



General Purposes Committee

MONDAY, 28TH JUNE, 2010 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Meehan (Chair), Rice (Vice-Chair), Amin, Davies, Khan, Whyte and Wilson

AGENDA

1. APOLOGIES FOR ABSENCE (IF ANY)

To note the apology for absence from Councillor Ann Waters who will be substituted by Councillor Kaushika Amin.

2. URGENT BUSINESS

The Chair will consider the admission of any of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at items 12 & 13 below).

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. DEPUTATIONS/PETITIONS

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution.

5. MINUTES AND MATTERS ARISING (PAGES 1 - 6)

To confirm the minutes of the meeting held on 29th March 2010.

6. APPROVAL OF THE COUNCIL'S STATEMENT OF ACCOUNTS 2009/10

The report seeks approval of the Council's financial statements. **(TO FOLLOW)**

7. TREASURY MANAGEMENT OUTTURN 2009/10 (PAGES 7 - 20)

To note the Treasury Management activity and performance during 2009/10.

8. TREASURY MANAGEMENT 2010/11 QUARTER 1: ACTIVITY & PERFORMANCE UPDATE (PAGES 21 - 30)

To note the Treasury Management activity and performance for the 1st Quarter of 2010/11.

9. CONSULTATION ON THE REVISION OF THE STATEMENT OF LICENSING POLICY UNDER THE LICENSING ACT 2003I (PAGES 31 - 86)

To note the changes to and to endorse the draft Haringey Statement of Licensing Policy 2011-2014 to go out for public consultation.

10. ADOPTION OF POWERS TO REGULATE SEX ENTERTAINMENT VENUES (PAGES 87 - 92)

To recommend adopting the amendment to Schedule 3 of the Local Government Act 1982 (the 1982 Act) as inserted by Section 27 of the 2009 Act. The effect of this provision, if adopted, is to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

11. NEW ITEMS OF UNRESTRICTED URGENT BUSINESS

To consider any items admitted at item 2 above

12. EXCLUSION OF THE PUBLIC AND PRESS

Item 13 is likely to be the subject of a motion to exclude the press and public from the meeting as it contains exempt information as defined in Section 100a of the Local Government 1972 – paras 1 & 2 ; namely information relating to an individual, and information which is likely to reveal the identity of an individual.

13. NEW ITEMS OF EXEMPT URGENT BUSINESS

To consider any items admitted at item 2 above

Ken Pryor
Deputy Head of Local Democracy and
Member Services
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River Park House
225 High Road
Wood Green
London N22 8HQ

Natalie Cole
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Friday 18th June 2010

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**MINUTES OF THE GENERAL PURPOSES COMMITTEE
MONDAY, 29 MARCH 2010**

Councillors Meehan (Chair), Griffith (Vice-Chair), Bloch, Khan, Santry and Whyte

Apologies Councillors Alexander and Bull

Also Present: Robert Curtis (Service Manager Street Enforcement Team), Stuart Young (Assistant Chief Executive – People & Organisational Development), Kevin Bartle (Head of Finance), Steve Davies (Head of Human Resources), Terence Mitchison (Senior Project Lawyer), Natalie Cole (Clerk), Sean Fox (UNISON Branch Secretary) and Chris Taylor (UNISON Assistant Branch Secretary)

**MINUTE
NO.**

SUBJECT/DECISION

GPCO48.	<p>APOLOGIES FOR ABSENCE (IF ANY)</p> <p>Apologies for absence were received from Councillor Bull (who was substituted by Councillor Liz Santry) and Councillor Alexander.</p>
GPCO49.	<p>URGENT BUSINESS</p> <p>There were no urgent items.</p>
GPCO50.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>
GPCO51.	<p>DEPUTATIONS/PETITIONS</p> <p>Deputations were received from Sean Fox (UNISON Branch Secretary) on Agenda Item 6 – Redeployment Policy and Restructure Policy and Chris Taylor (UNISON Assistant Branch Secretary) on Agenda Item 7, Review of Dependants Allowance.</p>
GPCO52.	<p>MINUTES</p> <p>The minutes of the meeting held on 12th January 2010 were confirmed as a correct record of the meeting.</p>
GPCO53.	<p>ORDER OF AGENDA</p> <p>It was agreed that the order of agenda be amended to accommodate those in attendance. The minutes will be in the order that the items appear on the agenda.</p>
GPCO54.	<p>REDEPLOYMENT AND RESTRUCTURE POLICY UPDATE</p> <p>The Committee received the report seeking approval to changes to the Redeployment Policy and Restructure Policy, introduced by Steve Davies, Head of Human Resources (HR).</p> <p>The Committee noted the deputation by Sean Fox , UNISON Branch Secretary including:</p>

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- concerns that the 0-12 week timelines (by which redeployment would occur) were too vague,
- that there should be minimum consultation period,
- where ring-fencing was concerned there should be no more than a reduction in salary of more than 1 scale,
- assurance was needed that an Equalities Impact Assessment would be conducted.

The Committee requested that a process be put in place to ensure that all Council vacancies were notified to the Human Resources Department as soon as they became available.

The Committee asked that all redeployments began as a 12 week period but in cases where there was little or no chance of redeploying employees (for example due to their specialist skills not being required elsewhere in the Council) that shorter redeployment periods be agreed with the relevant employees. It was agreed that the Council would issue a statement to the relevant employees if they were to be given less than a 12 week redeployment period. In response to its concerns the Committee noted that HR would be responsible for monitoring the consistency of this process.

The Head of HR clarified the wording in the 'General Principles' section of the Restructure policy (page 18 of the agenda pack) should read "..... to minimise redundancies arising from restructuring. The Council may for example put in place recruitment freezes, reduce overtime unless absolute necessary for the effective running of the service, give consideration to employee requests for voluntary downgrading or redeploy staff into suitable posts in other areas...."

The Head of HR confirmed that the Council generally conducted a minimum 30-day consultation period with unions and also that equalities impact assessments are undertaken before restructures were implemented.

The Head of HR agreed to amend the wording in the section 'Explanation of Ring Fences' in the proposed Restructure Policy (Page 23 of the agenda pack, section "D") to state "...employees will not be ring fenced into a selection process where there is a clear promotion i.e. more than one grade or where the new job is more than one grade below) the individual's substantive grade".

The Committee asked that the wording under the heading "Failure to co-operate with the process" (Page 25 of the Agenda Pack) should be more specific about where someone was potentially looking to circumvent the process of redeployment with the intention of obtaining a larger redundancy payment.

RESOLVED that the updates to the Redeployment Policy and Restructure Policy be approved.

GPCO55. REVIEW OF DEPENDANT'S ALLOWANCE

The Committee received the report seeking approval of the increase in the dependant's allowance for attendance by employees at evening meetings, introduced by Steve Davies, Head of Human Resources (HR).

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	<p>The Committee noted the written submission by Chris Taylor, UNISON Assistant Branch Secretary including the suggestion that the allowance be linked to the London Living Wage rate and the response by the Head of HR that it was possible to increase the rate from £5.80 to £7.60 per hour without a major financial implication for the Council.</p> <p>In response to the Union's suggestion that managers were given the discretion to authorise actual expenditure about £7.60 per hour in exceptional circumstances the Head of HR emphasised that only HR staff would agree exceptional circumstances and not managers.</p> <p>RESOLVED that the increase of the maximum Dependant's allowance from £4.00 per hour to £7.60 per hour in line with the London Living Wage rate and the minimum wage – adult rate, with effect from 1 April 2010 and in future to be linked to increases in the national minimum wage – adult rate.</p>
<p>GPCO56.</p>	<p>RECRUITMENT POLICY UPDATE</p> <p>The Committee received the report seeking approval of the updated Recruitment Policy introduced by Steve Davies, Head of Human Resources (HR).</p> <p>In response to Councillor Khan's concerns that a large proportion of Haringey's residents did not have internet facilities in their homes the Head of HR advised that research showed that 90% of the borough's residents were online. The Committee asked that in relation to Policy Principle number 3 (Page 37 of the Agenda Pack) there be clear signposts in the Council's recruitment media pointing residents to free internet access provided by the Council.</p> <p>The Committee noted that there was a management toolkit for the policy including timescales to be applied for recruitment.</p> <p>Officers agreed to report back to the Committee on the Recruitment Policy in 1 year.</p> <p>RESOLVED that the updated Recruitment Policy be approved.</p>
<p>GPCO57.</p>	<p>STREET DRINKING/CONTROLLED ZONE</p> <p>The Committee received the report recommending approval for a proposed extension of street drinking controls for Police through adoption of new controlled areas in respect of alcohol consumption in public places.</p> <p>The Committee noted that the proposed area in St Ann's Ward had been subject to the displacement of street-drinkers due to the current street-drinking controls in the Wicks area.</p> <p>In response to its questions the Committee noted that street drinkers often left rubbish in the area and intimidated passers by. The proposals were supported by local residents, councillors and the Police and other agencies including outreach workers had been involved in the process.</p> <p>RESOLVED</p>

