparatus on highways for electric vehicles. Councils can make arrangements for other bodies to do this subject to payment and conditions. These powers are not to interfere with existing accesses.
TRN 3 Clause 17	Bromley	Powers for Councils to require a developer to pay a deposit prior to works	The Bill will give Councils new powers to require the developers of land adjoining a highway to pay a deposit, before works commence, of a sum estimated to cover any damage to the highway.
TRN 5 Clause 31	Camden	New offence of unauthorised interference with highway closures	The Bill will create a new criminal offence of unauthorised opening, closing or interfering with a barrier on a highway placed there by a Council to restrict traffic under a Traffic Management Order.
TRN 7 Clause 34	Westminster, Transport for London and London Councils	Controls over pedicabs	A pedicab is a cycle adapted to carry passengers for reward. There is a current Court case in which TfL is seeking to have pedicabs treated as hackney carriages (i.e. taxis). If successful,

			pedicabs will be licensed by the Public Carriage Office (PCO). The Bill will (i) add presumption that the owner is the licensee, (ii) allow the PCO to share licensee information with the Boroughs for enforcement purposes, and (iii) ban footway parking by pedicabs
TRN 10 Clauses 28 to 30	Transport for London	New offence re: advanced stopping areas for cyclists	Where there advanced stopping areas for cyclists at traffic lights failure to stop by a motor vehicle will be subject to a penalty charge notice and will also be an endorseable offence. There will be a clarification that no offence is committed by a cyclist entering an advanced stopping area where there is no cycle lane feeding into it.
TRN 14 Clauses 32 & 33	Kensington & Chelsea	Variable fixed penalties for cyclists on the footway	It is already an offence to cycle on a footway (where there is no cycle track) which is punishable by a fixed penalty of £30. Where a community safety accreditation scheme is in force involving the local Council, the Bill will allow the Council to set the levels of penalty in its area with different levels for different areas and different classes of case. Central Government will have reserve powers to intervene.
TRN 15 Clauses 18 to 25	Westminster	Controls over unauthorised builders' skips on highways	It is already an offence to place an unlicensed skip on the highways and to breach conditions. The Bill will (i) increase Council

			powers to obtain information, (ii) impose liability to pay a penalty charge on the skip owner, (iii) allow the imposition of conditions to light and guard skips, and (iv) allow immobilisation devices to be fixed to skips in breach, and (v) provide for appeals against penalty charges to adjudicators.
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APPENDIX 2**PROVISIONS IN THE TENTH LONDON LOCAL AUTHORITIES BILL**

Number of item & clause(s) in the Bill	Initiating Borough	Summary	Details of the Provision in the Bill
ENV 1 Clauses 4 to 6 and Schedule 1	London Councils	Fixed penalties for littering and dog nuisances	Will introduce a decriminalised regime for littering, taking dogs onto excluded land, taking more than the specified number of dogs and failure to remove dog faeces or keep a dog on a lead. Penalty charge notices can be served by Council officers and community support officers. Provision is made for appeals and adjudications.
ENV 4 Clause 7	Wandsworth and Chartered Institute of Waste Management	Extended controls on street litter	There is already power to serve street litter control notices on the owner/occupier of commercial & retail premises so as to prevent accumulations of refuse. The Bill will extend this to any premises except private dwellings. This will give extra power to deal with street litter generated by smokers outside work places.
ENV 7 Clause 8	City of London	Charges for use of urinals	Councils can at present charge for closets in public toilets but not urinals. The Bill will allow charges for urinals and the installation of turnstiles in public toilets.
ENV 10	Kensington &	Wider powers	There are already powers

Clause 9	Chelsea	to charge for permitting chairs and tables on the highway	to regulate the placing of chairs tables and other objects on highways. But the permit fee is limited to the administrative costs except where the Council owns the sub-soil. The Bill will give Councils power to increase fees to reflect extra costs of street cleansing, refuse removal, highway repair and enforcement costs.
HSE 2 Clauses 11 to 20	Kensington & Chelsea	Management Notices to improve conditions at Houses in Multiple Occupation	There are already Regulations governing the management of HMOs. The Bill will give Councils power to serve a Management Notice requiring the manager to remedy any breach of the Regulations. The Bill will provide for appeals by managers or owners. Councils will be able to take remedial action in default and recover their costs which can be charged on the premises.
HSE 3 Clauses 21 & 22	Camden	New powers of entry for Housing Act purposes	There are already powers of entry to enforce the Housing Act 2004 but 24 hours notice must be given to owners and occupiers. The Bill will remove the need for notice where there are imminent risks to safety or health or where officers are invited in by the occupier. The Bill will allow officers below Deputy Chief Officer level to authorise each entry/inspection under the 2004 Act.
PPR 1	Lambeth	Food Hygiene	The Bill will require all food

Clause 10		"Scores on Doors" scheme made statutory	business establishments open to customers to display publicly the rating given to each premises by food hygiene inspectors. At present this is only done voluntarily.
PPR 4 Clause 24	Westminster	Permitting notices to be served on sex establishments by ordinary post	The Bill will amend the City of Westminster Act 1996 to permit service of notices and summonses by ordinary post not requiring recorded delivery as now. Only applies to Westminster.
PPR 5 Clause 23	Tower Hamlets & Westminster	New power to impose conditions on premises licences prohibiting nudity in regulated entertainment	The Bill will allow Licensing Authorities to serve notice on the holder of an existing premises licence imposing a condition to prohibit nudity or partial nudity in dancing or other performances. This power will only apply where the licence has been varied to permit regulated entertainment and will not apply where a licence already permits nudity.
STT 1 Clause 25	Hammersmith & Fulham	Power for Councils to authorise others to manage street markets	The Bill will empower Councils to make arrangements with an outside "market manager" who will be able to publicise the market, assist street traders to apply for licences and collect fees on behalf of the Council. The grant, renewal, variation and revocation of traders' licences and the setting of general fees and conditions will remain with the Councils.
STT 3	Westminster & Camden	Powers to seize and dispose of	There are existing powers to seize goods where

<p>Clauses 27 and 30 to 33</p>		<p>objects used for unauthorised street trading</p>	<p>officers suspect a street trading offence has already been committed. The Bill allows goods and objects (e.g. hotdog trolleys) to be seized before trading takes place and gives new powers of disposal. Only applies to Westminster & Camden.</p>
<p>STT 6 Clause 26</p>	<p>Richmond</p>	<p>Clarification of street trading law to cover internet sales of vehicles on highways</p>	<p>Street trading is defined as the offer for sale of an article in the street. The Bill will make clear that street trading law covers the offer for sale on the internet of vehicles physically parked on the highway. This only applies to sales in the course of a business not a "one-off" sale.</p>

FULL COUNCIL**On 21ST January 2008**

Report Title: **Feedback following Consultation on the new Statement of Licensing Policy for Licensing Act 2003**

Forward Plan reference number (if applicable): Not applicable

Report of: **Director for Urban Environment, Niall Bolger**

Wards(s) affected: **All**

Report for: **Decision**

1. Purpose

1.1 To seek adoption of the statement of licensing policy.

2. Introduction by Cabinet Member (if necessary)

2.1 [click here to type]

3. Recommendations

3.1 To determine and adopt as the Council's new Statement of Licensing Policy the document attached at Appendix 2 to this report with effect from 23rd January 2008

3.2 To instruct officers to publish the new Statement of Licensing Policy on the Council's website and to make copies of the new Statement of Licensing Policy available at Council offices to the public.

Report Authorised by: **Robin Payne , Assistant Director**

Contact Officer: Keith Betts , Commercial Services, Enforcement Service , x5525

4. Director of Finance Comments

4.1 There are no significant financial implications arising from the recommendation in this report. Any costs associated with the consultation process will need be met from the currently approved cash limit for Enforcement Services.

5. Head of Legal Services Comments

The legal implications are fully set out in the body of the Report. Under the Councils' Constitution, the General Purposes Committee on 20th December 2007, recommended the Statement of Licensing Policy for adoption to Full Council. This does not prevent informal consultation with the Licensing Committee and CAB.

6. Local Government (Access to Information) Act 1985

6.1 S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports

6.2 The Licensing Act 2003.

7. Background

7.1 The Licensing Act 2003 (the '2003 Act') introduced a new regime under which the responsibility for the licensing of the sale of alcohol , regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority , i.e. the local authority.

7.2 One of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing Policy which sets out the basis on which the authority will make its license application decisions. This was first published on 7th January 2005 after widespread consultation. The legislation requires that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority is required under the Act to consult on their policy (and any subsequent revisions) and the requirements of this consultation are also detailed in statute.

7.3 Guidance provided by the Local Authorities Coordinators of Regulatory Services (LACORS) is that in addition to the planned review of policy, a republished policy should be available within 3 years of the original publication. This has created the need to bring forward arrangements for consultation and formal adoption.

7.4 The 2003 Act contains four licensing objectives which underpin the functions that both the Commission and Licensing Authority will perform, These are

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The licensing Authority's Statement of Licensing Policy must show how these licensing objectives will be achieved and must have regard to the S182 guidance published by the Department of Culture Media and Sports

8. Description

8.1 The areas of the policy which have been revised reflect the revision of the S182 Guidance, the changes brought in by various legislation and the demands being made on the Service. The additions made to the Policy were as follows:

- I. All reference to the transitional stage has been removed
This section is no longer required as the Transitional stage ended in August 2005
- II. Clarification on the application of gaming machines in alcohol licensed premises, up to 2 machines is an automatic entitlement. This Authority has delegated to officer level the ability to authorise up to 4 machines at any one premise. Applications for more than 4 will be required to show reasons for the higher number and how it will be managed; such applications will be put before the Licensing Sub Committee.
- III. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in any such application. Entertainment comprising of nudity, striptease, table and pole dancing falls within the remit of the Licensing Act 2003. The Licensing Service is receiving an increasing amount of calls enquiring about what rules the Authority applies to establishing seeking to provide such entertainment. It is proposed that the Statement of Licensing policy will now contain criteria that will be considered for any such application. This includes proximity to sensitive locations, protection of children, management arrangements to avoid crime and disorder, and a code of conduct for dancers.
- IV. Risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling. London Councils in association with the Association of Chief Police Officers (ACPO) have asked all authorities to ensure that systems are in place to gather information from club promoters/DJs (disc jockeys) and the like to enable officers to adequately assess the type of event and likelihood for crime and disorder
- V. Fuller guidance to applicants
Further guidance is given to applicants on possible conditions that they should consider when addressing the four licensing objectives in their Operating Schedule.
- VI. Planning and Licensing Interface.
Clarity is given that the Licensing and Planning are separate regimes.
- VII. Tables and Chairs Policy
With the introduction of the Health Act 2006 and the smoking ban taking effect there has been an increase in applications for tables and chairs outside premises. It is advantageous that all applications are consulted on and permitted hours of use are stated on the licences issued.
- VIII. An overview of the new powers available to the Police to apply for accelerated reviews of a premises license, and extra powers available to authorised officers to enable them to serve penalty notices on licensees allowing or cause noise nuisance to emanate from within their properties.

8.2 The revised policy has been produced and it is now necessary to track this through to the final publication in line with the timetable as detailed below;

- 15th November 2007 Cabinet Advisory Board asked to approve consultation
- 16th November Full Consultation began (6 weeks)
- 20th December – report went to General Purposes Committee
- 17th December 2007 report went to Licensing Committee
- 28th December 2007 consultation ended – all responses analysed
- 21st January 2008 – policy recommended for adoption by full Council

9. Equalities Implications

9.1 Consultation in respect of this policy will include those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. As such we will amongst other consultees include faith groups, voluntary and community organisations.

10. Consultation

10.1 The 2003 Act requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- The chief officer of police for the authority's area;
- The fire authority for the area
- Such persons the authority considers to be representative of holders of premises licences issued by the authority.
- Such premises as the licensing authority considers to be representative of holder of club premises certificates issued by that authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by this authority and
- Such persons as the licensing authority considers to be representative of businesses and residents in its area.

9.2 In addition, the revised draft statement was placed on the Council's website together with supporting explanation and guidance.

9.3 The timescale for the consultation is as detailed in 8.3 above.

11. Summary and Conclusions

11.1 The consultation was undertaken for a period of 6 weeks which ended on 28th December 2007. We have received feed back from HAGA, Local Safeguarding Childrens Board, British Pub and Beer Association, The Environmental Health Noise Team and The Safer Community Team.

11.2 The comments and requests submitted are detailed at Appendix1, with comments as to whether or not they warrant changes to the draft policy.

11.3 Haringey in their role as a Licensing Authority are required to publish a policy statement to guide them in their responsibilities and decision making of applications

under the 2003 Act. The policy must support the four licensing objectives as detailed at para 8.2 above.

11.4 In following the details given in section 8 of this report and the timetable stated, the Licensing Authority will be able to publish its policy statement in compliance with the Licensing Act 2003. This will enable the authority to be compliant with the law.

12. Use of Appendices / Tables / Photographs

12.1 Appendix 1 – Consultation Feedback form

12.2 Appendix 2 - Statement of Licensing Policy

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**Feedback from Consultation
NEW STATEMENT OF LICENSING POLICY**

Purpose of consultation:	To consult on the review of the Statement of Licensing policy every three years as required under the Licensing Act 2003
Methodology:	Wide spread consultation with all licensees, resident associations, licensing solicitors, faith groups. Postal notifications sent, area meetings attended, notice displayed in libraries, Civic Centre, local newspaper and on the Council website.
Findings:	<p>Responses were received from :</p> <p><u>HAGA- suggestions were:</u></p> <ol style="list-style-type: none"> 1. requesting that domestic violence be cited in the crime and disorder section of the policy as an issue. 2. Clearer statement regarding the prevention of harm. 3. Clearly identified procedure for consulting 4. Clear statement on enforcing the law in relation to drunkenness 4b Test purchase operations are carried out on a regular basis 5. That the Policy include a requirement that training be provided for staff. 6 dealing with licensees who offend 6b forms of identification, dealing with drug taking or dealing 7 acknowledge the alcohol strategy 8 That Personal licences have a shorter validity period <p>Licensing Authority response:</p> <ol style="list-style-type: none"> 1. Reference to domestic violence is now included in the Policy. 2. The prevention of harm to children is one of the four licensing objectives as enshrined in the Licensing Act 2003. There is therefore no need to make any further statement regarding the importance of the objective in the Licensing Policy other than what is already contained in Sections 2 and 15. 3. The consultation procedure is set out in the Licensing Act 2003 and subsequent Regulations. The consultation responsibilities are outlined at 21.6 and it also notes that residents can find the details for the consultation procedure on the Council's website. There is therefore no need to repeat in detail the procedure in the Statement of Licensing Policy. 4a. It is an offence to knowingly serve someone who is intoxicated under the Licensing Act 2003. The police would be the responsibility authority to prosecute licensees for

	<p>such offences. As the offence is already dealt with under the Licensing Act 2003, there is no need to repeat the police powers in the Licensing Policy.</p> <p>4b. Under Section 10 I have now included a statement noting that Trading Standards will carry out test purchasing for underage sales in licensing premises.</p> <p>5. In the Operating Schedule guidance in the Statement of Licensing Policy under public safety it also includes a recommendation to include in the operating schedule arrangements for management, supervision and training of staff. There may not be any need for staff to undergo a recognised training course or there may be a need for staff to undergo a specific training course and therefore it is more appropriate that the Licensing Sub Committee condition on a licence such a requirement on a case by case basis rather than having a blanket approach in the Licensing Policy.</p> <p>6a. If a holder of a licence is charged with a relevant offence (these are listed in Schedule 4 to the Licensing Act and include some drug offences and supply of alcohol to minors) they must produce their licence to the court and if the licensee is convicted then the Court can order a suspension or forfeiture of their licence. If an applicant already has a relevant conviction then the authority must advise the chief officer of the police for its area of the application. The Police will then decide whether or not to object to the grant of the licence. This procedure is clearly set out under Licensing Act 2003 and therefore there is no need to repeat the procedure in the Statement of Licensing Policy.</p> <p>6b. The Statement of Licensing Policy has set out in its Operating Schedule that applicants are expected to demonstrate how they will limit access to children which can include measures for checking the authenticity of identification. The licensee may be convicted of an offence if they have supplied alcohol to a minor. It is also an offence to produce fake identification and if fake identification is being produced, the police can take action. The Statement of Licensing Policy has set out in its Operating Schedule that applicants are expected to demonstrate how they will limit access to children which can include measures for checking the authenticity of identification.</p> <p>7 The Statement of Licensing Policy has been amended so that it recognises that the alcohol strategy is now in existence.</p> <p>8 The Statement of Licensing Policy recognises that that a personal licence is valid for 10 years. The statutory period is stated in the Act and the regulations, we are unable to impose a shorter period of time that a personal license is</p>
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valid for and therefore we cannot alter that in the Policy

The Local Safe Guarding Children Board:

1. requested to be named in the policy as the child protection nominee,
2. make mention of the Children and Young Peoples Plan 2006-09 as one of the strategies to be listed and
3. make reference to the Safeguarding Vulnerable Groups Act 2006.

Licensing Authority response:

1. The draft Statement of Licensing Policy has been amended to include the Local Safeguarding Children Board as one of the consulting shareholders.
2. The suggested wording at Section 7 on the Children & Young People's Plan 2006-2009 has been included.
3. The suggested reference to the Safeguarding Vulnerable Groups Act 2006 as this Act does not relate to licensing policy but rather to the requirement for people to register if they work with children or vulnerable people has not been included.

The Guidance on the Operating Schedule the comments in relation to section 15.2 and 15.3 of the Licensing Policy these are as required by the Act and are included.

Haringey Noise Enforcement Team

1. make reference to other regulatory services involved in the process, Noise Team , Trading Standards, Food.
2. Ask for copies of Joint Enforcement Protocol.
3. reference to noise disturbance outside of the times stated in the Policy.

The Licensing Authority response:

- 1 Reference under the Regulatory Section to Environmental Health and Trading Standards is now included and there was already a reference to Planning at Section 9.
- 2 Copies of the protocol have been provided
- 3 The making of the representations are recognised in the Guidance to the Operating Schedule in that the guidance recognises that there ought to be greater responsibilities

placed on premises operating between 23:00-07:00. However, the policy must also be reasonable and there must be a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community.

The British Beer and Pub Association have requested

1. Clarity in relation to conditions
2. Duplication with other regulations
3. That risk assessments should not be taken into account under this Act as it is covered by other legislation.
4. That enforcement be on a risk based approach in line with the Hampton report.

1. Conditions

Clarification has been included in the Statement of Licensing Policy explaining when conditions may be attached to licences.

2. Duplication with other Regimes

Section 24.1 is already clear in that it states that there may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and makes it clear that conditions are only imposed where they are necessary to meet the licensing objectives.

3. Public Safety

A new section on risk assessments at 11.2 to explain the purpose of risk assessments. A change to section 13.2 to state "responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment, a documented health and safety policy and comprehensive risk assessment and to be compliant with all relevant building control rules and regulations. Section 13.3 is now deleted.

4. Enforcement

Section 25.1 sets out those inspections are carried out when the Council's licensing officers who are monitoring compliance with licensing conditions think that it is necessary to do so. There is no need to add that there must be a reason to do so. Section 25.4 sets out when and how enforcement action is taken and there is also a separate Licensing Authority Enforcement Policy which details the various options available for enforcement. The selection of the most appropriate enforcement action is in accordance with that policy.

Tottenham and Wood Green Friends of the Earth

1. The policy should give information on the role of the

	<p>Environmental Health Officer.</p> <p>2. Include a condition to not allow patio heaters</p> <p>Licensing Authority response:</p> <p>1. There is now reference in the Policy to the role of the Environmental Health Officer</p> <p>2. Patio heaters cannot be conditioned in the policy.</p>
Implications for Business Unit:	<p>The Licensing Authority will be committed to ensuring that both staff and Councillors are kept up to date with training to enable the administering of the Guidance and the Policy to be effective.</p> <p>Enforcement protocol for the Licensing Enforcement Team will be addressed.</p>
How were results communicated ?	<p>Results will be feedback to all that made comments. Members will be consulted on the results and the new Policy will be made available on the Councils website</p>
Issues/learning points:	
For further information, please contact:	<p>Daliah Barrett-Williams</p>
Dates of consultation:	<p>16th November 07-28th December 07</p>
Ward/ neighbourhood affected?	<p>ALL</p>

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The London Borough of Haringey

Statement of Licensing Policy

January 2008

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The London Borough of Haringey

Statement of Licensing Policy

1.0 Introduction

- 1.1 The introduction of the Licensing Act 2003 brought about significant changes to the way licensed premises would be regulated.
- 1.2 Haringey, like all licensing authorities published its Statement of Licensing Policy in January 2005. The law prescribes that a new Statement of Policy must be produced by a licensing authority every three years. This Statement of Licensing Policy will come into effect in January 2008 and will replace Haringey's Statement of Licensing Policy dated January 2005.
- 1.3 Haringey Council will be responsible for granting Premises Licenses, Club Premise Certificates, Temporary Event Notices and Personal Licenses in respect of the retail sale and supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.4 The law prescribes that all policies must be designed to promote the four main licensing objectives. This document sets out the policies that will be applied when determining applications.
- 1.5 The licensing activities covered in the policy include:
- Retail sale of alcohol;
 - The supply of alcohol by or on behalf of a club;
 - The provision of late night refreshment i.e. the supply of hot food or drink from premises between 2300 to 0500hrs;
 - The provision of regulated entertainment. This includes:
 - A performance of a play;
 - Exhibition of a film;
 - Indoor sporting events;
 - Boxing and wrestling matches;
 - Performance of live music and/or dance and playing of recorded music;
 - Provision of facilities to dance;
 - Provision of facilities for making music.

- 1.6 The licensing policy will not undermine the applicant's right to apply under the Licensing Act 2003 for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.
- 1.7 The licensing process deals with a range of leisure activities in which the Government want to see greater flexibility, but with greater and proper responsibility. The Statement of Licensing Policy seeks to encourage responsible licensees with restrictions only relating directly to the four objectives given in the Licensing Act 2003.
- 1.8 In drawing up this Statement of Licensing Policy the Council has had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.

2.0 Licensing Objectives

- 2.1 The Council's Statement of Policy has been developed to promote the following four objectives:
- prevention of crime and disorder;
 - public safety;
 - prevention of public nuisance
 - protection of children from harm
- 2.2 Each of the licensing objectives is considered to be of equal importance for the purpose of this policy. It is for applicants to decide on the matters relevant to their application and to show within their Operating Schedule the measures they propose to take to promote these objectives. The Licensing Authority will consider each case on its own merits. When considering issues under each of the licensing objectives, applicants may wish to use the examples of possible considerations set out in the Appendix.
- 2.3 **Other Means of Control**
Licensing is only one of the ways the Council is working to improve community safety. We will continue to work in partnership with neighbouring authorities, the police, local businesses and people to secure these objectives.

- 2.7 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing controls do however play a key role in preventing crime and disorder in and around licensed premises and support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include:
- Planning controls;
 - Working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:
 - provision of extensive CCTV and radio communication systems
 - provision of appropriate street lighting, rubbish collection and street cleaning
 - provision of better late night bus, rail and taxi/minicab services
 - provision of Police Community Support Officers/street and litter wardens
 - Police enforcement of the law with regard to disorder and anti-social behaviour;
 - Prosecution of those selling alcohol to people who are already drunk
 - Powers to designate parts of the borough as places where alcohol may not be consumed publicly, and powers to confiscate alcohol from persons in those areas.
 - Acknowledging the powers of the police or other responsible authority, or a local resident or business under the Licensing Act 2003, to seek a review of the licence or certificate

However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number, location and hours of premises.

3.0 The London Borough of Haringey

- 3.1 Haringey is located in the north of the capital and is more than 11 square miles in area. The borough is the home of Alexandra Palace, where public television was born and of Tottenham Hotspur Football Club based at White Hart Lane. It is one of the

most culturally diverse areas in the country with over half of its 226, 000 people from ethnic minority backgrounds. The food, tobacco and drinks sector makes the second highest contribution to the local economy behind manufacturing.

4.0 Consultation on the Licensing Policy

4.1 The development of this licensing policy has been made in consultation with the following:

- the chief officer of the Metropolitan Police for Haringey;
- the fire authority;
- representatives of those that hold existing licences in Haringey; representatives of clubs registered in Haringey;
- bodies and individuals that represent businesses and residents in Haringey.
- Haringey Teaching Primary Care Trust
- Local Safeguarding Children Board
- relevant Council Departments

4.2 We will further consult these stakeholders prior to determination of successive Statements of Licensing Policy.

5.0 Partnership Approach.

5.1 The council is aware of the importance of partners in the development and running of the policy and is committed to work in partnership with those highlighted in 4.1.

5.2 In working in partnership with these groups the council will:

- consult and communicate on licensing issues with all licensees;
- consult with the community and their representatives on licensing issues;
- work with licensees and others in the community to achieve the licensing objectives;
- undertake pro-active enforcement operations in line with the council's enforcement policy and protocols. The enforcement process will also be linked to the potential risk at the premise of contravening the four licensing objectives.
- actively seek ways to reduce any crime culture that may exist in the close vicinity of licensed premises;
- develop a media strategy to promote our partnership and ensure it is in a position to react effectively to public issues.

6.0 Reviewing the Policy

- 6.1 The Policy will come into effect on 22nd January 2008. It will remain in force for not more than three years, during which time it will be subject to periodic review and further consultation. It is considered that as the new provisions are used, matters may arise that will lead to the consideration of a review of this Statement of Licensing Policy well within the three year term.

7.0 Integration of Policies

- 7.1 The Council has adopted a number of plans, strategies and policies that will interact with its approach to, and statement of licensing policy. The Council recognises the need to avoid as far as possible duplication with other regulatory regimes and will not seek to impose conditions where it can be demonstrated that the licensing objectives can be met by existing legislation.
- 7.2 By consulting widely prior to this policy statement being published, the Council will endeavour to secure proper integration with local crime prevention and reduction, child and youth protection, drug and alcohol abuse/prevention, together with planning, transport, tourism and cultural strategies.

Sustainable Community Strategy 2008 - 2016

- 7.3 The Haringey Community Strategic Partnership brings together the Council, Police, Primary Care Trust (NHS), local businesses, educational organisations community and voluntary organisations, faith communities and other partners. The aim of the Haringey Sustainable Communities Strategy is to make the borough a better place by working together to improve local services.
- 7.4 The Sustainable Communities Strategy 2008-2016 is the shared vision for Haringey and sets out the priorities for the borough over the next ten years. Our overall vision is to measurably improve the quality of life for the people of Haringey by tackling some of our biggest problems and making it a borough we can all be proud of. The Sustainable Communities Strategy identifies six key priorities-that people are at the heart of change, for Haringey to have an environmentally sustainable future, economic vitality and prosperity shared by all, be safer for all, have healthier people with a better quality of life and to be people and customer focused.