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| | <ul style="list-style-type: none"> i. That the evidence collated in relation to crime and disorder, nuisance and anti social behaviour associated with street drinking locations in the proposed area and the responses to the formal consultation on the proposed Order to control alcohol consumption in the public places designated in the appendices 1,2 and 3 of the report be noted. ii. That the Committee is satisfied that nuisance or annoyance to members of the public, or a section of the public, and disorder, are associated with the consumption of intoxicating liquor in the public places proposed for designation. iii. That the proposed Order under section 13 of the Criminal Justice and Police Act 2001 identifying and designating the public places areas (shown in the appendices 1, 2 and 3 of the report) for controlling the consumption of intoxicating liquor be made. iv. That the Order, taking effect in April or May 2010, after advance warning has been given in a local newspaper notice and appropriate street signage, be agreed. |
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GPCO58. TREASURY MANAGEMENT – 4TH QUARTER

The Committee received the report updating on the Council's treasury management activities for the fourth quarter period ending 31st March 2010, introduced by Kevin Bartle, Head of Corporate Finance. Mr Bartle outlined to the Committee that the recently Council approved 2010/11 Treasury Management Strategy Statement (TMSS), amongst other revisions since last year, included a change of emphasis in that the Council no longer relies solely on credit rating agency ratings of institutions but that other considerations are taken into account. Following which a specific list of eligible institutions results, in which the Council may invest its surplus funds (paragraph 9.3, page 61 of the agenda pack).

In response to a question from Committee Members it was noted that the Council's application for permission to capitalise costs of £11.1 million for the estimated impairment of the Icelandic investments, referred to in paragraph 10.3 of the report, was at the higher end of the range of the calculation to derive the value of the impairment. It would not necessarily exactly equate to the noted 83.3% recovery rate referred to in paragraph 10.3. The Committee noted the successful outcome to the capitalisation application process given very few other Local Authorities had received permission from the DCLG to capitalise potential Icelandic related losses.

The Committee noted further planned borrowing for next year (paragraphs 11-11.3).

RESOLVED that the Treasury Management activity undertaken for the fourth quarter and period ending 31 March 2010 be noted.

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<p>GPCO59.</p>	<p>AGREEING ACCOUNTING POLICIES</p> <p>The Committee received the report seeking approval for amendments to the accounting policies that were being used for the closure of the Council's accounts for 2009/10, introduced by Kevin Bartle, Head of Corporate Finance.</p> <p>The Committee noted that the Council had been following properly its accounting policies but amendments were recommended following the external auditors' review. The suggested revisions were substantially presentational however a specific revision was necessary in light of the revised accounting requirements for Private Finance Initiatives (PFIs).</p> <p>RESLOVED that the amendments made to the accounting policies to be used for the closure of the Council's accounts for 2009/10 be approved.</p>
<p>GPCO60.</p>	<p>NEW ITEMS OF URGENT BUSINESS</p> <p>There were no new items of urgent business.</p>
<p>GPCO61.</p>	<p>EXCLUSION OF THE PRESS & PUBLIC</p> <p>RESOLVED that the press and public be excluded from the meeting for consideration of Agenda Items 14 and 15 as they contained exempt information as defined in Section 100a of the Local Government Act 1972; namely information that was likely to reveal the identity of an individual, and information relating to any individual.</p>
<p>GPCO62.</p>	<p>MINUTES OF GENERAL PURPOSES COMMITTEE SUB-BODIES</p> <p>i. <u>Council and Employee Joint Consultative Committee (CEJCC) minutes</u></p> <p>RESOLVED that the minutes of the Council and Employee Joint Consultative Committee (CEJCC) meetings held on 30th June 2009 and 6th October 2009 be noted.</p> <p>ii. <u>Staff Dismissal and Disciplinary Appeals and Grievance Hearings Minutes</u></p> <p>RESOLVED that the minutes of Staff Dismissal and Disciplinary Appeals and Grievance Hearings held on the following dates be noted.</p> <p>23rd April 2009 2nd, 3rd & 10th July 2009 16th July 2009 1st September 2009 28th September 2009 8th October 2009 15th October 2009 16th & 19th October 2009 & 1st February 2010 20th October 2010 14th December 2010 4th February 2010 15th February 2010</p>

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GPCO63.	NEW ITEMS OF EXEMPT URGENT BUSINESS There were no new items of exempt urgent business.
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Councillor GEORGE MEEHAN

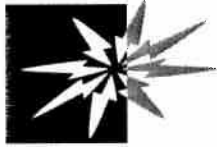
Chair

Councillor

Chair

SIGNED AT MEETING.....DAY


OF.....



Haringey Council
Agenda item:

General Purposes Committee

On 28 June 2010

Report Title.	Treasury Management 2009/10 out-turn	
Report of:	Director of Corporate Resources	
Signed :	 Julie Parker	
Contact Officer :	Nicola Webb, Head of Finance: Treasury & Pensions Telephone 020 8489 3726	
Wards(s) affected: All	Report for: Key Decision	
1. Purpose of the report		
1.1	<p>To report to members in accordance with the CIPFA Treasury Management Code of Practice and the Prudential Code on the following matters:</p> <ul style="list-style-type: none"> • details of capital financing, borrowing, debt rescheduling and investment transactions in 2009/10; • an assessment of the risk implications of treasury decisions and transactions; • details of the outturn position on treasury management transactions in 2009/10; • confirmation of compliance with treasury limits and Prudential Indicators. 	
2. Recommendation		
2.1	<p>That Members note the Treasury Management activity and performance during 2009/10 and compliance with treasury limits and Prudential Indicators.</p>	

3. Reason for recommendation

- 3.1. To ensure members are aware of the Treasury Management activities undertaken during 2009/10 and to report on compliance with limits and performance.

4. Summary

- 4.1. This report sets out the Council's Treasury Management activity and performance during 2009/10 as required by the CIPFA Treasury Management Code of Practice.

5. Head of Legal Services Comments

- 5.1 The Head of Legal Services has been consulted on the content of this report and comments that its content and recommendation are within the policy agreed by Council and consistent with the purposes of Financial Regulations.

6. Use of appendices

- Appendix A – Summary of Prudential Indicators

7. Local Government (Access to Information) Act 1985

- 7.1 The following background papers were used in the preparation of this report:

- Financial Planning Report for 2009/10 to 2010/12 reported to Council and agreed on 23rd February 2009.
- Reports to General Purposes Committee dated 7 July 2009, 22 October 2009, 12 January 2010 and 29th March 2010.

For access to the background papers or any further information please contact Nicola Webb, Head of Finance: Treasury & Pensions, on 0208 489 3726.

8. Background

- 8.1 The CIPFA Treasury Management Code of Practice requires local authorities to determine an annual Treasury Management Strategy and now, as a minimum, formally report on their treasury activities and arrangements to full Council mid-year and after the year-end. These reports enable those tasked with implementing policies and undertaking transactions to demonstrate they have properly fulfilled their responsibilities, and enable those with ultimate responsibility for the treasury management function to scrutinise and assess its effectiveness and compliance with policies and objectives. The report reviewing the activity and performance in 2009/10 is to General Purposes Committee, Cabinet and full Council.
- 8.2 In November 2009 CIPFA released the revised Code of Practice for Treasury Management in the Public Services and accompanying Guidance Notes and the revised Prudential Code for Capital Finance in Local Authorities. The Communities and Local Government Department (CLG) also issued revised Guidance on Local Authority Investments for English authorities. The revised Codes and associated guidance re-emphasise an appropriate approach to risk management, particularly in relation to the security and liquidity of invested funds.
- 8.3 The Council is revising its treasury policy and practices documentation to take account of the requirements and changes in the revised Codes and Guidance.

9. Economic and treasury portfolio background in 2009/10

- 9.1 At the time of determining the Treasury Management Strategy Statement for 2009/10 in February 2009, globally economies faced a prolonged recession or period of weakness following the financial market meltdown in the autumn of 2008. The UK Bank Rate had been cut to 0.5% and the Bank of England had announced its initial £75bn of Quantitative Easing (QE). There remained a sizeable gap between the rates at which banks were willing to borrow from other banks and the Bank Rate, but this gap was forecast to narrow. Gilts were expected to benefit from QE, resulting in lower yields.
- 9.2 After the economic recession and severe downturn in growth that extended into early 2009, there were reports of an emerging recovery. In order to stimulate growth, the Bank of England maintained the Bank Rate at 0.5% throughout the year. The rates at which banks were willing to borrow from each other slowly moved lower towards the Bank Rate.
- 9.3 The Bank of England extended its Quantitative Easing (QE) programme from the initial £75bn to £200bn to revive the economy. UK Government Gilts were the main beneficiary of the economic downturn and as expected, they also formed the significant bulk of the QE purchases and are thought to have pushed gilt yields, and consequently the cost of borrowing, lower by 0.5%.