Better Haringey

- 7.5 The Council is investing £5 million to help achieve its ambition of being a top performing London borough. Better Haringey is delivering cleaner and safer streets and enforcement is seen as important in maintaining this. This licensing policy statement is seen as one of the key policies that will support tougher enforcement.

Cultural Strategy 2003 - 2007

- 7.6 The arts are increasingly important to the economy of Haringey, and are a key driver for economic development and growth. Among the Council's priorities is to ensure that it supports the economic growth, creativity and culture of the borough by providing new workspaces, cultural venues and support.
- 7.7 The Council recognises the value of cultural activities including live music, dancing and theatre, and will take proper account of these needs to encourage and promote them, for the wider cultural benefit of the community.

The Safer Communities Strategy 2005-2008

- 7.8 Haringey has developed the Safer Communities Strategy to improve the quality of life for its residents, businesses and visitors. Haringey will link with other major plans and funding opportunities in order to make the best use of resources.
- 7.9 The strategy sets out how crime and disorder priorities will be tackled over a three-year period. The key feature of the policy is to concentrate the partnership working on known high crime areas and neighbourhoods. This will include improving services for victims and witnesses of crime, target youth crime, violent crime, street crime together with drug and alcohol related crime.
- 7.10 The strategy is to encourage a local problem solving approach to the causes of crime and reduction of crime and disorder. Involvement of local communities is essential for successful crime and disorder reduction and will be a high priority for those implementing both the Safer Communities Strategy and Crime Reduction Strategy.

Neighbourhood Renewal Strategy 2002-2012

- 7.11 Haringey's Neighbourhood Renewal Strategy provides the framework for the renewal of the most deprived parts of the borough. Five priority neighbourhoods have been identified –

Wood Green, White Hart Lane, South Tottenham, Mid Tottenham and Northumberland Park.

Antisocial Behaviour Strategy

- 7.12 The council has published its Antisocial Behaviour Strategy. This strategy outlines the council's intention to tackle the causes and effects of antisocial behaviour. This licensing policy statement is intended to support this strategy by reducing the impact of drink related antisocial behaviour and the environmental crimes and nuisance that can be associated with licensed premises.

Alcohol Strategy

- 7.13 The council has produced an Alcohol Strategy in collaboration with its partners in the Primary Care Trust and others. This Statement of Licensing Policy will aim to be supportive and have a degree of consistency between the two policies.

Alcohol Harm Reduction Strategy

- 7.14 The Government published in 2004 its Alcohol Harm Reduction Strategy for England. This outlines how the Licensing Act 2003 can be used to address some of the social health and crime and disorder issues raised by the misuse of alcohol, when considering applications for premises and personal licences.
- 7.15 The Council will develop a local Alcohol Strategy, which will have regard to the sale of alcohol to under 18's, the safe consumption of alcohol and the impact of effective steps in combating anti-social behaviour.
- 7.16 The council will ensure that all operating schedules agreed with licensees are suitable and sufficient to address these issues.

Changing Lives: The Children & Young People's Plan 2006-09

- 7.17 'Changing Lives' is a three year plan developed by the Children & Young People Strategic Partnership following extensive consultation - to help Haringey children & young people to be happy, healthy and safe with a bright future. The plan contains 20 priorities, grouped under the five outcomes identified by the government in its *Every Child Matters* agenda.
- 7.18 Priorities grouped under the outcome 'Be Healthy' are designed to help children and young people to be physically, mentally, emotionally and sexually healthy, to have healthy lifestyles, enjoy

sport and recreation and to choose not to take illegal drugs. An effective licensing policy is crucial to the achievement of these goals.

- 7.19 Priorities grouped under outcome 'Stay Safe' are designed to help children and young people to be safe from maltreatment, neglect, violence and sexual exploitation, safe from accidental injury and death, from bullying and discrimination, from crime and anti-social behaviour in and out of school. Again, an effective licensing policy is a key part of the achievement of the majority of these goals.

Safer Clubbing

- 7.20 This initiative was introduced to improve safety for all club goers and particularly in relation to drug use and clubbing, where licensing regimes can impact on factors which increase the risk to safety of those taking drugs. Safety in such premises will also need to consider the threat of carrying weapons. The Council will adopt a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

8.0 Relevant Legislation

Disability Discrimination Act 1995

- 8.1 The Disability Discrimination Act 1995 introduces measures to tackle discrimination encountered by disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property.
- 8.2 The council will have particular interest in the likely impact of licensing on disability discrimination when considering the operation and management of premises for licence applications, renewals and variations of conditions. Of particular concern will be the public safety objective in respect of persons with disabilities during the operation of the premises and during emergency situations.

Race Relations Act 1996

- 8.3 The Race Relations Act 1996 as amended by the Race Relations (Amendment Act) 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Local

Authorities are also required under the 1976 Act, as amended, to produce a racial equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for adverse impact on the promotion of race equality and publish the results of such consultation, assessments and monitoring.

- 8.4 Haringey has published its Race Equality Strategy in which it sets out how it aims to address race equality issues in the borough.

Crime and Disorder Act 1998

- 8.5 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area.
- 8.6 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions.

Human Rights Act 1998

- 8.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right.
- 8.8 The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 - that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in law;
 - Article 8 - that everyone has the right to respect their own home and private life; and
 - Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions including for example the possession of a licence.

Anti Social Behaviour Act 2003

- 8.9 The Anti Social Behaviour Act 2003 is designed to ensure appropriate powers to deal with serious anti social behaviour. Section 40 of the Act provides powers for local authorities and

those working with them to tackle antisocial behaviour in local communities by enabling the chief executive officer of the relevant authority to make a closure order in relation to a licensed premises or temporary event if he reasonably believes that a public nuisance is being caused by noise coming from the premises and that the closure of the premises is necessary to prevent that nuisance.

The Gambling Act 2005

- 8.10 It should be noted that the function of granting permits for category C or D machines in alcohol licensed premises falls to the relevant Licensing Authority under the Gambling Act 2005. The holder of a premises license need only notify the Licensing Authority of their intention to have up to 2 machines on the premises and pay the relevant fee. Any amount of machines over 2 must be made by application with the relevant fee. This Authority has delegated authority to consider up to 4 machines, above that amount will require the applicant to show reasons why they need more than 4 machines. An application must be accompanied by a plan to show where the machines will be sited and also needs to demonstrate how the machines will be monitored to ensure compliance. There is a code of practice issued by the Gambling Commission which must be complied with and enforced by the Licensing Authority.

The Violent Crime Reduction Act 2006

- 8.11 The Act represents the latest legislative move by the government on anti social behaviour, with measures to address alcohol-fuelled violence, the sale, possession and use of weapons, and mobile phone piracy. The Act includes provisions to issue persistent drunken offenders with drinking banning orders, and closure notices to premises selling alcohol to children. Through the introduction of 'alcohol disorder zones', the Act aims to pass on some of the increased costs of policing city centres and violence "hot spots", with licensees paying additional charges in such areas. In addition the Act inserts a new procedure into the Licensing Act 2003, which allows for an accelerated review of licensed premises, by a licensing authority with the attaching of temporary conditions to the licence pending a full review of the licence.

Health Act 2006

8.12 The Health Act 2006 has been introduced to protect employees and the public from the harmful effects of second hand smoke. As of 1st July 2007 it is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles in England. The law requires no smoking signs to be displayed in all smoke free premises and vehicles. The law applies to anything that can be smoked, and this includes cigarettes, pipes, cigars and herbal cigarettes. Failure to comply with this law is a criminal offence.

9.0 Planning

9.1 Planning permission is usually required for the establishment of new premises and change of use of premises. Uses that are relevant to licensed premises are set out in the Town and Country Planning (Use Class) Order 1987 (as amended) and include:

- a retail shop, licensed for the sale of liquor for example (A1);
- food and drink sold and consumed on the premises (A3);
- public house, wine bar or other drinking establishment (A4)
- hot food sold for consumption off the premises (A5)
- assembly and leisure uses, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation (D2); and
- various "sui generis" uses which do not fall within a use class such as theatres.

9.2.1 Planning and Licensing are separate regimes and will be dealt with separately to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal. It should be noted however that there is no legal basis for the licensing authority to refuse a license application because it does not have planning permission.

9.3 All premises that apply for a licence will be encouraged to obtain planning permission for the intended use and hours of operation if not already deemed "lawful" for the purposes of planning control. The Licensing Authority will give appropriate weight to relevant Planning decisions and to the views of the Planning Authority on the compliance of the application with the licensing objectives.

10.0 Regulatory Services

Building Control

- 10.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations.

Health and Safety

- 10.2 The Health & Safety Team within the Enforcement Service is responsible for ensuring that businesses provide a safe working environment for employees, members of the public and other persons at the premises. The enforcement of Health & Safety is shared with the Health & Safety Executive with local authorities responsible for retail premises, warehouses, hotels, leisure type premises and certain service type industries. This enforcement covers all of the premises applicable to the licensing provisions of the 2003 Licensing Act.
- 10.3 Health & Safety Officers will work closely with other services such as Building Control and agencies such as the London Fire and Emergency Planning Authority. Their primary input will be to the Public Safety objective in licensing control.

Environmental Health Noise Team

- 10.4 The Noise Team has powers under the EPA 1990 to investigate reports of noise nuisance in any licensed premises.

10.5 Trading Standards

Trading Standards will carry out test purchasing for underage sales in licensed premises.

10.6 Environmental Health – Food Team

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

11.0 Operating Schedule

- 11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should

contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.

11.2 Risk Assessments

Risk assessments help to identify areas of concern in the operating of the premises which may undermine the licensing objectives. Applicants can use the information to complete their application and Operating schedule, and the steps identified by the applicant are transferred on to the license as a condition. Risk assessments should be specific to the premises, the proposed licensable activities and the proposed hours of trading and also the anticipated number of people likely to be on the premises when licensable activities are taking place.

11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

12.0 The prevention of crime and disorder

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Haringey Crime Audit 2001 acknowledged that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol has contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the adjoining boroughs of Islington and Hackney.

12.2 The Council is committed to reducing crime and disorder throughout the borough through its statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.

12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.

13.0 Public safety

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public.
- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits. These premises may also require a licence under the Local Government (Miscellaneous Provisions) Act 1982.
- 13.5 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of a sexual nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.6 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.7 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:

- Schools
- Places of worship
- Residential accommodation
- Venues of a similar nature offering adult entertainment
- Community centres
- Youth clubs

Where appropriate the Authority will also take into account the cumulative effect of a number of such premises on the character of the area in question.

- 13.8 Where such applications are made the Licensing Authority will expect the Operating Schedule to address and promote the licensing objectives by including a number of measures within it to regulate the adult entertainment examples of such measures are set out in the Appendix. A code of conduct for dancers and customers and appropriate disciplinary procedures should be developed in consultation with the Police and the Council.
- 13.9 The Operating Schedule should also set out procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and where required permission to work and measures to ensure the exclusion of staff under 18 from the premises when such activities are taking place.

Tables and Chairs Policy

- 13.10 Under s115 of the Highways Act 1980 permission is required to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority should ensure that where an Operating Schedule indicates that tables and chairs are to be included within the licensed area that an application is made to cover those areas. The Licensing Authority will liaise with the Highways Authority about the grant of permission under Part 7A of the Highways Act 1980. However, these are separate jurisdictions and any decision should still be taken on licensing objectives.

Door Supervisors

- 13.11 Whenever security operatives are employed at licensed premises to carry out a security function, they must be licensed by the Security Industry Authority (SIA).

- Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.
- If a licensee directly employs security operatives, he/she will need to be licensed by the SIA as a supervisor/manager.
- This licensing authority will be looking to ensure that licensees recruit SIA licensed door supervision staff from reputable companies with SIA Approved Contractor Status.
- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

14.0 The prevention of public nuisance

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting)

those that fly post and will support action by other Councils against those that fly post.

- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix.

15.0 The protection of children from harm

- 15.1 The main concern of regulatory authorities involves the exposure of children to under age drinking, drug use and the necessary level of supervision and care that needs to be exercised to ensure a safe environment. Premises must ensure that children are protected from physical, moral or psychological harm.

Children & Alcohol

- 15.2 Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- 15.3 Children aged under 16 are not allowed into premises that are predominantly used for the supply and consumption of alcohol on the premises unless they are accompanied by an adult.
- 15.4 The Council however recognises the wide variety of premises for which licences may be sought. These include premises which are not predominantly used for the supply and consumption of alcohol including theatres, cinemas, restaurants, cafes, takeaways, community halls and schools. Access by children to these types of premises will not be limited unless specified in the Licensing Act 2003 or considered necessary to do so in order to protect them from harm.

Children and Cinemas

- 15.5 Films cover a vast range of subjects some of which deal with adult themes and/or contain scenes that are considered unsuitable for children within certain age groups.
- 15.6 The Council shall impose a condition in all premises licences and all club premises certificates to prevent the viewing of films by children below the age restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) (or any other body designated under section 4 of the Video Recordings Act 1984) or the council, as the case may be.
- 15.7 The Council must be satisfied that where age restriction films are shown, the premises are suitable in terms of the access and the film cannot be viewed by under-age children through any aperture. Access control shall be via the employment of suitably stationed adult staff.

Children and Public Entertainment

- 15.8 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.
- 15.9 Where a large number of children are likely to be present on any licensed premises, the Licensing Authority will impose conditions requiring an adequate ratio of adults to children in order to ensure the prevention of harm to children and to also ensure public safety.
- 15.10 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions shown at appendix F of the guidance issued under section 182 of the Licensing Act 2003.
- 15.11 Details of requirements for operating schedules in respect of protection of children from harm are contained in the Appendix to this policy.

(For the purpose of this policy a "child" means an individual aged under 16 or who is unaccompanied if he is not in the company of an individual aged 18 or over as defined in the Licensing Act 2003)

- 15.12 Measures will need to be in place to ensure the exclusion of persons under

18 from the premises when entertainment of an adult or sexual nature is taking place.

16.0 Transport

- 16.1 In meeting the licensing objectives the Council would expect the applicants to take into consideration the transport arrangements for dispersing people from their premises so to avoid concentrations outside their premises and in town centres. This could include directing people to public transport routes or making suitable arrangements with licensed cabs or mini-cabs.
- 16.2 The Council supports the Safer Travel at Night initiatives in conjunction with Transport for London, the Greater London Authority and the Metropolitan Police.

17.0 Live music, dancing and theatre

- 17.1 The Council recognises the value of cultural activities including live music, dancing, street art, circus and theatre, and will take proper account of these needs to encourage and promote them for the wider cultural benefit of the community. It will not seek to place unreasonable restrictions on these activities where the licensing objectives are not put at risk.
- 17.2 The Council will seek to obtain a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community. It will take care not to deter such activities when the risk to the licensing objectives does not justify it. Only conditions strictly necessary for the promotion of the licensing objectives will be attached to licences. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre by imposing direct costs of a substantial nature.

18.0 Cumulative Impact & Saturation Policy

- 18.1 The Council will not take 'commercial demand' into account when considering an application as this is a matter for the planning committees and for the market.
- 18.2 However, the Council recognises that the cumulative impact of the number, type and density of licensed premises concentrated in a particular area may lead to problems of nuisance and disorder in the vicinity of the premises. The Council recognises the availability of a special policy, referred to as a Saturation Policy, to assist in such

cases. The Licensing Authority on being satisfied that it is appropriate can make such a policy based on the available evidence and may declare such a policy within their overall statement of Licensing Policy.

18.3 The Council will take the following steps when considering whether to adopt a special saturation policy in a specified area:

- identification of concern about related crime and disorder or nuisance;
- consideration of whether it can be demonstrated that crime and disorder and nuisance are arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent;
- consultation with those specified in 4.1 above;
- subject to that consultation, inclusion of a special policy regarding future applications for premises licences or club premises certificates from that area within the terms of the statutory guidance in the Statement of Licensing Policy.

18.4 The Council will review any special saturation policies regularly and at least every three years at the time of considering its Licensing Policy, to see whether they have had the effect intended, and whether they are still needed or whether they need expanding.

18.5 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, being granted.

18.6 The Council in discussion with the police has decided not to adopt a Special Saturation Policy at the present time. However the Council will keep potential problem areas under constant review.

19.0 Licensing Hours

19.1 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, the potential for additional crime and disorder and/or public nuisance is increased with longer hours. Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during the normal trading hours, for

consumption off the premises, where consistent with the council's licensing objectives.

- 19.2 It is anticipated that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, which will help reduce the potential disorder and nuisance outside premises.
- 19.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance.
- 19.4 Fixed trading hours (zoning) within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later.
- 19.5 The principle of flexible hours is key to these reforms and the objectives of Government. Conditions to be imposed on a licence affecting this will be given thorough consideration and will not be imposed without good reason or in an arbitrary fashion.
- 19.6 It should be noted that the consumption of alcohol is not a licensable activity, only its sale or supply. It is therefore permissible for premises to allow the consumption of alcohol, previously purchased within the licensing authorisation, outside the hours authorised for sale or supply.

20.0 Timetable of Implementation

- 20.1 The Licensing Policy will come into effect on 22nd January 2008.

21.0 The Types of Licences

Under the new provisions, licences are granted unless there are relevant representations (objections) made to them. The Government has advised that "*where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is a duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.*"

The Licensing Authority would encourage applicants and clubs to discuss operating schedules with responsible authorities to improve the efficiency of the applications process.

Personal Licences

21.1 Personal licences authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off premises. Applicants applying for a personal license must:

- be aged 18 years or over;
- have not forfeited a personal licence in the previous five years;
- possess an approved licence qualification;
- not have any relevant criminal conviction as specified in the Act;
- have paid the appropriate fee to the licensing authority.

21.2 Personal licences are valid for 10 years and will be 'portable' between premises across the country. Applicants need to apply to the local authority where they live for the licence, but renewals are to be made to the original issuing authority. It should be noted that whilst 'portable', personal licences are not transferable.

21.3 Personal licence holders have responsibilities under licensing provisions. Failure to uphold these responsibilities will be enforced by the Licensing Authority and powers to revoke licences are available.

Premises Licences

21.4 A premises licence authorises the use of any premises, which includes any place and includes part of a premises, for licensable activities such as:

- the sale of alcohol by retail;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provisions of regulated entertainment;

- the provisions of late night refreshment.

21.5 A premise licence will be valid for the life of the premises, subject to any review.

21.6 Applications are required to be advertised at the premises for a period during which representations can be made . It is also expected that Licensing Authorities will include the details on their websites.

21.7 For one off events with more than 500 people a premise licence must be gained. The council believes that greater notice of an application than that given in the Act will enable both applicant and council to consider the matter fully. The council feels the following should be sufficient.

Event Numbers

500 – 1999

2000+

Application time

6 weeks

3 months

Club Premises Certificate

21.8 A Club Premises Certificate is required when qualifying clubs want to supply alcohol and provide other activities on club premises.

21.9 Club Premises Certificates will be issued to Qualifying Clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to their members and their guests.

21.10 Any member of a club over 18 years may apply for a Club Premises Certificate. All applications must be accompanied by:

- completed application form;
- required fee;
- operating Schedule;

- a scale plan of the premises to which the application relates in the prescribe form;
- a copy of club rules;
- a copy of the notice to be advertised in the prescribed form.

Temporary Licences

21.11 The Licensing Act provides for certain occasions when small scale events do not need a licence provided that advance notice is given to the Metropolitan Police and the Licensing Authority. The Metropolitan Police can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.

21.12 Temporary events involving activities may be undertaken with a Temporary Events Notice subject only to:

- Less than 500 persons at the event at any one time;
- No longer than 72 hours duration;
- With 24 hours between events.

21.13 Whilst the minimum statutory time is 10 days the council believes that more time will enable both applicants and council to consider the matters more fully. The council feels that four weeks would be sufficient.

22.0 Variations of Premises & Club Premises Licences

22.1 Applications to vary a Premises Licence will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

22.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, modify the conditions of the licence or reject the application in whole or part

- 22.3 The licence will not be varied so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates.
- 22.4 The Authority may vary a premise licence so that it has effect subject to different conditions in respect of different parts of the premises concerned and/or in respect of different licensable activities.
- 22.5 Local residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.
- 22.6 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned.

23.0 Provisional Statement

- 23.1 Applicants may apply for a premises licence before new premises are constructed, extended or changed. This would be possible where:
- copies of planning permission are provided or a lawful planning use can otherwise be demonstrated;
 - clear plans of the proposed structure exist;
 - an operating schedule is capable of being completed in regard to activities to take place there ;
 - the time at which such activities will take place is given;
 - the proposed hours of opening are given;
 - the appropriate steps have been taken to promote the licensing objectives.
- 23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

24.0 Conditions

- 24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be

circumstances where existing legislation and regulations already effectively promote the licensing objectives.

- 24.2 The steps set out on the Operating Schedule will form the basis of conditions attached to any license granted. If no relevant representation is made, the application will be granted in accordance with the application and subject to conditions which are consistent with the Operating Schedule submitted by the applicant and the relevant mandatory conditions.
- 24.3 If relevant representations are made the Licensing Authority will hold a hearing unless there is agreement from all concerned that a hearing is not required. Where a hearing is held, the Licensing Authority has discretion whether or not to grant the application. If the application is granted, the Licensing Authority may attach or modify the conditions on the license to such extent as it considers necessary for the promotion of the licensing objectives
- 24.4 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

25.0 Enforcement

- 25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.
- 25.2 Protocols will provide for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.
- 25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.

- 25.4 Enforcement action will be taken in accordance with the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
 - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
 - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
 - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy.
- 25.6 The Licensing Authority Enforcement Policy details the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person. The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include the withdrawal of an activity from the premises licence, reductions in operating hours and additional conditions being attached to the licence.
- 25.7 The Council's licensing officers will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.
- 25.8 The Licensing Authority has produced a joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority. This details the role of these bodies in the monitoring and enforcement role and will cover the new powers available , for example ;
- Police powers to require the temporary closure of any licensed premises or temporary event on the grounds of disorder, likely disorder or noise constituting a nuisance.

25.9 In order to monitor and review the operation and enforcement of the provisions, reports will be produced at least on an annual basis summarising the issues and actions taken during the preceding period. These will be joint reports with the Police and Fire Authority.

Appeals against the Licensing Authority decision

25.10 Appeals against the decision of the Licensing Authority are made to the Magistrates Court for the petty session's area in which the premises concerned are situated. For Haringey premises, this will be the court presently situated in Highgate. Appeals against personal licences are made to the court in the Licensing area where the decision was made.

Haringey Magistrates will have a bench specifically detailed for the purpose of appeals.

25.11 The Court on hearing the appeal may;

- Dismiss the appeal
- Substitute any other decision that the Licensing Authority could have made
- Remit the case back to the Licensing Authority to deal with as directed by the court.
- Award costs as the court thinks fit.

25.11 It is important that the Licensing Authority gives comprehensive reasons for its decisions, lack of which in itself could give rise to grounds of appeal.

26.0 Administration, Exercise and Delegation of Functions

26.1 The council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to a Licensing Sub-Committee or to one or more officers.

26.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established five Licensing Sub-committees to undertake the day to day work of hearings.

26.3 Many of these decisions and functions are largely administrative in nature such as the grant of non-contentious applications,

including for example those licences and certificates where no representations have been made. These decisions will be delegated to council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee.

26.4 Applications where there are relevant representations will be dealt with by the Sub-committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and everyone who has made representation agrees that a hearing is not necessary and representations are withdrawn.

26.5 The table given below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and officers. The various delegations include delegation to impose appropriate conditions.

26.6 The scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or a full Licensing Committee if considered appropriate in the circumstance of any particular case.

26.7 Unless there are compelling reasons to the contrary, the council will require the Licensing Committee or any of its Sub-Committees to meet in public; although councillors can retire into private session to consider their decision and any conditions.

26.8 The operations of licensing hearings are detailed in Government Regulation and in the Council's Local Licensing Procedure Rules.

26.9 The delegations of functions in relation to licensing matters are as follows: -

Matter to be dealt with	Full Licensing Committee	Sub-Committee	Officers
Application to grant or renew personal licence		If a police objection made	If no police objection made
Decisions on revocation of a personal licence where a conviction comes to light after grant		If a police objection made	If no police objection made
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for		If a	If no

provisional statement		representation made	representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	

27.0 Fee Structure

27.1 Fees – statement on setting and process

Fees for all Licensing Act 2003 permissions have been set by Central government. The fees were set with the aim of recovering the licensing authorities costs of administering, inspecting and enforcing the regime. Central Government have the power to make changes to the level of fees through regulations. .

Appendix - Guidance on the Operating Schedule

Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period , that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence ;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

1 . The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable. The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;

- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol (supplied for consumption on the premises) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

- Use of CCTV and panic buttons - how will these provisions be operated to protect safety ;

- Use of shatter proof drinking vessels or bottles , requiring use of toughened glass or plastic ;
- Use of security personnel both within and at the access points to premises. How many are proposed, what will be the duties and how will their activities protect safety. (Security staff must be licensed by the Security Industry Authority who will also advise on minimum numbers);
- Compliance with Health & Safety legislation including if required a documented health and safety policy statement, and comprehensive risk assessment ;
- Capacity limits where necessary to prevent overcrowding or prevent nuisance on entering or exit;
- Implementation of crowd management measures
- Undertaking the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations;
- Adequate lighting (including any Emergency Lighting to BS 5266) - what areas of the premises are considered, particularly external areas.;
- Arrangements for emergency situations including any necessary evacuation (to include people with disabilities);
- The safe use of special effects equipment e.g. lasers, strobe lighting and smoke machines - this will include details from suppliers and contractors ;
- Installation of fire alarms and fire safety measures- service contracts in place (Fire Alarm to BS 5839 PT1);
- Clear signage throughout the premises e.g. emergency exits, fire extinguishers etc.
- For venues providing music and dancing in a 'nightclub' premises, what specific aspects of Safer Clubbing have been incorporated.
- Arrangements for the management, supervision and training of staff to ensure that the measures incorporated above are implemented.