- 9.4 The position in the treasury portfolio at the end of the financial year compared to the previous financial year end is shown below. This shows the gross borrowing position is significantly higher than the net and the difference has reduced during 2009/10. The reason for this is a reduction in cash balances which has taken place through the year as internal cash balances have been used to fund the capital programme. The Council is holding pension fund monies in cash investments pending investment with external fund managers. These investments are shown separately in the table, as they are not available to the Council to spend. The sections below describe the activity on investments and borrowing and detail the reasons and risks associated with this position.

Treasury Portfolio	Position at 31/03/09 £000	Position at 31/03/10 £000
Long Term Borrowing PWLB	508,611	510,811
Long Term Borrowing Market	125,005	125,005
Short Term Borrowing	0	0
Long Term Liabilities*	4,240	44,322
Total External Debt (Gross Borrowing position)	524,856	680,138
Investments: Council	72,500	23,106
Investments: Pension Fund	18,850	33,967
Investments: Icelandic deposits in default	36,957	30,030
Total Investments	128,307	87,103
Net Borrowing position	396,549	593,035

* The 2009 SORP has resulted in the PFI related long term liabilities being brought onto the Council's Balance Sheet in 2009-10. The PFI scheme financing is covered by PFI credits from central government. The aggregate External Debt including PFI liabilities remained within above the Council's Prudential Borrowing Limit.

10. Long Term Borrowing

- 10.1 The Council's borrowing requirement for 2009/10 and that of two succeeding financial years was estimated in February 2009 to be £165,668k of which Unsupported Borrowing amounted to £15,234k. In addition £17,800k of loans were due to mature during 2009/10 and required re-financing.
- 10.2 The Prudential Code permits the Council the flexibility to bring forward or defer borrowing in relation to its Capital Financing Requirement. During the year the differential between debt costs and investment earnings was significant. In order to eliminate the high "cost of carry" associated with the higher cost of long term borrowing compared to temporary investment returns (between 0.5% and 1%), the

Council used internal resources in lieu of borrowing for the majority of the financial year. By doing so, the Council lowered overall treasury risk during the year. The Council recognised that utilising investments in lieu of borrowing clearly had a finite duration and when internal balances fell to a level which put liquidity at risk in March, £20m of borrowing was taken from the Public Works Loan Board (PWLB).

- 10.3 During the year PWLB borrowing rates were relatively “steep” (rates for short-dated maturity loans were much lower than for longer-dated maturities) reflecting the historically low Bank Rate of 0.5%. The cost of PWLB variable rate debt fell below 1%. During 2009/10 this significantly reduced the ‘cost of carry’ associated with the cost of new borrowing and income earned on investments. This was advocated as a borrowing option by the Council’s treasury management advisers taking into account the substantial proportion of fixed rate debt in the Council’s portfolio. Interest rates would undoubtedly rise over the medium term, but the increase in the cost of variable rate borrowing would be mitigated by a parallel increase in investment income earned at variable rates. Existing PWLB arrangements also permit the conversion of variable rate debt to fixed rate at minimal cost. Equal Instalments of Principal (EIP) loans also reflected the steepness exhibited in the borrowing curve and was advocated as a borrowing option by the Council’s treasury management advisers. EIP loan principal is repaid evenly over the life of the loan and thus avoids adding to specific peaks in the maturity profile of debt.
- 10.4 In the light of this, the additional borrowing taken by the Council in March 2010 was a £20m EIP loan with a variable rate which was 0.7% for the remaining few days of 2009/10. The Council will maintain the discipline to regularly review the proportion and cost of variable rate debt within the portfolio and will either repay or convert the debt to fixed rate as necessary.
- 10.5 Loans of £17.8m were due for repayment to the PWLB during 2009/10 and these were repaid on their due dates in June 2009. The Council has £125m loans which are LOBO loans (Lender’s Options Borrower’s Option) of which £75m of loans were in their option state in 2009/10. None of the lenders involved exercised any call options during 2009/10 and so the interest rates remained fixed.

The movements on the borrowing portfolio during 2009/10 are summarised below:

	Balance at 01/4/09 £000	Maturing loans £000	New Borrowing £000	Balance at 31/3/2010 £000
Fixed rate PWLB	508,611	(17,800)	0	490,811
Fixed rate Market	125,005	0	0	125,005
Variable rate PWLB	0	0	20,000	20,000
Variable rate Market	0	0	0	0
Temporary Borrowing	0	(184)	184	0
Total borrowing	633,616	(17,984)	20,184	635,816

- 10.6 The Council's borrowing costs were £44.82m against a budgeted cost of £46.4m. This is £1.58m lower than expected due to using internal balances in place of external borrowing. This underspend offsets the lower than anticipated income received in respect of investments – see section 11.7 below.
- 10.7 In all its borrowing activity, the Council complied with the prudential indicators set for 2009/10. All borrowing decisions, including the decision to use internal balances, were taken following advice from the Council's Treasury Management Advisor, Arlingclose Ltd.

11. Investments – activity and performance in 2009/10

- 11.1 The Council held average cash balances of £65m during the year for the Council itself and £34m on behalf of the Pension Fund. The Council balances represented working cash balances and the Council's reserves. The Council invested these funds in accordance with the Treasury Management Strategy Statement agreed for 2009/10. All investments made during the year complied with the Council's agreed Treasury Management Strategy, Prudential Indicators, Treasury Management Practices and prescribed limits. Maturing investments were repaid to the Council in full and in a timely manner.
- 11.2 The Council's investment priorities set out in the 2009/10 strategy were:
- 1) Security of the invested capital;
 - 2) Liquidity of the invested capital;
 - 3) An optimum yield which is commensurate with security and liquidity.
- The investments placed by the Council during 2009/10 reflected these priorities.
- 11.3 Financial markets remained in an uncertain state particularly at the beginning of 2009/10. Against this backdrop, the Council continued to place investments with a small, select list of counterparties and managing counterparty risk continued to be the Council's overwhelming investment priority. In addition to credit ratings, the Council has regularly reviewed other economic and financial information including

potential sovereign support, sovereign strength as evidenced by the ratings and GDP, sovereign and counterparty credit default swaps throughout the year.

- 11.4 The 2009/10 treasury management strategy determined 'specified' and 'non-specified' investments for use having assessed their risks and benefits in relation to the Council's particular circumstances, risk threshold and investment objectives. New 'specified' investments were restricted to the UK Government Debt Management Office, other local authorities, AAA-rated Money Market Funds and investments with banks and building societies which are Eligible Institutions under the UK Government's 2008 Credit Guarantee Scheme and with a long-term AA-(AA minus) Fitch rating. The 2009/10 treasury management strategy also included a number of 'non-specified' categories of investment – gilts, supranational bonds and deposits with any of the above specified counterparties for a period of more than one year. However none of the non-specified investments were used during 2009/10, due to the reduction in cash balances and the need to maintain liquidity.
- 11.5 At the beginning of the year the majority of investments were placed with the UK government Debt Management Office or on call with the UK banks on the Council's lending list. In November 2009, the Council started using AAA rated Money Market Funds following a selection exercise undertaken with the advice of Arlingclose, the Council's treasury management advisers. These actions enabled the Council to maintain the liquidity required, while earning a reasonable interest rate. From the table below, it can be seen that by the end of the financial year, all deposits with banks and building societies no longer on the lending list had been returned (with the exception of the Icelandic deposits – see 11.8 below).

	Balance at 01/4/2009 £000	Balance at 31/3/2010 £000
Debt Management Office	9,350	0
UK Banks and Building Societies on 2009/10 counterparty list	64,000	45,919
Banks and Building Societies not on 2009/10 counterparty list	18,000	0
Money Market Funds	0	11,154
TOTAL INVESTMENTS EXCLUDING ICELAND	91,350	57,073
Council investments	72,500	23,106
Pension Fund investments	18,850	33,967
Icelandic deposits in default	36,957	30,030
TOTAL INVESTMENTS	128,307	87,103

- 11.6 In order to monitor the credit worthiness of the investments the Council placed, the Council has been reporting a measure of credit worthiness produced by the treasury management advisers to General Purposes Committee on a quarterly basis. This measure scores credit risk on a scale of 0 to 10 on both a value weighted and a time weighted basis and the table below demonstrates how to interpret the scores:

Above target	AAA to AA+	Score 0 - 2
Target score	AA to A+	Score 3 - 5
Below target	Below A+	Score over 5

The scores reported throughout the year are shown in the table below and they demonstrate that the Council has remained within the target range throughout 2009/10:

	Quarter 1 30 June 09	Quarter 2 30 Sept 09	Quarter 3 31 Dec 09	Quarter 4 31 March 10
Value weighted	4.3	3.5	3.5	3.5
Time weighted	4.3	4.0	4.0	4.2

- 11.7 The UK Bank Rate was maintained at 0.5% throughout 2009/10. Money market rates soon fell to and remained at historic lows. Whilst existing investments provided some insulation against falling rates, new investments could only be made at the prevailing lower rates of interest. This has had a significant impact on investment income. The Council's investments achieved a return of 2.12% in the year and the income for the year was £1.58m. The 2009/10 budget for investment income was £2m following an allocation from reserves. This therefore resulted in an overspend of £0.42m, which was offset by the underspend on interest paid.
- 11.8 **Icelandic Investments** – the administration processes for the Icelandic banks in which the Council deposits are held are continuing. Three payments have been received by the Council in respect of the Heritable Bank deposits totalling £6,958k. This represents 35% of the original deposits. Legal challenges are continuing in Iceland with regard to whether local authority deposits in Landsbanki and Glitnir have priority status. The Landsbanki Winding Up Board determined that local authority deposits should have priority, but this is being challenged by the other creditors. The Glitnir Winding Up Board however decided that local authorities are not priority. This decision is being challenged by local authorities.

12. Short Term Borrowing during 2009/10

- 12.1 As discussed above, the cash balance of the Council was reducing during 2009/10 and as a result the Council was required to borrow funds on a short term basis at various points during the year. Due to the uneven pattern of the Council's cashflow, borrowing was required to meet the Council's obligations in advance of receipts being received. The table below provides a summary of the short term borrowing undertaken during 2009/10.

Lender	Number of occasions	Average amount borrowed	Average period of loan (days)	Weighted average interest rate paid
Other local authorities	12	£5.87m	1.83	0.34%
UK banks and building societies	21	£6.0m	2.68	0.50%
TOTAL	31	£5.95m	2.35	0.44%

13. Minimum Revenue Provision (MRP)

- 13.1 Local authorities are required to charge to their revenue account an annual provision for the repayment of debt associated with expenditure incurred on capital assets. This charge to the revenue account is referred to as the Minimum Revenue Provision (MRP).
- 13.2 The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008 provide local authorities with a number of options as to how to calculate MRP. The Council's MRP policy for 2009/10 was approved by the Council. It was determined that the option which enables the Council to charge 4% of the Authority's underlying need to borrow would be adopted for Supported Borrowing. For unsupported borrowing the option to charge according to the life of the asset was agreed.

14. Compliance with Prudential Code indicators

- 14.1 The Council complied with the Balanced Budget requirement and as required by the Prudential Code, the Council approved a set of prudential indicators for 2009/10 on 23rd February 2009. The Council complied with all indicators during the financial year and details of each indicator are provided below with a summary set out in Appendix A.

14.2 Estimated and Actual Capital Expenditure

This indicator is set to ensure that the level of proposed investment in capital assets remains within sustainable limits and, in particular, to consider the impact on the Council Tax and in the case of the Housing Revenue Account (HRA), housing rent levels.

No. 1	Capital Expenditure	2009/10	2009/10	2009/10
		Estimated £000	Revised indicator £000	Outturn £000
	General	149,280	121,981	105,274
	HRA	49,725	60,479	60,638
	Total	199,005	182,460	165,912

Further information about the capital out-turn can be found in the 2009/10 budget out-turn report.

14.3 Estimated and Actual Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and demonstrates the revenue implications of capital investment decisions by highlighting the proportion of the revenue budget required to meet the borrowing costs associated with capital spending. The financing costs include existing and proposed capital commitments.

No. 2	Ratio of Financing Costs to Net Revenue Stream	2009/10	2009/10	2009/10
		Estimated %	Revised indicator %	Outturn %
	General	5.20	5.35	5.56
	HRA	33.59	32.77	27.67

14.4 Capital Financing Requirement

The Capital Financing Requirement (CFR) measures the Council's underlying need to borrow for a capital purpose. In order to ensure that over the medium term net borrowing will only be for a capital purpose, the Council ensures that net external borrowing does not, except in the short term, exceed the CFR in the preceding year plus the estimates of any additional CFR for the current and next two financial years. The Council was within this limit throughout 2009/10.

No. 3	Capital Financing Requirement	31/3/10	31/3/10	31/3/10	31/3/11	31/3/12
		Estimated £000	Revised indicator £	Outturn £	Estimated £	Estimated £
	General	226,850	228,256	230,130	231,501	239,901
	HRA	449,242	449,331	452,765	492,498	542,731
	Total	676,092	677,587	682,895	723,999	782,632

14.5 **Authorised Limit**

This is the maximum amount of external debt that can be outstanding at one time during the financial year. The limit, which is expressed gross of investments, is consistent with the Council's existing commitments, proposals for capital expenditure and financing and with its approved treasury policy and strategy and also provides headroom over and above for unusual cash movements. This limit was set at £900m for 2009/10.

14.6 **Operational Boundary**

This is set to reflect the Council's best view of the most likely prudent (i.e. not worst case) levels of borrowing activity and is based on the Authorised Limit excluding the headroom for unusual cash movements. For 2009/10 the limit was set at £875m.

14.7 **Actual External Debt**

This indicator is obtained directly from the Council's balance sheet. It is the closing balance for actual gross borrowing plus other long-term liabilities. This Indicator is measured in a manner consistent for comparison with the Operational Boundary and Authorised Limit.

No. 4	Comparison of Actual External Debt to Authorised Limit and Operational Boundary	Authorised Limit £000	Operational Boundary £000	Actual External Debt at 31/03/10 £000
	Borrowing	895,419	870,419	635,816
	Other Long-term Liabilities	4,581	4,581	44,322
	Total	900,000	875,000	680,138

14.8 The levels of debt were measured on an ongoing basis during the year for compliance with the Authorised Limit and the Operational Boundary. The 2009 SORP has resulted in the PFI related long term liabilities being brought onto the Council's Balance Sheet in 2009-10 – this accounts for the large increase in long term liabilities. The PFI scheme financing is covered by PFI credits from central government. The Council maintained its total external borrowing and other long-term liabilities within both limits; at its peak this figure was £680,138k.

14.9 **Incremental Impact of Capital Investment Decisions**

This is an indicator of affordability that shows the impact of approved capital investment decisions on Council Tax and Housing Rent levels when the budget for the year was set.

No. 5	Incremental Impact of Capital Investment Decisions	2009/10 Revised £	2009/10 Actual £
	Increase in Band D Council tax	8.48	2.81
	Increase in average weekly housing rents	0.03	0.02

The table shows the difference between the revised indicators and the actual position was minimal on housing but slightly more significant on the General Fund.

This is a result of the out-turn on capital expenditure, which is covered in detail in the budget out-turn report.

14.10 Upper Limits for Fixed Interest Rate Exposure and Variable Interest Rate Exposure

These indicators allow the Council to manage the extent to which it is exposed to changes in interest rates. The exposures are calculated on a net basis, i.e. fixed rate debt net of fixed rate investments. The upper limit for variable rate exposure allows for the use of variable rate debt to offset exposure to changes in short-term rates on the portfolio of investments. The Council complied with these limits throughout 2009/10.

No. 6	Fixed and Variable rate exposures	2009/10 Estimated %	2009/10 Actual Peak Exposure %
	Upper Limit for Fixed Rate Exposure	100	100
	Upper Limit for Variable Rate Exposure	40	4.33

14.11 Maturity Structure of Fixed Rate borrowing

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates and is designed to protect against excessive exposures to interest rate changes in any one period, in particular in the course of the next ten years. It is calculated as the amount of projected borrowing that is fixed rate maturing in each period as a percentage of total projected borrowing that is fixed rate. The Council complied with these limits throughout 2009/10.