3. The prevention of public nuisance

In considering all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and /or anti-social behaviour having regard to all the circumstances of the application. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

Noise and other nuisance

- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices . This is particularly important in residential areas ;
- The steps taken or proposed to be taken by the applicant to prevent disturbances by customers arriving at or leaving the premises. There will be greater responsibilities placed on premises operating between 23:00 - 0700 hours than at other times of the day ;
- The provision to properly extract and disperse odours and smells from cooking by properly installed and maintained ventilation equipment.
- The actions necessary to prevent disturbance from deliveries or collections at early or late hours, or from staff clearing up after closing time.

Leaving and outside the premises

- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrians or cars). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction. Such considerations must also be considered in respect of people loitering at takeaways and off licences.
- The steps taken or proposed to be taken to prevent littering and fouling of public and open spaces - what specific measures are proposed by the business.

- The steps taken or proposed to be taken by the applicant to ensure customers leave the premises in a quiet and orderly fashion ;

Parking and Public Transport

- The arrangements made or proposed for parking by customers , and the effect of parking by them on local residents ;
- Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for customers ;
- Whether licensed taxis or private hire vehicles are likely to disturb local residents and if so what the business proposes to prevent this;
- The arrangement for advising customers of the details for public transport and taxis in the area.

Sensitive Areas

- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, schools, nurseries, hospitals, hospices or places of worship;
- The use of gardens and other open-air areas at the premises;

Refuse and cleansing

- The arrangements for storage and disposal of trade refuse - trade refuse contracts will be required for all premises;
- Whether the premises would lead to increased refuse storage or disposal problem - does your contract detail sufficient collections ;
- The arrangements for cleansing or otherwise keeping clean the vicinity of the premises. This will include litter, refuse and other items originating from the premises;

- The arrangements for cleansing open and public areas in the vicinity of the premises of fouling caused by clients.

Record of compliance

- The history of noise and other nuisance complaints proved against the premises will be considered , particularly where statutory notices or warning letters have been served on the present licensees;

Lighting

- The position of external lighting, including security lighting that is installed inappropriately.

4. The protection of children from harm

When considering whether to limit access to children at licensed premises the council will consider each application on its own merits. However the council will expect applicants to consider and address the following in their operating schedule if applicable. Applicants are expected to provide the detail necessary to demonstrate how the provisions will assist in achieving this objective at their premises:

- There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
 - a history of convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
 - a known association with, or inadequate arrangements to deter, drug taking or dealing;
 - a strong element of gambling taking place on the premises;
 - where entertainment of an adult or sexual nature is commonly provided;
 - where there are inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children e.g. cigarettes.
 - The council will expect cigarette vending machines to be in sight and under the supervision of bar staff in accordance with the appropriate code of practice.

- where in the opinion of the Licensing Committee, there are inadequate controls on the times during which children may be present on the premises.
- Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- Where limiting access to children is considered necessary, the Council will consider the following after relevant representations:
 - limitations on the hours when children may be present;
 - an age limitation ;
 - limitations or exclusions when certain activities are taking place;
 - access limited to parts of the premises;
 - the requirement for accompanying adults;
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- The Licensing Authority considers the age restraints on alcohol provision and providing adult entertainment and gambling to be of utmost importance. Applicants must provide clear details in their operating schedule as to what methods or measures they will be using to verify age. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to:
 - a valid passport;
 - a photo driving licence issued in a European Union country;
 - a proof of age standard card system;
 - a citizen card, supported by the Home Office.

**REPORT OF THE CABINET No. 06/2007-08
COUNCIL 21 JANUARY 2008**

Chair:
Councillor George Meehan

Deputy Chair:
Councillor Lorna Reith

INTRODUCTION

- 1.1 This report covers matters considered by the Cabinet at our meeting on 20 November 2007. For ease of reference the Report is divided into the Cabinet portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Cabinet and all groups of Councillors. These reports are a welcome opportunity for the Cabinet on a regular basis to present the priorities and achievements of the Cabinet to Council colleagues for consideration and comment. The Cabinet values and encourages the input of fellow members.

ITEMS OF REPORT

Regeneration and Enterprise

2. NORTH LONDON WASTE PLAN – ISSUES AND OPTIONS

- 2.1 We considered a report which sought our approval for public consultation of the North London Waste Plan - Issues and Options. We noted that the Plan was a joint waste development plan document which was being prepared jointly with the other boroughs of the North London Waste Authority (Barnet, Camden, Enfield, Hackney, Islington and Waltham Forest). The Issues and Options report was the first consultation stage and would be followed by public consultation on 'preferred options' before the document was submitted to the Government for independent examination.
- 2.2 The North London Waste Plan was a statutory planning document which would identify future sites for waste management facilities. It was a site allocations development plan document which would form part of the Council's Local Development Framework. The arrangements for the production on the Plan had been agreed in a Memorandum of Understanding and approval granted to its preparation as a joint development plan document. The Memorandum of Understanding set out a project management and decision-making arrangements which included a programme manager, employed by the London Borough of Camden, as lead authority, a planning officers group and a planning Members group to steer the process.
- 2.3 A considerable amount of preparatory work had already been undertaken by consultants, including community awareness raising and initial consultation. The North London Waste Plan process had been launched through public advertising in local papers, a travelling exhibition and a mail out by each borough. A dedicated website www.nlwp.net had been developed and launched. A number of supporting documents were being produced as part of the process, including a sustainability appraisal, a strategic flood risk assessment, a habitats assessment and an equalities impact assessment. A copy of the supporting technical report and the sustainability appraisal report was available for inspection in the Members' Room.

- 2.4 We report that we approved the Issues and Options report for the North London Waste Plan for public consultation and the consultation arrangements proposed in the report. We also agreed that authority to make any necessary minor changes to the Issues and Options report prior to public consultation be delegated to the Director of Urban Environment in consultation with the Cabinet Member for Enterprise and Regeneration.

Environment and Conservation

3. PROGRESS REPORT ON THE OPERATION OF THE NEW TECHNICAL GUIDANCE FOR CROSSOVER APPLICATIONS

- 3.1 We considered a report which contained an evaluation of the impact of the new guidance for crossover applications since its adoption in February 2007. A review of the operation of the new guidance had been conducted in September 2007 and key statistics on applications processed between February and August 2007 produced and analysed against the same period in 2006.
- 3.2 Key changes noted during the review period included –
- A 28% decrease in the number of requests for crossover applications compared to the same period in 2006. The main reason for the reduced number of requests in the review period was because majority of potential applicants aborted the process after obtaining informal pre-application advice from the Council indicating that their applications might not satisfy all the new criteria. Informal pre-application communication with staff had been significantly less in previous years.
 - A 45% decrease in the number of completed crossover applications returned to the Council for consideration compared to the same period in 2006. The main cause for the reduction was also attributed to the increased informal pre-application advice.
 - A 180% increase in the number of crossover applications rejected in comparison to the same period during 2006. The current criterion for available depth of hard standings within private properties was very stringent and had been the main reason for rejections. 93% of applications were refused during the review period because applicants did not have sufficient depth of hard standing within their properties. In comparison only 40% of applications had been refused for the same reason during the same period in 2006 when applications with considerably shallower hard standings were granted permission.
 - A 77% decrease in the number of crossovers constructed in comparison to the same period in 2006. It was evident that fewer crossovers were constructed during the review period because of non conformity with key criteria such as depths of hard standings. However, other stipulations designed to ensure sustainable construction had also contributed to streamlining crossover constructions, including inspections of each private hard standing prior to construction of a vehicle crossover to confirm that the resident had made adequate provision for drainage of the hard standing within the property. This inspection was conducted to ensure that constructions of approved crossovers did not adversely impact on localised highway drainage.

- A 25% increase in number of applications requiring planning permission or requiring construction within conservation areas. While this statistic appeared to reverse the trend of reduction of applications requested during the review period it reflected the fact that nationally proposals to planning authorities involving private developments and alterations to domestic dwellings (that might include vehicle crossings) had significantly increased in the recent past.
- 3.3 The Council will be aware that previously approval had been granted to a significant number of applications received from residents requiring vehicle crossovers in controlled parking zones. In some instances these approvals had impacted to the detriment of the on-street parking capacity of the location. With more attention now paid to subsequent loss of parking spaces within controlled parking zones, it was expected that fewer applications would be approved in the future. In order to protect the environment where possible, residents were now being advised on practical construction techniques including use of permeable surfacing within the hard standings or creating paved tracks just wide enough to accommodate the car wheels. Council staff responsible for administration of crossovers applications had also highlighted the significant rise in the number of informal pre-application communications with applicants and correspondence appealing rejection decisions.
- 3.4 A meeting had been held with residents to discuss the effectiveness of the new guidance and residents had been positive about the new criteria and the significant reduction in the amount of crossings constructed during the review period. It was their view that the new policy recognised the environmental damage caused by paving over front gardens and the degradation this caused to quality of conservation areas and the street scene environment in general.
- 3.5 At our meeting we also received a deputation which addressed our meeting and welcomed the new guidance notes and criteria to promote sustainable design and construction of future crossovers. However, they referred to continuing problems where residents had existing crossovers and urged us to consider making greater use of Article 4 Directions to require planning permission to be obtained for works normally deemed to be permitted development in order to prevent front garden parking in conservation areas. They also expressed about developers constructing crossovers at new developments.
- 3.6 In response we referred to the rapid review of a policy and the implementation of revisions and to the effectiveness of the new guidelines which had also contributed to the Council's green borough strategy. Because some crossovers had been approved months in advance of construction some of those constructed during the period under review had been approved before the new guidance came into effect. While the new guidelines required adequate provision for drainage of the hard standing within the property this requirement might need to be further tightened to ensure use of permeable materials if the current guidelines did not prove to be sufficient. The use of Article 4 Directions to prevent front garden parking in conservation areas as requested by the deputation was possible but there were a number of limitations to such a use and, as the new procedures were successfully reducing the number of new crossovers, we did not feel it necessary to utilise this method of control this stage.

- 3.7 We noted the impact of the stringent criteria on crossover applications since adoption of the new guidance notes and we approved their continued use to determine current and future applications for crossover construction. We thanked the deputation for their attendance and for their participation in the cross borough resident group and had met with officers from the Street Scene Division as part of the progress review of the new technical guidance.

Housing

4. 80 BEACONSFIELD ROAD N15 – COMPULSORY PURCHASE ORDER

- 4.1 We considered a report which set out proposals to make a Compulsory Purchase Order at address 80 Beaconsfield Road, N15. The Council will be aware that the use of Compulsory Purchase powers forms part of Haringey's Empty Properties Strategy, Housing Strategy, and Sub-Regional strategy to bring back into use residential premises that have been long term vacant and where no other course of action was appropriate or could be pursued. It was also in pursuance of achieving a year-on-year increase in the number of privately owned empty properties brought back into use through advice or intervention (Best Value Performance Indicator 64).
- 4.2 We noted that 80 Beaconsfield Road was a two storey, turn of the century Victorian, double fronted, end of terrace property, situated in a residential street within the Clyde Circus conservation area. The property was first referred to the Council in December 2004 by a concerned neighbour complaining about the condition of the property and the effect it was having on the local area. Further investigation showed that the property had been empty since July 2004 and that many complaints had been made about this property from individuals and local residence associations.
- 4.3 Attempts had been made to enforce the sale for outstanding unpaid Council Tax debt on the property, but the owner had paid the debt before the enforced sale went through. The Enforcement Service had also taken action under the Prevention by Damage by Pest Act 1949 and Section 215 of the Town and Country Planning Act 1990. We also noted that, in general, the property was in very poor condition. Photographic evidence suggested that the building retained most of its original features prior to the suffering severe fire damage in 2004. The exterior brick was in need of cleaning, the fascia board and guttering was broken in places and the sash windows were all broken and in need of replacement. The roof had recently been replaced and is in good condition.
- 4.4 The front garden had frequently been used for fly-tipping and the Environmental Health Service had to respond every time this problem arose. The back garden was covered in building rubbish and Japanese knot weed was growing there. Internally the property was in need of total refurbishment. The fire destroyed the walls, floors and all services. The owners had carried out some works to the property but it had been left unfinished. All external works needed to be carried out to re-instate the traditional period features in order to ensure that the character of the conservation area is preserved and enhanced as per Council policy. The Council's Empty Property Officer had written a number of letters to the freeholder of this property offering assistance, both practical and financial including empty property grants, to help them bring the property back into use voluntarily.

- 4.5 We concluded that, as a last resort compulsory purchase of the property by the Council was justified and our officers were of the opinion that it represented the most effective solution. Acquisition of the property by the Council and the subsequent sale to and refurbishment by a housing association or private sector developer would achieve a quantitative and qualitative housing gain and also improve the aesthetics of the local area. The property was in a conservation area and with careful monitoring from the Council, it would be re-instated into use to high conservation standards thus greatly adding to the local community.
- 4.6 We report that we approved the use of compulsory purchase powers to acquire the 80 Beaconsfield Road, N15 and authorised the Head of Legal Services to make and seal the Order for submission to the Secretary of State for Communities and Local Government for consideration, to confirm the CPO in the event of the Secretary of State returning the Order and, upon confirmation of the CPO to proceed with the acquisition. Subject to its confirmation, we also agreed to the disposal of the property to a Registered Social Landlord in the first instance, or to a Private Developer (in which case the sale would be made by way of auction with covenants applied to bring the property back into use as soon as possible). Further, to the re-cycling of the receipt from the disposal back to the capital programme budget and indemnification of the financial costs of the CPO through the capital programme.