No. 7 Maturity structure of Fixed Rate Borrowing	Lower Limit %	Upper Limit %	Actual Borrowing as at 31/3/2010 £000	Percentage of total at 31/3/2010
under 12 months	0	25	52,005	8.2
12 months and within 2 years	0	25	46,500	7.3
2 years and within 5 years	0	50	111,743	17.6
5 years and within 10 years	0	75	109,475	17.2
10 years and over	0	100	316,088	49.7
Further split of long term borrowing				
10 years and within 20 years			59,088	9.3
20 years and within 30 years			25,000	3.9
30 years and within 40 years			10,000	1.6
40 years and within 50 years			147,000	23.1
50 years and above			75,000	11.8

14.12 Total principal sums invested for periods longer than 364 days

This indicator is set in order to allow the Council to manage the risk inherent in investments longer than 364 days. For 2009/10 this limit was set at £60m. However no investments were made for more than 364 days due to the reducing cash balances and the funding of capital from internal balances.

14.13 Adoption of the CIPFA Treasury Management Code

The Council originally adopted the CIPFA Code of Treasury Management in May 2002. At its meeting on 22nd February 2010 the Council adopted the revised CIPFA Code of Treasury Management. The Council has incorporated the changes from the revised CIPFA Code of Practice into its treasury policies, procedures and practices.

15. Other Treasury Issues

15.1 External Service Providers

Arlingclose is appointed as the Council's treasury management adviser. The Council is clear as to the services it expects and are provided under the contract. The service provision is comprehensively documented. The Council is also clear that overall responsibility for treasury management remains with the Council.

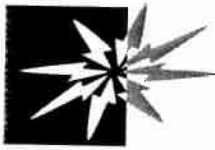
15.2 Training

CIPFA's revised Code requires the Chief Financial Officer to ensure that all members tasked with treasury management responsibilities, including scrutiny of the treasury management function, receive appropriate training relevant to their needs and understand fully their roles and responsibilities. The CLG's revised Investment Guidance also recommends that a process is adopted for reviewing and addressing the needs of the authority's treasury management staff for training in investment management.

Training sessions were held in September 2009 and June 2010 for all councillors involved in decisions relating to treasury management. Treasury management staff have kept their knowledge up to date by attending training events arranged by the Council's treasury management advisors and CIPFA.

Summary of Prudential Indicators

No.	Prudential Indicator	2009/10 Revised Indicator		2009/10 Out turn
1	Capital Expenditure	£182,460k		£165,912k
2	Ratio of financing costs to net revenue stream			
	General Fund	5.35%		5.56%
	HRA	32.77%		27.67%
3	Capital Financing Requirement	£677,587k		£682,895k
4	Authorised Limit	£900,000k		£680,138k
	Operational Boundary	£875,000k		£680,138k
5	Incremental impact of capital investment decisions			
	Band D Council Tax	£8.48		£2.81
	Weekly Housing rents	£0.03		£0.02
6	Upper limit – fixed rate exposure	100%		100%
	Upper limit – variable rate exposure	40%		4.33%
7	Maturity structure of borrowing (U: upper, L: lower)	L	U	
	under 12 months	0%	25%	8.2%
	12 months and within 2 years	0%	25%	7.3%
	2 years and within 5 years	0%	50%	17.6%
	5 years and within 10 years	0%	75%	17.2%
	Over 10 years	0%	100%	49.7%
8	Sums invested for more than 364 days	£60,000k		£0
9	Adoption of CIPFA Treasury Management Code of Practice			√



Haringey Council
Agenda item:

General Purposes Committee

On 28 June 2010

Report Title.	Treasury Management 2010/11 Quarter 1: Activity & Performance update		
Report of:	Director of Corporate Resources		
Signed :	<i>J. Parker</i> 16/6/10		
Contact Officer :	Nicola Webb, Head of Finance: Treasury & Pensions Telephone 020 8489 3726		
Wards(s) affected: All	Report for: Non Key Decision		
1. Purpose of the report	1.1. To update the committee on the Council's treasury management activities and performance in the first quarter of 2010/11.		
2. Recommendation	2.1 That Members note the Treasury Management activity undertaken during the first quarter of 2010/11 and the performance achieved.		
3. Reason for recommendation	3.1. To ensure members are aware of the Treasury Management activities undertaken in the first quarter of 2010/11 and to report on performance.		

4. Summary

- 4.1. This report sets out the Council's Treasury Management activity and performance during the first quarter of 2010/11.

5. Head of Legal Services Comments

- 5.1 The Head of Legal Services has been consulted on the content of this report and comments that its content and recommendation are within the policy agreed by Council and consistent with the purposes of Financial Regulations.

6. Use of appendices

- Appendix 1: Summary of Treasury Management activity and performance

7. Local Government (Access to Information) Act 1985

- 7.1 The following background papers were used in the preparation of this report:

- Financial Planning Report for 2010/11 to 2011/13 reported to Council and agreed on 22 February 2010.

For access to the background papers or any further information please contact Nicola Webb, Head of Finance: Treasury & Pensions, on 0208 489 3726.

8. Treasury Management Strategy Statement 2010/11

- 8.1 The Council approved the Treasury Management Strategy Statement for 2010/11 on 22nd February 2010. The Strategy states that the General Purposes Committee will monitor treasury management activity and performance on a quarterly basis. This report is the first of these quarterly monitoring reports for 2010/11.

- 8.2 The latest government guidance on local authority treasury management states that local authorities should consider the following factors in the order they are stated:

Security - Liquidity - Yield

The Treasury Management Strategy reflects these factors and is explicit that the priority for the Council is the security of its funds.

- 8.3 The quarterly reports during 2010/11 will be structured according to these factors, so that members can see how they are being addressed operationally.

9. Treasury Management Activity and Performance: Security

- 9.1 The Treasury Management Strategy Statement places a high emphasis on security of the Council's funds. This is achieved in two ways – firstly by minimising the funds held which need to be invested and secondly by maintaining a lending list of high quality counterparties with strict limits.
- 9.2 During the quarter cash balances have remained at levels sufficient to manage the payments the Council was required to make and therefore it was not necessary to borrow additional funds. Officers consulted the Council's treasury management advisors, Arlingclose, about the timing of borrowing and they have advised that rates are expected to remain low for the remainder of the calendar year and so there is no long term disadvantage to delaying long term borrowing to fund the capital programme. The long term borrowing portfolio therefore remained at £636m during the quarter.
- 9.3 The Council approved the list of institutions which the Council can lend to as part of the Treasury Management Strategy Statement. The list was drawn up on the advice of the Council's treasury management advisors and only includes institutions which are assessed as having high credit quality. In addition to the Debt Management Office and AAA rated Money Market Funds, the list included eight UK banks and building societies, but only five are currently being used:
- Barclays Bank
 - Lloyds TSB Bank (part of the Lloyds Banking Group)
 - Bank of Scotland (part of the Lloyds Banking Group)
 - Nationwide Building Society
 - Royal Bank of Scotland
 - HSBC Bank (not actively used)
 - *Clydesdale Bank (currently suspended from use)*
 - *Santander UK plc (currently suspended from use)*
- 9.4 Although HSBC is on the list, it is not actively used as they do not accept deposits for less than one year. Both Clydesdale Bank and Santander UK plc have been suspended from the lending list due to concerns about their parent owners. Clydesdale have not been used during 2010/11 as the credit ratings of their owner, National Australia Bank, are lower than all the other banks on the list. Santander UK plc (formerly Abbey) is a UK bank with a Spanish parent owner. Following the downgrade of Spain's sovereign credit rating at the end of April, officers took the decision to temporarily suspend Santander UK plc from the lending list as a precaution and until a full review of the bank's credit status is undertaken by the Council's treasury management advisers. This may result in the lifting of the suspension.
- 9.5 Three AAA rated money market funds were selected for use by the Council following a selection exercise in November 2009. These funds have been used extensively due to the instant access they offer and the reasonable rate of return.

When it has not been possible to deposit elsewhere, funds have been deposited with the Debt Management Office, which is a government guaranteed facility.

- 9.6 The Council has sought to minimise its security risk by setting limits on each institution on the lending list. The Council complied with all these limits throughout the first quarter. In addition officers have sought to spread the deposits across the available institutions to further minimise security risk. The table below shows the Council's deposits at 11th June 2010:

Institution	Long Term Credit Rating	Amount (£m)	% of total deposits
Henderson Money Market Fund	AAA	14.95	17.0
RBS Money Market Fund	AAA	13.33	15.1
Debt Management Office	AAA	24.75	28.1
Barclays Bank	AA-	10.00	11.4
Lloyds TSB Bank	A+	4.90	5.6
Nationwide Building Society	A+	10.00	11.4
Royal Bank of Scotland	A+	10.00	11.4
Total		87.93	

- 9.7 Arlingclose, the Council's treasury management advisers have devised a way of scoring the level of credit risk the Council is taking. The scores this produced were reported to General Purposes Committee throughout 2009/10. This measure scores credit risk on a scale of 0 to 10 on both a value weighted and a time weighted basis and the table below demonstrates how to interpret the scores:

Above target	AAA to AA+	Score 0 - 2
Target score	AA to A+	Score 3 - 5
Below target	Below A+	Score over 5

- 9.8 The score for this quarter is shown below alongside the previous three quarters for comparison:

	Quarter 2 2009/10	Quarter 3 2009/10	Quarter 4 2009/10	Quarter 1 2010/11
Value weighted	3.5	3.5	3.5	2.3
Time weighted	4.0	4.0	4.2	3.6

This shows that the Council still remains within the target score range and the credit quality of its portfolio has got higher. This is mainly due to the temporary suspension of Santander UK plc from the lending list and increased used of AAA money market funds and the Debt Management Office.

10. Treasury Management Activity and Performance: Liquidity

- 10.1 Once the Council is satisfied that security risk is being managed, the next consideration in treasury management is liquidity. The Council has a number of inflows and outflows every month and it is important that the Council's funds are managed to ensure there is sufficient liquidity when it is required.
- 10.2 The tool which officers use to ensure that liquidity is maintained is cash flow forecasting. The Corporate Finance business plan for 2010/11 commits officers to developing further and improving this area of work, so that there is a clearer picture on a day to day basis of the liquidity requirements.
- 10.3 Officers have maintained liquidity throughout the quarter and it has not been necessary to borrow. This has been achieved because no long term investments have been entered into and the AAA rated money market funds have been used extensively, as they provide the Council with instant access. The average balance in these funds during the quarter was £15.6m.
- 10.4 The Council's liquidity was boosted on 2nd June 2010 when an unexpected receipt of £43m was received from Partnership for Schools (only £11m was planned) – the majority of which was for the "Building Schools for the Future" project, and which was originally expected to be received in 4 instalments throughout the year. These additional funds were immediately invested to ensure security of the money and to maximise the return.
- 10.5 The table below shows the Council's deposits at 11th June 2010 and due to the recent large receipt are higher than they have been for some time. This table shows the term of each of the deposits and calculates the weighted average maturity of the portfolio.

Institution	Term of deposit (days)	Amount (£m)
Henderson Money Market Fund	1	14.95
RBS Money Market Fund	1	13.33
Debt Management Office	29	10.00
Debt Management Office	39	13.75
Debt Management Office	4	1.00
Barclays Bank	103	10.00
Lloyds TSB Bank	103	4.90
Nationwide Building Society	53	10.00
Royal Bank of Scotland	71	10.00
Weighted Average Maturity	41.3	

- 10.6 £50m of long term borrowing is due to mature during 2010/11 – the first £10m on 3rd July – and therefore the liquidity position will be closely monitored over the coming months in the light of this.

11. Treasury Management Activity and Performance: Yield

- 11.1 Only once security and liquidity have been considered and the Council is satisfied it has taken all steps to minimise these risks, should yield be a factor. Base rate remained at 0.5% throughout the quarter and Arlingclose's forecast is that it will remain at this rate until the end of the year when it will start to rise slowly during 2011 and 2012.
- 11.2 The Debt Management Office is still paying 0.25% for all deposits, regardless of the length of the fixed term. The money market funds are paying between 0.4% and 0.6%. Banks are paying a variety of rates up to 1.15% depending on the length of time funds are deposited for.
- 11.3 By the end of the quarter, it is expected that interest of £79.4k will have been earned on the Council's deposits at an average rate of 0.66%. The budget for interest earned in 2010/11 is £500k and the current forecast is that the budget will be achieved.
- 11.4 The Council's 2010/11 budget for interest payable is £44.57m. At present this is expected to be on budget.

12. Pension Fund investments

- 12.1 In addition to investing cash on behalf of the Council, the Treasury team invest Pension Fund cash being held pending longer term investments. This is temporarily invested alongside the Council's funds and in accordance with the approved Treasury Management Strategy. Contributions to the Pension Fund exceed benefits payable every month and so a surplus of cash builds up. The Pensions Committee have decided to invest this in property and private equity and the cash is held pending appropriate opportunities being found by the fund managers.
- 12.2 During the quarter an average balance of £35.22m was held. The credit score for the portfolio was 4.2 on a time weighted and 3.2 on a value weighted basis. The weighted average maturity was 64 days, reflecting a balance of funds in an instant access money market fund and fixed term deposits of 1 month or more reflecting different liquidity needs to those of the Council. By the end of the quarter, it is expected that interest of £57.5k will have been earned in the quarter at a rate of 0.65%. The portfolio of investments on 11th June was:

Institution	Long Term Credit Rating	Amount (£m)	Term (Days)
Goldman Sachs Money Market Fund	AAA	14.08	1 (instant access)
Barclays Bank	AA-	4.53	91
Lloyds TSB	A+	5.03	183
Lloyds TSB	A+	5.01	92
Nationwide Building Society	A+	3.11	30
Royal Bank of Scotland	A+	5.00	91
Total Investments		36.76	

13. Future lending list

- 13.1 Officers have considered two possible changes to the Council's lending list for the future – building societies and non UK banks. A change to the list would require the approval of full Council.
- 13.2 The possibility of adding building societies, other than Nationwide, to the list has been discussed with the Council's treasury management advisers, Arlingclose. They are not supportive of this for a number of reasons. Building Society business is almost entirely reliant on the housing market. This is a risk as it is so focused on one area of the economy and one that at the moment is still fairly uncertain. Many do not have credit ratings and those that do are well below the ratings the Council would normally deal with. It is not recommended, therefore, to add further Building Societies to the Council's approved list.
- 13.3 In the case of non UK banks, Arlingclose recommend the inclusion of sixteen non UK banks from eight countries – Australia, Canada, USA, Finland, France, Germany, Netherlands and Switzerland. These banks have been assessed by Arlingclose to be of high credit quality on the basis of their credit ratings, CDS prices, share prices and the sovereign rating of the country in which they are based. However given the recent uncertainties and downgradings in the Eurozone in particular, officers will continue to monitor these overseas banks before considering a recommendation for their inclusion on the Council's approved list. The next report in September will be the mid-year report which the CIPFA Code of Practice requires to be reported to full Council and so it will be timely to recommend any changes to the list at that time.

14. Recommendation

- 14.1 That members note the Treasury Management activity undertaken during the first quarter of 2010/11 and the performance achieved.

Appendix 1: Summary of Treasury Management Activity and Performance

A. Treasury Portfolio

	Position at Q1 2010/11 £000	Position at 31/03/10 £000
Long Term Borrowing PWLB	510,811	510,811
Long Term Borrowing Market	125,005	125,005
Short Term Borrowing	0	0
Total Borrowing	635,816	635,816
Investments: Council	87,934	23,106
Investments: Pension Fund	36,759	33,967
Investments: Icelandic deposits in default	30,030	30,030
Total Investments	154,723	87,103
Net Borrowing position	481,093	593,035

B. Security measure

	Quarter 1 2010/11	Quarter 4 2009/10
Credit score - Value weighted	2.3	3.5
Credit score - Time weighted	3.6	4.2

C. Liquidity measure

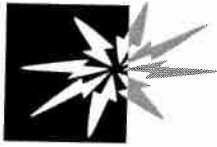
	Quarter 1 2010/11	Quarter 4 2009/10
Weighted average maturity – deposits (days)	41.3	32.9
Weighted average maturity – borrowing (years)	21.6	21.8

D. Yield measure

	Quarter 1 2010/11	Quarter 4 2009/10
Interest rate earned	0.66%	0.72%
Interest rate payable	7.00%	7.22%

E. Pension Fund investments

	Quarter 1 2010/11	Quarter 4 2009/10
Credit score - Value weighted	3.0	3.2
Credit score - Time weighted	4.3	4.2
Weighted average maturity – deposits (days)	64	77
Interest rate earned	0.65%	0.92%



Haringey Council

Agenda item:

[No.]**GENERAL PURPOSES COMMITTEE****On 28th June 2010**

Report Title. **Consultation on the revision of the Statement of Licensing Policy under the Licensing Act 2003**

Report of **Niall Bolger – Director of Urban Environment**

Signed :

N Bolger 26th May 2010.

Contact Officer : Robin Payne – Head of Enforcement Services

Wards(s) affected: **All**

Report for: Key Decision

1. Purpose of the report

1.1. Members to take note of the changes to and to endorse the draft Haringey Statement of Licensing Policy 2011-2014 to go out for public consultation.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

2.1. Alcohol Harm Reduction Strategy
 Councils own Enforcement Policy
 Community Safety Strategy
 Crime and Disorder Reduction Strategy
 Safeguarding Children Policy

3. Recommendations

3.1. That the General Purposes Committee take note of the proposed changes to be consulted on under s5 of the Licensing Act 2003, and give permission for consultation to commence.