Resources

5. PLACING INSURANCE BUSINESS WITH THE LONDON AUTHORITIES MUTUAL LTD.

- 5.1 In October 2006, we considered a report which advised us that London Authorities Mutual Limited (LAML) would offer its members savings of 15%, on average, on insurance premiums for liability and property insurance with a possibility that it might offer cover for motor vehicle policies. LAML also estimated that it could generate estimated surpluses of approximately £8 million over the first five years of trading, which would be available to re-invest in LAML or provide further reductions in premiums. We reported to the Council on 8 January 2007 on our decision that the Council should become a full member of LAML from April 2008 when the current, externally purchased, insurance contracts expired subject to LAML demonstrating value for money.
- 5.2 However, LAML was the subject of a legal challenge by one of the insurance companies and a judicial review set for 11 February 2008. LAML had taken advice from external counsel and was confident that it would remain legally able to operate. Further legal advice from counsel instructed by LAML recommended that if the Councils who would be joining LAML in April 2008 formally confirmed their participation in LAML without qualification and accepted offers of insurance with effect from 1 April 2008 on or before 11 November (i.e. 3 months before the court hearing), any request for judicial review into whether individual local authorities had to participate in LAML would be time barred.
- 5.3 If LAML had not been subject to the legal challenge, the decision to confirm the Council's participation in LAML as a full member with effect from 1 April 2008 and to accept offers

of insurance from LAML with effect from 1 April 2008 would have been included in the Forward Plan and a report submitted to us for formal approval. The timescales recommended by the external counsel opinion received by LAML had not allowed for this and the matter had to be progressed under urgency arrangements by the Chief Financial Officer in consultation with the Leader of the Council. We noted that the Chair of the Overview and Scrutiny Committee had agreed that the decision in respect of this matter was both reasonable in all the circumstances and that it should be treated as a matter of urgency for the purposes of Paragraph 18 of Part 4 Section H of the Constitution and that the call in procedure should not apply to the action being taken.

6. FINANCIAL PLANNING 2008/09 – 2010/11

- 6.1 We reported to the Council on 15 October on our financial strategy for the period 2008/09 to 2010/11 and the business planning and budget-setting process. At that time the budget showed a significant gap for the years 2008/09 and 2010/11, with an overall gap of £15.2 million over the full three year planning period. This assumed the achievement of pre-agreed savings proposals of £16.4 million. The previous planning assumption for Council Tax was an increase of 3.0% in each of the three years although noting that the Council might wish to reconsider this assumption in light of the overall financial position later in the process. An estimated grant settlement figure of zero % in each of the three years was also assumed for planning purposes.
- 6.2 We considered a report which considered the Comprehensive Spending Review 2007 (CSR07) announced on 9 October 2007 by the Chancellor of the Exchequer in the Pre-Budget Report and other national issues in relation to the Council's financial and business planning process. The CSR07 set out a three year period of considerably less resources for local government than in recent years including tougher targets for new efficiency savings and significant changes to the specific grant regime.
- 6.3 We noted that local financial issues were being managed as planned, and the pre-business plan reviews, including savings and investment options, were scheduled for release to enable the consultation process to begin. We also noted that the Council had significant financial challenges in terms of producing a balanced budget over the planning period whilst continuing the improvement in services achieved over recent years.
- 6.4 We report for information that we noted the national and local updates and agreed that the pre-business plan reviews be released for consultation and budget scrutiny.

Leader

7. THE COUNCIL'S PERFORMANCE – SEPTEMBER 2007

- 7.1 We considered the regular finance and performance report which monitored the Council's position in relation to a number of indicators that would be used to assess the Council in the Comprehensive Performance Assessment (CPA). Performance against these measures would determine Haringey's rating in 2008. The report also gave an indication of the level and quality of services delivered on the ground and sought our approval to a number of virements.

- 7.2 We noted that good progress was being made across all the priorities where 90% of indicators were achieving green or amber status as at September 2007. We continued to make good progress on promoting independence (93%, 14 indicators green or amber), encouraging lifetime well-being (93% or 13 indicators green or amber) and delivering excellent services 93% or 50 indicators green or amber). In summary the balanced scorecard showed that for service delivery 89% of indicators were on target or close to the end of year target as at September 2007. For 13 of the 15 (87%) customer focus measures, performance targets were being met or close to being met. For financial health 29 of the 30 traffic lighted measures achieved green or amber status, meaning for 96.7% of traffic lighted indicators performance levels were achieving target or being maintained at an acceptable level. Our organisational development /capacity indicators showed that for 6 of the 8 (75%) measures, performance was meeting or close to expectation. In addition 83% of indicators had maintained or improved performance since the end of last year.
- 7.3 In terms of budget monitoring the September position showed a forecast net overspend of £0.5 million made up of a number of budget pressures that largely related to Asylum and adult social care. These were partly offset by a projected under spend on the Housing general fund, an earmarked reserve for asylum and additional investment income.
- 7.4 The aggregate capital projected position in 2007/08 was as shown in the following table.

Capital	Approved Budget	Spend to date	Projected variation
	£m	£m	£m
Children & Young People	43.9	13.7	(4.5)
Adults, Culture & Community	7.6	1.6	(0.3)
Corporate Resources	9.1	3.7	0
Urban Environment – General Fund	32.3	4.9	0
Urban Environment - HRA	19.8	7.1	(3.3)
Policy, Performance, Partnerships & Communications	0.3	0.1	0
Total	113.0	31.1	(8.1)

- 7.5 The latest forecast position for the HRA Capital outturn was an under spend of £3.3 million as reported by Homes for Haringey to their board. This was mainly due to slippage in the external decorations programme of £2.5m due to delays in the procurement process which would have resulted in works having to be undertaken during the winter months. The works would now be scheduled in next financial year. In addition, the Saltram Close scheme of £1m was dependant on the sale of the playground site which had not been concluded.
- 7.6 Financial regulations require that proposed budget changes be approved by the Cabinet and these are shown in the table below. These changes fall into one of two categories:
- budget virements, where it is proposed that budget provision be transferred between one service budget and another. Explanations are provided where this is the case;

- Increases or decreases in budget, generally where notification has been received in-year of a change in the level of external funding such as grants or supplementary credit approval.

7.7 Under the Constitution, certain virements are key decisions. Key decisions are:

- for revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
- for capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

7.8 The following table sets out the proposed changes. Each entry in the table refers to a detailed entry in the appendices, which show the budgets that it is proposed to change. There are two figures shown in each line of the table and the detailed sheets. The first amount column relates to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occur when, for example, the budget variation required relates to an immediate but not ongoing need or where the variation takes effect for a part of the current year but will be in effect for the whole of future years.

Proposed virements are set out in the following table:

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
6	CR	Rev	132	132	Additional work from services for Legal Services.
6	CR	Rev	158	158	LCE energy work by procurement charged to services.
6	Various	Rev	80	80	Reshape of strategy legal budget
6	PPPC	Rev	55	55	Part of HSP project allocated to Performance & Policy
6	UE	Rev	103	103	Complaints team merged with street scene customer support
6	UE	Cap*	430		Section 106 funding for Street-lighting works
6	UE	Rev	87		Growth Area fund grant
6	UE	Rev	108	108	PPD restructure
6	UE	Rev*	468	468	Enforcement restructure
6	UE	Cap	160		Section 278 funding for Homebase
6	NSR/Urban Envt	Rev*	1,000		Alexandra Palace – Council continued support in 2007/08.
6	C&YP	Rev*	735		Alignment of sixth from centre LSC grant and expenditure 2007/08
6	C&YP	Rev*	250		Budget for Autism/Aspergers transferred from Change for Children to Children and Families business unit
6	C&YP	Cap	68		Standards Fund Grant 201c- School Travel Plans

8. DELEGATED ACTIONS AND SIGNIFICANT DECISIONS

- 14.1 We were informed of the following significant decisions taken by Directors under delegated powers -

Director of Adult, Culture & Community Services

Finsbury Park Restoration Project – Approval to the payment of a negotiated settlement figure of £68,953.68 in respect of a fee claim by the design consultants (King Environmental) appointed for the Project.

Assistant Chief Executive (Policy, Performance, Partnerships and Communications)

Youth Offending Service – Approval to the creation of a temporary post of Team Administrative Officer.

Director of Urban Environment

Cancellation of authorizations for Directed Surveillance.

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Chair:
Councillor George Meehan

Deputy Chair:
Councillor Lorna Reith

INTRODUCTION

- 1.1 This report covers matters considered by the Cabinet at our meeting on 18 December 2007. For ease of reference the Report is divided into the Cabinet portfolios.
- 1.2 We trust that this Report will be helpful to Members in their representative role and facilitate a fruitful dialogue between the Cabinet and all groups of Councillors. These reports are a welcome opportunity for the Cabinet on a regular basis to present the priorities and achievements of the Cabinet to Council colleagues for consideration and comment. The Cabinet values and encourages the input of fellow members.

ITEMS OF REPORT

Regeneration and Enterprise

2. CENTRAL LEESIDE AREA ACTION PLAN

- 2.1 The Council will be aware that the Central Leaside Area Action Plan (CLAPP) is a piece of joint work with Enfield Council which aims to provide an investment and improvement framework for this particular area. The process for developing an Area Action Plan (AAP) for Central Leaside was approved by the Council in January 2007 and the Plan was included in Haringey's Local Development Scheme.
- 2.2 We considered a report which sought our approval for public consultation for the draft Issues and Options report for Central Leaside for public consultation in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004. The Issues and Options report represented the first public consultation stage and will be followed by a further public consultation on the preferred options and an Examination in Public.
- 2.3 The aim of the Issues and Options Paper is to raise issues that need to be tackled in the area and the set out a number of options which could offer viable solutions to the challenges facing the Central Leaside. These options will be further assessed in the light of consultation responses and in terms of their viability and sustainability. The next step will be drawing up preferred options for further consultation.
- 2.4 Internal consultation on the development of issues and options included reports to the Regeneration Stream Board and Transforming Tottenham Members Working group. A site visit was arranged for officers and Northumberland Park and Tottenham Hale Ward Members in November 2007.
- 2.4 We report that we approved the Central Leaside Area Action Plan Issues and Options report for public consultation and we also agreed that authority to make any necessary minor changes to the Issues and Options report prior to public consultation be delegated to

the Director of Urban Environment in consultation with the Cabinet Member for Enterprise and Regeneration.

3. CORE STRATEGY – ISSUES AND OPTIONS

3.1 The Core Strategy was a strategic document which sought to co-ordinate and deliver other strategies, plans and programmes, based on the concept of spatial planning. There was no single definition of spatial planning, but it could be defined by six principles:

- Should provide a vision of how an area will develop and change
- A strategy that goes beyond land use planning
- Strengthens community involvement
- Helps to deliver other strategies and programmes
- Is flexible and responds to the need for change
- Is focused on implementation

3.2 We considered a report which sought our approval to the Core Strategy Issues and Options report for public consultation in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004. The Core Strategy would replace the key policies and objectives of the Unitary Development Plan. The Issues and Options report represented the first public consultation stage and would be followed by a further two public consultation stages and an examination in public. The Core Strategy built on the Sustainable Community Strategy and the Council's key strategies and policies.

3.3 We report that we approved the Core Strategy Issues and Options report for public consultation and we also agreed that authority to make any necessary minor changes to the Issues and Options report prior to public consultation be delegated to the Director of Urban Environment in consultation with the Cabinet Member for Enterprise and Regeneration.

4. LOCAL DEVELOPMENT FRAMEWORK – ANNUAL MONITORING REPORT 2006/07

4.1 We considered a report which advised us that local planning authorities were required to produce an Annual Monitoring Report (AMR) under Section 35 of the Planning and Compulsory Purchase Act 2004 and Regulation 48 of the Town and Country Planning (Local Development) (England) Regulations 2004. The AMR reported to us covered the period April 2006 to March 2007 and it was a requirement that it be submitted to the Secretary of State by 31 December 2007. The publication of the AMR was also subject to a Best Value Performance Indicator (BV 200c).

4.2 The AMR was used for information purposes to assess the performance and effectiveness of planning policies. It presented available statistical data relating to the planning policies in Haringey's adopted Unitary Development Plan and the emerging Local Development Framework. It also contained a monitoring framework that identified targets and indicators, which would be used to assess the performance and effectiveness of the UDP objectives and key policies. The report also identified on-going issues of data collection and analysis.

- 4.3 We report, for information, that we approved the Annual Monitoring Report for submission to the Government Office for London.