4. Reason for recommendation(s)

4.1. We are obliged to review the Statement of Licensing Policy every three years.

4.2. The S182 Guidance has been revised by the Department of Culture Media and Sports (DCMS) and other new legislation which impacts on the 2003 Act has been introduced and should be incorporated into the Policy. The Local Authority must have regard to the guidance when revising its policy.

5. Other options considered

5.1. None necessary

6. Summary

- 6.1. Haringey in its role as a Licensing Authority is required to publish a policy statement to guide it through its responsibilities and decision making of applications under the 2003 Act. The policy must support the four licensing objectives as detailed at paragraph 16 below, and must be consulted upon widely as detailed at paragraph 10.
- 6.2. In following the details given in section 17 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.

7. Chief Financial Officer Comments

The costs of preparing this report and implementing the associated recommendations can be contained within existing budgets.

8. Head of Legal Services Comments

8.1. The Legal implications are fully set out in the body of the Report. Under the Councils Constitution, the General Purposes Committee has the responsibility for recommending the Statement of Licensing Policy for adoption to full Council. The General Purposes Committee also makes the decision on going out to consultation on the revised Statement of Licensing Policy.

9. Equalities & Community Cohesion Comments

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.
- 10.2. In addition, the revised draft statement will be placed on the Council's website together with supporting explanation and guidance.

11. Service Financial Comments

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.

12. Use of appendices /Tables and photographs

- 12.1. Appendix 1 – Draft revised Statement of Licensing Policy
12.2. Appendix 2 – Existing Licensing Policy

13. Local Government (Access to Information) Act 1985

- 13.1. Section 182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports
- 13.2. The Licensing Act 2003.
The Policing and Crime Act 2009

14. Background

The Licensing Act 2003 (the '2003 Act') introduced 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.

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 licence 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.

15. Description of changes to the policy

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 are as follows:

- I. Editing the Policy to make it more easily understood and to improve its effectiveness. **(throughout document)**
- II. Clarification on the expectations of the Licensing Authority on applicants wishing to apply for licences. **(pages 18-27)**
- III. Following legislative changes, information has been added dealing with Minor Variations, the new Mandatory Codes introduced by the Policing and Crime Act 2009. **(introduction and pages 4& 6)**
- IV. Additional reference to measures operators would be expected to include in their operating schedule for particular types of premises. **Pages 18-27**
- V. Minor variations process **page 37**
- VI. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in premises that choose to use the slip rule allowed by the amendment in the Policing and Crime Act 2009. **pages 6 & 22**
- VII. Updated guidance on carrying out risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling. 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. **Pages 18-27**
- VIII. The EU Services Directive is now in place and this has required us to ensure that all licensing processes are available to be applied for and determined online from any where in the EU member states. **Page 6**
- IX. 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 important that the impact of noise nuisance is considered when granting these permits as well as the permitted hours of use are stated on the licences issued. **Page 22**
- X. Updating the policy in line with the revised 182 Guidance
The main guidance has been revised and our policy reflects the revisions made to s182 Guidance **throughout document**
- XI. An overview of the new powers available to Elected Members as Interested Parties in their right with the ability to make representation against an application and call for a review of an application. **Page38-39**

- XII. Information is also provided in relation to the New Licensing Panels which will consist of a panel of Officers to deal with premises that are a cause for concern but not yet at a review stage. The Licensing panel will be able to draw up working agreements with badly performing premises to assist them to turn things around before they are reviewed. This will be done by using the Yellow Card Red Card proposals as a means to bring about compliance **pages 40-43**
- XIII. Street Drinking Zones explanation and list of wards affected pages 29-30
- XIV. Case Law that affects the way matters are determined by the Licensing Sub Committees **page 40**
- XV. Updated guidance on Personal Licences and the role of the DPS (Designated Premises Supervisor) **page 32-33**

16. Fundamental Principles

The Act contains four licensing objectives which underpin the functions that the Licensing Authorities 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.

17. The timescale for the consultation is as detailed below

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

- 27th May 2010 consult Licensing Committee.
- 03rd June 2010 Cabinet Advisory Board
- 28th June 2010 – report goes to GPC to give permission for consultation to commence.
- 23rd September 2010 - Final draft policy completed goes GPC to report back on outcome of consultation (late responses will have to be tabled)
- 18th October Full Council to adopt
- Public notice to be given for 28 days

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The London Borough of Haringey

Statement of Licensing Policy

January 2011-14

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The London Borough of Haringey

Statement of Licensing Policy

1.0 Introduction

- 1.1 The Licensing Act 2003 (“2003 Act”) sets out the way licensed premises are regulated. Licensing authorities must also have regard to Guidance (“S.182 Guidance”) issued under Section 182 of the 2003 Act by the Department for Culture, Media, and sports (“DCMS”). The London Borough of Haringey (“LBH”) published its first Statement of Licensing Policy (“SoLP”) under the 2003 Act in January 2005. The law prescribes that a new SoLP must be published every three years. This SoLP (subject to consultation) will come into effect on 23 January 2011 and apply until 22 January 2014.
- 1.2 The SoLP satisfies the requirements of Section 5 of the 2003 Act and sets out the framework within which LBH will discharge its duties under the Act in promoting the four licensing objectives, namely:
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance;
 - the protection of children from harm.
- 1.3 LBH will have regard to the SoLP when determining applications under the 2003 Act. LBH is 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 provides information and guidance to Applicants, Interested Parties, and Responsible Authorities on the approach LBH will take when determining licensing applications. LBH will apply the standards and policies set out in the SoLP unless there is good reason not to. In such cases, full reasons will be given. The S.182 Guidance recognises that Licensing Authorities may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. Each application will be considered on its own merits and all parties involved will be treated fairly and openly.
- 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.

In determining applications under the Act, the Licensing Authority shall consider:

- The promotion of the four licensing objectives;
- Representations and evidence presented by all parties, together with any relevant supporting documentation;
- Any Guidance issued by the Government;
- The Licensing Authority's own Statement of Licensing Policy.

1.6 The licensing policy will not undermine an 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 SoLP seeks to encourage responsible licensees with restrictions only relating directly to the four licensing objectives.

1.8 In drawing up this SoLP, LBH 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.

1.9 With the introduction of the Policing and Crime Act 2009, the Licensing Authority further acknowledges and supports that this legislation has been introduced against a background of increasing alcohol related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. The Policing and Crime Act 2010 introduced a set of additional mandatory licence conditions, affecting the way that premises and clubs that sell alcohol are allowed to operate. The new mandatory conditions apply to all premises licences and club premises certificates that authorise the sale or supply of alcohol on the premises. The following three conditions apply to all "on" premises licences and club premises certificates

- **Certain "irresponsible" drinks promotions are banned.**

- **Tap water must be made available free of charge to customers on request.**
- **Alcohol may not be directly dispensed into another person's mouth (unless that person is disabled).**

From 1st October 2010, the following conditions will also apply:

- **Require an age verification policy to be in place to prevent underage sales; and**
 - **Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.**
- 1.10 There is no obligation for the licensing authority to re-issue licences. As a matter of good practice, however, this Authority has sent notification to the local licensed trade of the new conditions. The introduction of this legislation signals a shift back from deregulation towards offering greater support for communities being adversely affected.
- 1.11 The Licensing Authority also acknowledges the affect of this legislation in expanding the definition of the term 'Interested Parties' to now include elected members of the local authority. Elected councillors of the licensing authority may now make representations or seek a review in their own right. Councillors do not sit on Licensing Sub Committees dealing with applications within a Councillor's own ward.
- 1.12 The Licensing Authority has put in place a Licensing Panel which is made up of a group of Senior level Officers from Environmental Health, Enforcement Services, the Metropolitan Police, the Fire Officer and Trading Standards who will deal with premises that are a cause for concern but not yet at the point of being reviewed. This Authority will therefore make use of the "Yellow Card Red Card Approach" issued by the DCMS in a Ministerial Statement entitled; "Problem Premises on probation" – Red and Yellow Cards: How it would work". guidance issued by the home Secretary in relation to Red Card - Yellow Card. The Licence holder will initially be called in for an interview and be given a number of remedial steps by way of written agreement to improve the current situation, this will be viewed as the "Yellow Card". If after a specified period of time and monitoring if there has been no sign of improvement the premises will be issued with a "Red card" which will mean the matter will be put forward to a Review hearing. This process does not however stop any Interested Party or Responsible Authority from applying for a review at any time.