Environment and Conservation

5. INTRODUCTION OF FREE NATIONAL OFF PEAK BUS TRAVEL FOR ELDERLY AND DISABLED PEOPLE AND IMPLICATIONS FOR HARINGEY

- 5.1 We considered a report which advised us that the Government was to introduce a national off peak free travel concession for elderly and disabled people from 1 April 2008. The key impact for Local Authorities was that there would be a statutory requirement to provide a free off peak bus concession in Greater London for all elderly and disabled people whether their sole or principal residence was in Greater London or elsewhere in England. We noted that this would have two implications for Haringey, namely that the cost of the scheme would rise and, secondly, that there was a need to bring the qualifying criteria for the disabled persons freedom pass in line with national legislation.
- 5.2 We also noted that the increased cost of the Freedom Pass scheme was as a result of the additional routes and journeys which would be covered. The Government would be giving authorities extra grant, and while the London Councils were pressing for full reimbursement of all additional costs, the extra cost and amount of grant was still unclear. Haringey currently had by far the highest number of disabled freedom passes in issue across London and it was estimated that aligning the qualifying criteria of the disabled persons freedom pass with national legislation would generate savings of approximately £100,000 annually on the concessionary travel budget.
- 5.3 All existing disabled freedom pass holders were to be asked to submit new applications which would be re-assessed over the coming months in advance of the 2008/9 re-issue ensuring that they still met the criteria. Those applications would be assessed only in line with national legislation and those not meeting the national criteria would not be issued with a disabled freedom pass for April 2008.
- 5.4 The London Councils carried out the apportionment biannually. The next apportionment was to be carried in next year and would be based on the total number of freedom passes issued between February and September 2008. The savings referred to above would, as such, be achieved in the following year in 2009/10.
- 5.5 We report that we noted the introduction of the new national bus pass and the implications arising for Haringey and we agreed to align the criteria for the disabled freedom pass to the seven categories of disabled person defined in national legislation and set out below -
- people who were blind or partially sighted
 - people who were profoundly or severely deaf
 - people without speech
 - people who had a disability, or had suffered an injury, which had left them with a substantial and long-term adverse effect on their ability to walk
 - people who did not have arms or have a long-term loss of the use of both arms

- people who had a learning disability, defined as, a state of arrested or incomplete development of mind which included significant impairment of intelligence and social functioning
- people who, if they applied for the grant for a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their application refused pursuant to Section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.

Children and Young People

6. RE-ORGANISATION OF MOSELLE AND WILLIAM C. HARVEY SPECIAL SCHOOLS

- 6.1 We considered a report which advised of the conclusion of the statutory consultation on the proposed re-organisation of Moselle and William C Harvey to all-through special schools to form one primary and one secondary special school, both to be part of Inclusive Learning Campuses.
- 6.2 The report also updated us on the progress with the project to site the secondary special school as part of the Inclusive Learning Campus at Woodside High School. We noted that a report on the project to create an Inclusive Learning Campus with a primary special school located on the site of Broadwater Farm primary school was to be brought to us in the coming year.
- 6.3 The Inclusive Learning Campuses project would set the future pattern of provision in Haringey for children and young people with the most severe and profound learning difficulties, including severe autistic spectrum disorders and the re-organisation of Moselle and William C Harvey special schools was the first of three stages to establish a primary and secondary Inclusive Learning Campus. These three stages were:
- The reorganisation of Moselle and William C Harvey Special schools into one primary and one secondary special school. The date of implementation would reflect the opening of the secondary special school to minimise disruption to the children and young people.
 - Building the secondary special school on the campus of Woodside High School, White Hart Lane, as part of the Building Schools for the Future initiative. A £26 million scheme to build and refurbish both the mainstream and special schools.
 - Building the primary special school on the campus of Broadwater Farm Primary school, Moria Close. The cost of this scheme was currently estimated at around £14 million.
- 6.4 The re-organisation of Moselle and William C Harvey special schools involved a set of 'prescribed alterations' to establish a primary and secondary special school. The prescribe alterations were:
- a change of age range each school caters for with one becoming a primary special and the other becoming a secondary special school;

- a change in the admission criteria of children/young people, widening the range of special educational needs for which each school could cater. Allowing both schools to admit pupils with an Autistic Spectrum Disorder (ASD), Severe Learning Difficulties (SLD) or Profound and Multiple Learning Difficulties (PMLD);
- a change in the number of pupils for which each school could cater, to reflect the primary special school accommodating 100 pupils and the secondary special school accommodating 120 pupils. This was an increase of 34 places.

6.5 The number of places available for children and young people in Haringey who had severe and complex learning difficulties would be increased as a result of this proposal, thus reducing our dependency on out of borough places which took children away from their home environment and reduced unnecessary expenditure. The current total of 241 places available would increase to 275. These special school places would be added to by the development of two inclusive provisions attached to two secondary schools, the new secondary school in Heartlands and Alexandra Park Secondary School, for young people with Autism.

6.6 We report that we approved the proposed re-organisation of Moselle and William C. Harvey Special Schools as outlined above.

7. REVIEW OF HARINGEY COUNCIL'S SCHOOL FUNDING FORMULA AND SCHEME FOR FINANCING SCHOOLS

7.1 We considered a report which advised us that the School Finance (England) Regulations 2006 required local authorities to consult with their Schools Forums on any proposed changes to their Scheme for Financing Schools or Schools Funding Formula. The report set out the outcome of the autumn term consultation with schools and the Haringey Schools Forum on proposed changes to Haringey's Schools Funding Formula and Scheme for Financing Schools to take effect from 1 April 2008. We noted that the consultation covered proposals to:

- Change the level of funding and the factors used for Additional and Special Educational Needs (AEN/SEN) allocations.
- Change the methodology for allocating funding for teachers on the upper pay scale.
- Insert a new section in Haringey's Scheme for Financing Schools on Community Facilities.
- Increase the proportion of funding for pupils taking free school meals in the primary schools meal factor.

7.2 We were informed that the most significant of these was the proposal on AEN/SEN funding. The narrowing of the gap between the achievement of pupils from deprived and non-deprived backgrounds was a major element of Government policy, as set out in the 2004 Child Poverty Review and the joint Treasury/DCSF report 'Child Poverty: Fair Funding for Schools'. An outcome of this was the requirement for all Schools Forums to review the way they targeted AEN and deprivation in their local Funding Formula. The DCSF had an expectation that funding received through the Dedicated Schools Grant for

deprivation and additional needs should be targeted at improving the achievement of those pupils with the greatest need.

- 7.3 We were also informed that the AEN/SEN Review Group set up by Haringey's Schools Forum had agreed that the methodology for distributing resources for Additional Educational Needs should be based upon the fundamental principle that those children who faced the most significant barriers to learning would require additional resources to support progress and achievement. Such children would include those who experienced social deprivation, special educational needs, or who were drawn from other vulnerable groups including children from some minority ethnic backgrounds. It was expected that these additional funds would be targeted towards additional support for more disadvantaged children and young people. We noted that there was a strong correlation between deprivation and AEN and moderate levels of SEN and it was usual for deprivation factors to be used as proxy measures in allocating funding to meet these needs. Funding for pupils with more complex SEN was usually associated with a statement of special educational needs.
- 7.4 During the current (2007-8) financial year the Council received 16% of its Dedicated Schools Grant (DSG) through additional deprivation factors which equated to £21.86 million within the Individual School Budget (ISB). This funding was passed to schools in full through Haringey's school funding formula but only £11 million (8.2%) was allocated through the current deprivation factors which led the Review Group to conclude that schools with high levels of deprivation were not receiving the full benefit of deprivation funding provided through the DSG. The changes proposed in the report would address this by:
- ensuring that the additional deprivation funding received through the DSG was targeted in full by Haringey's funding formula at deprivation in schools;
 - providing a better measure of relative social need by replacing the use of the Index of Multiple Deprivation and stages of English language acquisition as indicators with eligibility for Free School Meals and targeted ethnic minority groups;
 - supporting inclusive learning;
 - ensuring transparency in the process of allocating resources;
 - ensuring that resources are distributed fairly and equitably between schools.
- 7.5 The impact of the changes proposed would be to direct 'headroom', new funding, over and above the uplifts required by the Minimum Funding Guarantee, into AEN/SEN factors rather than into the Age Weighted Pupil Unit (AWPU) as at present. This would affect the distribution of resources, redirecting new funding from schools with lower levels of deprivation to those with greater levels. All schools were protected from a fall in cash budgets, unless there were changes in other factors, such as pupil numbers, by the Minimum Funding Guarantee (MFG). This ensured that all schools had a minimum per pupil increase from one year to the next. The national MFG for 2008/09 to 2010/11 was 2.1%, which had been deliberately set below the rate of inflation as the Government was expecting schools to realise efficiency savings.
- 7.6 The full consultation document had been sent to Head Teachers and to Chairs of Governing Bodies in September 2007. Additionally, letters had been sent to all Governors informing them of the consultation and giving details of the web site where the

detailed consultation could be found. Three 'road shows' were also arranged to discuss the AEN/SEN proposals to which all Head Teachers and Governors were invited and meetings with parents' groups to explain the proposals were continuing.

- 7.7 During the course of our deliberations we also noted the comments of the Chief Financial Officer that the proposed changes would be implemented as quickly as the financial settlement allowed and that the continuation of funding for existing statements that fell between the current and new thresholds for as long as the children remained at their schools and the statements in force might delay the move to funding support for statemented pupils at Scale 4. Whilst welcoming the proposals we sought confirmation of how it would be ensured that these additional funds would be targeted towards additional support for more disadvantaged children and young people and we were advised that while Governing Bodies were autonomous in this respect.
- 7.8 We report that, having regard to the Chief Finance Officers comments outlined above, we approved the proposed amendments to Haringey Councils Schools Funding Formula and Scheme for Financing Schools in accordance with the recommendations agreed by the Schools Forum on 15 November 2007 and set out in the report. We also agreed that a letter be sent to all Head Teachers and Chairs of Governing Bodies of schools receiving additional funds advising them that it was the Council's expectation that the additional resources for Additional Educational Needs would be targeted entirely towards providing support for more disadvantaged children and young people.

7. SECONDARY SCHOOLS PRIVATE FINANCE INITIATIVE – DEED OF VARIATION

- 8.1 The Council will be aware that implementation of the Building Schools for the Future (BSF) programme is a major strategic objective for the Council that will lead to the modernisation of secondary school buildings and ICT facilities as well as the building of a new secondary school in Wood Green by 2010. BSF funding had also been used to build the new sixth form centre which opened in September.
- 8.2 A Schools Private Finance Initiative (PFI) scheme was entered into in 2000 to refurbish and undertake construction projects on a number of secondary school sites. Part of the risk transference necessary in a PFI contract included the provision of a facilities management services (including utility costs, day-to-day facilities services, routine repairs and maintenance and longer term lifecycle repairs) for a period of 25 years to be provided through HSSL by Jarvis Accommodation Services (JAS).
- 8.3 We considered a report which was the subject of a motion to exclude the press and public and which advised us that in order to implement the new refurbishment and construction Programme for Building Better Schools during the period 2007 and 2011, the Council needed to negotiate a Deed of Variation to the current PFI agreement with Haringey Secondary Schools Ltd (HSSL) to allow the current school buildings to be handed back to the Council during the period of the construction work and then passed back to HSSL on completion. (HSSL was the company to which the Council was contracted for the period of the PFI. They sub-contract the facilities management services to JAS and owned the equity and debt which was used to fund the original construction works under the PFI deal).

- 8.4 Further to the circulated report we received a verbal update from officers on the negotiations to try to resolve the issues arising from implementing the BSF programme with the operation of the current Schools Private Finance Initiative. We also noted that the Chair of the Overview and Scrutiny Committee had agreed that the decision in respect of this matter was both reasonable in all the circumstances and that it should be treated as a matter of urgency for the purposes of Paragraph 18 of Part 4 Section H of the Constitution and that the call in procedure should not apply to the action being taken.
- 8.5 We report that we agreed that, subject to the notification from the Department of Children, Schools and Families of the temporary suspension of the obligation of Haringey Schools Services Limited to provide facilities management services to those schools currently within the Secondary Schools Private Finance Initiative from 1 January 2008 and of the noting of the intention to transfer employees from Jarvis Accommodation Services Ltd into the Council's employment from that date under TUPE regulations, the Leader in consultation with the Cabinet Member for Children and Young People and the Chair of the Overview and Scrutiny Committee be authorised to take any necessary action to ensure the continued delivery of the Facility Management Service in schools and the successful delivery of the Building Schools for the Future programme.

Resources

9. FINANCIAL PLANNING 2008/09 – 2010/11

- 9.1 In the report from our meeting on 20 November which appears earlier on the agenda for this meeting we report on our consideration of the Comprehensive Spending Review 2007 (CSR07) announced on 9 October 2007 by the Chancellor of the Exchequer in the Pre-Budget Report and on other national issues in relation to the Council's financial and business planning process.
- 9.2 The Council will be aware that the existing budget plans for the three year period 2008/09 to 2010/11 result in a budget gap of £15.2 million. This assumed the achievement of the pre-agreed savings proposals of £16.4 million. The previous planning assumption for council tax was an increase of 3.0% in each of the three years although noting that the Council might wish to reconsider this assumption in due course. A prudent assumption was taken on grant settlement for planning purposes at zero % in each of the three years.
- 9.3 We have now considered a report which provided an update following the draft settlement from Government in terms of -
- Government support
 - budget changes and variations
 - savings and investment options
 - council tax
 - children's services budget (dedicated schools grant)
 - housing revenue account budget
 - capital programme.

The report was supported by three appendices which dealt with -

- the gross budget trail;
- the resource shortfall through the financial planning process; and
- the draft position for children's services and the dedicated schools grant.

9.4 We were informed that the revised position for the general fund at the existing planned level of council tax increase was a budget gap of £6.95 million in 2008/09 and a budget gap of £7.74 million over the planning period. We were also informed that the final proposals for revenue and capital budgets would come forward in the new year following the conclusion of the scrutiny and consultation process.

9.5 We report that we noted the draft local government settlement and agreed the budget changes and variations proposed. We also noted the overall resource shortfall, prior to our final budget package and the position in respect of council tax, the children's services budget, the HRA budget and the capital programme.

10. ASSISTANCE TO ALEXANDRA PALACE AND PARK AND ALEXANDRA PALACE TRADING LTD.

10.1 The Council will be aware that Alexandra Palace Trading Limited (APTL) is the wholly owned trading subsidiary of the Council as trustee of Alexandra Park & Palace. We considered a report which was subject to a motion to exclude the press and public which asked us to consider granting urgent financial assistance and staff support to Alexandra Palace Trading Ltd. in view of the company's trading position.

10.2 We noted that the Alexandra Park and Palace Board had considered these requests and other related matters and had agreed them subject to the financial support being available from the Council. We also noted that the Chair of the Overview and Scrutiny Committee had agreed that the decision in respect of this matter was both reasonable in all the circumstances and that it should be treated as a matter of urgency for the purposes of Paragraph 18 of Part 4 Section H of the Constitution and that the call in procedure should not apply to the action being taken.

10.3 We report that having been advised that according to advice from specialist Counsel, the Promotion of Well-being powers in Sections 2-4 of the Local Government Act 2000 were available to the Council in its capacity as local authority notwithstanding any limitations that might prevent the Council in its capacity as a charity trustee from giving financial assistance to APTL. Counsel having also advised that neither the ability to minimise tax on trading profits at the Palace through having a separate trading subsidiary, nor any reputational damage to the Council (as distinct from the Palace as a venue) were legally relevant considerations when Cabinet Members considered whether to exercise the Well-being powers, we agreed to provide conditional support to the Trust.

11. DISPOSAL OF HRA DWELLINGS AND LAND

11.1 The Council will be aware that the Head of Corporate Property Services is required to sell Council property and land that is not suitable for retention in order to produce usable capital receipts required for the Council Budgetary requirements. In the past properties have been approved for disposal either by the Cabinet or by delegation on an individual

basis. We considered a report which was subject to a motion excluding the press and public which advised us that the number of disposals has increased and there was a need for a decision to consolidate these proposed disposals.

- 11.2 The report sought to collate all larger disposals expected from December 2007 to 2009/2010 into one report and to meet the Council's budgetary requirements. This would allow a programmed approach to disposals to be taken and the effect of disposals on the overall borough resources and needs to be seen which previously had not been possible. However, we noted that there might also be further non urgent or minor disposals that would need to be dealt with by delegation or individual Cabinet reports as necessary, but at this time it was not possible to quantify their value or timescale for disposal.
- 11.3 The properties considered not suitable for retention were listed in order of priority for disposal and for clarity. We were also asked to note that in future a more stringent audit trail and procedure on the disposal of HRA land to Registered Social Landlords (RSLs) would be adopted. This had become necessary following recent case law and amendment to the guidance notes on disposal under the General Consents. The amendment would particularly affect disposals under Section 32 of the Housing Act 1985 where covenants were imposed for affordable housing or nominations to affordable housing. We noted that any proposal involving development or a material change of use would require planning permission. Planning applications submitted would be assessed taking into account the Council's planning policies contained in the Unitary Development Plan and associated Supplementary Planning Guidance, and would be judged on their individual planning merits.
- 11.4 We report that we authorised the disposal of the following surplus properties on the terms proposed in the report -

Archway Heights, 16-20 Archway Road;
 Morvan House, 6 North Hill, N6;
 The Narrow Boat Public House and three shops at 146 to 153 Reedham Road N17;
 Aneurin Bevan House, Tredegar Road, N11;
 1-13 Herbert Road N15;
 2 Maidstone Road N11;
 Circle Thirty Three – short life properties;
 Garages - Waverley Road N17; and
 19 Crescent Road N8.

We also approved the adoption of the revised procedures for the disposal of sites to the preferred Registered Social Landlord partners.

12. DISPOSAL OF DERELICT LAND AT THE REAR OF MUSWELL HILL LIBRARY

- 12.1 We considered a report which advised us that design proposals for the Muswell Hill library had been developed based on a two storey extension to the side and rear that provided a range of improvements and new facilities, including a small café for library users, covered delivery/parking area, buggy store and a lift to improve storage and access to the upper floors. An IT suite and a bigger area for the teen library with better access to the toy library on the first floor were also included within this design proposal.

- 12.2 We noted that based on the above design our approval was sought for the disposal of the land at the rear and the ring fencing of the receipts for the development of the library. It was recognised that the receipt would not fully fund the revised development proposals and, once the amount of receipt became known, it would be necessary to consider the extent to which the scheme was affordable. Consideration could also be given to other sources of funding including potential contributions from any future planned building maintenance budgets.
- 12.3 We report, for information, that we approved both the disposal of the Council's freehold interest in the disused land at the rear of Muswell Hill Library through sale on the open market, subject to planning permission, and to the capital receipt arising from this disposal being ring-fenced for the library refurbishment.

Leisure, Culture and Lifelong Learning

13. MARKFIELD PARK CAFE

- 13.1 We noted that our Procurement Committee at a special meeting held on 20 November had considered a report on the overall budget and funding for the above-mentioned project which showed a funding shortfall. The Committee had originally approved an Agreed Maximum Price (AMP) which included a contingency but the tenders returned were significantly higher than the AMP. Via value engineering, the tender sum had been reduced but remained above the AMP.
- 13.2 The Committee had been asked to agree a revised AMP and allocation of funding for the café project. Although this involved a substantial increase in cost, the building still represented value for money with each of the project elements being based on the lowest quote received from sub contractors. Based on the suggested revised total capital cost the Council would be funding 33% of the cost with 67% externally funded including, in part, through Growth Area Funds (GAF). The GAF monies had to be spent by 31 March 2008, with the Council responsible for any expenditure currently estimated to be met by GAF but not achieved by that date. A revised project programme commencing on 3 December was proposed to enable all of the GAF spend to be achieved.
- 13.3 We report that the Committee had agreed, inter alia, to a revised agreed maximum price for the contract for the construction of a café in Markfield Park to enable the tender to be accepted and the project to proceed. We also noted that the Chair of the Overview and Scrutiny Committee had been consulted and had agreed that the decision in respect of this matter was both reasonable in all the circumstances and that it should be treated as a matter of urgency for the purposes of Paragraph 18 of Part 4 Section H of the Constitution and that the call in procedure should not apply to the action being taken.

Leader

14. THE COUNCIL'S PERFORMANCE – SEPTEMBER 2007

- 14.1 We considered the regular finance and performance report which monitored the Council's position in relation to a number of indicators that would be used to assess the Council in

the Comprehensive Performance Assessment (CPA). Performance against these measures would determine Haringey's rating in 2008. The report also gave an indication of the level and quality of services delivered on the ground and sought our approval to a number of virements.

- 14.2 We noted that good progress continued to be made across all the priorities with 89.5% of indicators achieving green or amber status as at October 2007. In particular, we continued to make good progress on promoting independent living (93%, 14 indicators green or amber), encouraging lifetime well-being (100% or 14 indicators green or amber) and delivering excellent services 92% or 48 indicators green or amber). In summary, the balanced scorecard showed that for service delivery 89% of indicators were on target or close to the end of year target as at October 2007. For 13 of the 15 (87%) customer focus measures, performance targets were being met or close to being met. For financial health 27 of the 28 traffic lighted measures achieved green or amber status, meaning for 96% of traffic lighted indicators performance levels were achieving target or being maintained at an acceptable level. Our organisational development /capacity indicators showed that for 6 of the 8 (75%) measures, performance was meeting or close to expectation. In addition 86% of indicators had maintained or improved performance since the end of last year.
- 14.3 In terms of budget monitoring, the overall revenue budget monitoring, based on the October position, showed a forecast net overspend of £0.1 million. There were a number of budget pressures relating to Asylum and Adult Social Care, which were partly offset by an earmarked reserve for asylum and additional treasury investment income.
- 14.4 The aggregate capital projected position in 2007/08 was projected to under spend by £10.1million. This was made up of £4.5 million in Children and Young People (BSF), £3.7 million Housing, £1.5 million in Corporate Resources and £0.4 million in Adult, Community and Culture and were mainly profiling issues.
- 14.5 The DSG element of the overall Children and Young People's Service budget was projected to under spend by £0.4 million and this was in respect of the Network Family support budget that would be the subject of a carry forward request to meet the summer term 2008 commitments.
- 14.6 In relation to the HRA, the net current revenue projection was a surplus of £0.5 million against the approved budget mostly relating to one off income. This latest forecast position had been reported by Homes for Haringey to their Board in November 2007.
- 14.7 Financial regulations require that proposed budget changes be approved by the Cabinet and these are shown in the table below. These changes fall into one of two categories:
- budget virements, where it is proposed that budget provision be transferred between one service budget and another. Explanations are provided where this is the case;
 - Increases or decreases in budget, generally where notification has been received in-year of a change in the level of external funding such as grants or supplementary credit approval.
- 14.8 Under the Constitution, certain virements are key decisions. Key decisions are:

- for revenue, any virement which results in change in a directorate cash limit of more than £250,000; and
- for capital, any virement which results in the change of a programme area of more than £250,000.

Key decisions are highlighted by an asterisk in the table.

14.9 The following table sets out the proposed changes. Each entry in the table refers to a detailed entry in the appendices, which show the budgets that are proposed to change. There are two figures shown in each line of the table and the detailed sheets. The first amount column relates to changes in the current year's budgets and the second to changes in future years' budgets (full year). Differences between the two occur when, for example, the budget variation required relates to an immediate but not ongoing need or where the variation takes effect for a part of the current year but will be in effect for the whole of future years.

Proposed virements are set out in the following table:

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
7	ACC	Cap	75		Update budget to include London Marathon Trust Funding
7	UE	Cap	(156)		To correct Stoneleigh Road UCCG budget, LBH Funding c/fwd in error
7	ACC	Rev	104		Funding for AD - Commissioning & Strategy within ACCS
7	CE, PPPC	Rev	60	108	Staffing budget transfer
7	CR, PPPC	Rev	83	83	Transfer of DPA staff from IT to Perf/Policy
7	CR, UE	Rev	39	39	Return of R&M for Automatic Public Conveniences
7	PP	Rev	53		LAA PPG Robbery & Domestic Violence reductions
7	POD, CR	Rev	24		Interim HR Advisor
7	UE	Rev*	315	-	Transfer of resources between Housing ring fenced and non ring fenced budgets to meet extra costs of inspection.
7	UE	Cap	126		Reinstatement of Bruce Grove THI LBH capital receipts funding
7	UE	Cap	(219)		TFL funding for LCN+
7	UE	Cap*	400		Spine Road - funding contribution from National Grid
7	UE	Cap	164		Alexandra Palace gate entrance upgrade funded from HLF
7	UE	Cap	135		Section 106 funding for Street lighting
7	C&YP	Cap*	336		2006/07 carry forward for grant - Computers for Pupils

Period	Service	Key	Amount current year (£'000)	Full year Amount (£'000)	Description
7	C&YP	Cap*	(4,258)		Re-phasing of BSF project budget
7	NSR, ACC, C&YP	Rev*	1,000		Transfer of Asylum contingency to services

15. DELEGATED ACTIONS AND SIGNIFICANT DECISIONS

15.1 We were informed of the following significant decisions taken by Directors under delegated powers -

Director of Adult, Culture & Community Services

Haringey Extended Schools and Community Football Project – In consultation with the Cabinet Member for Leisure, Culture and Lifelong Learning approving a waiver of Contract Standing Orders for the extended schools football service contract with Tottenham Hotspur Foundation.

Leases for Laundry Equipment – Approval to enter in to leases.

Consultancy (Specialist) Services – Approval to waiver of Contract Standing Orders and the award of 2 one off projects.

Director of the Children and Young People's Service

Woodside High School Temporary Exam Accommodation - Approval to the award of contract under Contract Standing Order 11.02 in the sum of £90,981.38.

Big Lottery Fund Children's Play Programme - Approval to the award of contracts under Contract Standing Order 11.02 in the total sum of £780,982 to various providers.

Childcare Commissioning Provision of New or Additional Childcare Places - Approval to the award of contracts under Contract Standing Order 11.02 in the total sum of £116,500 to various providers.

**REPORT OF THE OVERVIEW & SCRUTINY COMMITTEE No. 02/2007-08
COUNCIL 21 JANUARY 2008**

Chair:
Councillor Gideon Bull

Deputy Chair:
Councillor Pat Egan

1.1 This report to full Council arises from a report considered by the Overview & Scrutiny Committee on the consultation process for the Healthcare for London: A Framework for Action report by NHS London. The committee agreed, in principle, to Haringey's participation in a Joint Overview and Scrutiny Committee to look at the report in detail.

1.2 Following consultation with other local authorities involved in the exercise, the final terms of reference have been agreed and are recommended to this meeting for approval. They are as follows:

- "To consider and respond to the proposals set out in the PCT consultation document '*Healthcare for London: A Framework for Action*';
- Consider whether the '*Healthcare for London*' proposals are in the interests of the health of local people and will deliver better healthcare for the people of London and people travelling across the GLA boundary, with due regard to cross-border issues.
- Consider the PCT consultation arrangements - including the formulation of options for change, and whether the formal consultation process is inclusive and comprehensive."

WE RECOMMEND:

That Haringey participate in the proposed London-wide Joint Overview and Scrutiny Committee being established to respond to the consultation document issued by the Joint Committee of PCTs on the models of care outlined in *Healthcare for London: A Framework for Action* by the statutory deadline.

That the terms of reference be agreed as outlined above.

That Councillor Gideon Bull be appointed as the representative and Councillor Newton as deputy representative from the London Borough of Haringey to the London Joint Overview and Scrutiny Committee.

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