The Licensing Authority will continue to recognise its duty under Section 17 of the Crime and Disorder Act 1998 when carrying out its function under the Licensing Act 2003. The Licensing Authority will seek to support strategies where they are allied to the licensing objectives such Safer Communities Partnership, Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

Sexual Entertainment Venues

This Authority also recognises the changes set out in the Policing and Crime Act 2009, which includes an amendment to the Local Government (Miscellaneous Provisions) Act 1982 which introduces a new category of sex entertainment called a "sexual entertainment venue. In summary, this will cover lap dancing / pole dancing and similar venues currently regulated less onerously under the Licensing Act 2003. This particular provision must be adopted by LBH to take effect. Further considerations are given at 13.4.

EU Services Directive

The EU Services Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.

This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

Minor Variations

Applicants now have the ability to apply for "minor variations" to their licences under a simplified procedure, which would generally fall into four categories:

- Minor changes to the structural layout of the premises
- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- The addition of certain licensable activities.

In all cases concerning minor variations the overall test is whether the proposed variation would impact adversely on any four licensing objectives.

The Olympics and Para- Olympic Games 2012

'The Council is fully committed to a safe and successful Olympic and paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is Haringey's Council's policy, likely that such applications will not be granted.'

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.

2.4 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

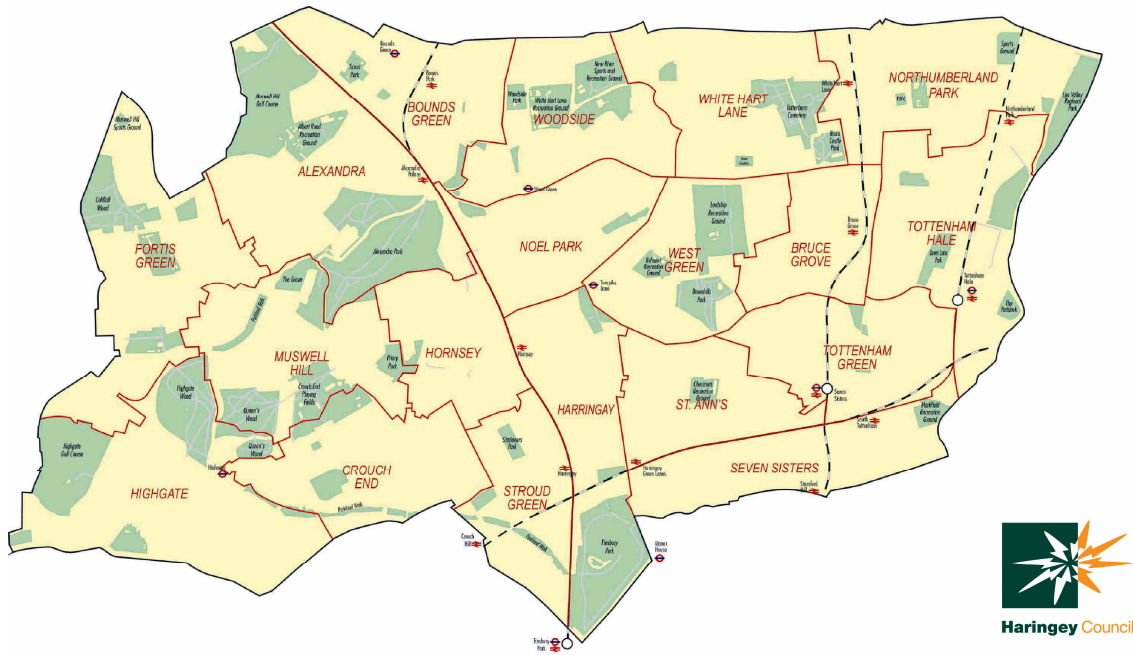
However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number (if necessary through a cumulative impact policy), location and hours of premises. The Council also operates a Responsible Licensee Scheme aimed at encouraging best practice and community pride, by encouraging licensees to 'Show You Care' by providing rubbish bins, sweeping outside their premises and being good neighbours.

3.0 The London Borough of Haringey

This section provides a brief description of the London Borough of Haringey and the various initiatives and strategies that impact on licensed activities in the borough.

- 3.1 Haringey is located in the north of the capital and is more than 11 square miles in area.
- 3.2 The borough is the home of Alexandra Palace, where public television was born and of Tottenham Hotspur Football Club based at White Hart Lane.
- 3.3 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.

- 3.4 There are known cultural areas such as Green Lanes which provides a rich and substantive array of Mediterranean eateries offering late night refreshment
- 3.5 The borough is well served by public transport with extensive bus and underground coverage
- 3.6 There are numerous parks and open spaces such as Finsbury Park which host major outdoor concerts and events year after year.



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
- Relevant Authorities

4.2 Additional consultation has been carried out with the following parties

- Ward Councillors
- Faith groups

- Community associations and centres
- Neighbouring boroughs
- Alcohol Strategy Group
- Greener Borough Strategy Group
- Primary Care Trust
- Community Safety Team
- Regeneration Team
- Chambers of Commerce

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

This Statement of Licensing Policy will be reviewed after three years but will be kept under constant review. The policy will not be used to attach conditions that duplicate other regulatory regimes unless they relate to specific matters that cannot be dealt with elsewhere.

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 **7th January 2011**. 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.

Greener Borough Strategy

- 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

- 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.

Safer For All - The Safer Communities Partnership Strategy

- 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.
- 7.11 The areas of the strategy particularly relevant to licensing are:
- Using data analysis and problem solving approaches to get behind crime figures and understand where and why crime is committed and the possible options to intercede.
 - Focus on the drivers of crime, such as drug and alcohol misuse and supportive interventions to reduce crime and anti social behaviour.
 - Create a sense of safety and community confidence across the borough
 - Reducing alcohol related hospital admission rates
 - Work with businesses and the Police to design out crime
 - Work with licensed premises to reduce underage sales of alcohol
 - Share data and intelligence to inform licensing enforcement operation, concentrating on high risk premises.

Neighbourhood Renewal Strategy 2002-2012

- 7.12 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

- 7.13 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

- 7.14 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

- 7.15 LBH has introduced its local Alcohol Strategy, namely the Haringey Alcohol Harm Reduction Strategy 2008-2011 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.

“Better Futures” - The Children & Young People’s Plan

- 7.17 The recently formed ‘Children’s Trust’ brings together key agencies including the Police, NHS Services as well as the Council that all provide services for children and young people living in Haringey. Together they have set a long term vision for children and young people and through the Children and Young People’s Plan have established the priorities.

The Children and Young People’s **Strategic Plan 2009 – 2020** includes the Children’s Trust vision and the Every Child Matters (ECM) outcomes, together with Haringey’s priorities to tackle each outcome.

ECM five outcome areas are:

- Be Healthy
- Stay Safe
- Enjoy and Achieve
- Make a positive contribution
- Achieve economic well-being

‘Changing Lives’ was a three year plan developed by the Children & Young People Strategic Partnership after extensive consultation - to help Haringey children & young people to be happy, healthy and safe

with a bright future. The Children and Young Peoples Plan contains 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 1976

- 8.3 The Race Relations Act 1976 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 Classes) 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 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 and Risk Assessments

- 11.1 The Act itself does not state that a risk assessment is mandatory, but this Licensing Authority encourages applicants to complete a risk assessment. Applicants should remember that any risk assessment must be followed by implementation of operating procedures and staff trained in these procedures to minimise and mitigate the risks identified. These procedures should be detailed through the operating schedule accompanying the application. This will be specific to the premises, the proposed licensable activities and hours of trading, the risk assessment will have regard to:

- The location of the premises, e.g. the nature of nearby premises, the times they are used, what they are used for, whether that use could affect the proposed activities at the licensed premises.
- If you had a pub which finished earlier than the adjacent nightclub, is there the risk of large numbers of people trying to gain access to the nightclub to continue their nights drinking?
- Are the surrounding properties residential, what steps can be taken to reduce the risk of nuisance to local residents.
- Is the premises adapted for purpose, does it have double glazing to minimise noise break out? Is there adequate means of ventilation without the need for windows and doors to be propped open?
- Are the means of escape in case of a fire adequate? Has the fire risk assessment been carried out?

- If customers are required to queue to gain entry are they able to do so without causing an obstruction or putting themselves in harms way.
- The proposed licensable activities and use,
- The proposed hours of operation
- The capacity of the venue, the customer profile, the kind of people the operation of the premises is likely to attract.
- Consider the likely behaviour of the people while on the premises and the if this is likely to change at different times of the day or on specific days dependant on what is taking place on the premises.
- Consider the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises

The operating schedule forms part of the completed application form for a premises licence. It sets out the type of licensable activity to be provided, the times during which the activity will take place and the times the premises is proposed to be open. The schedule needs to contain the information necessary to enable the Licensing Authorities, Responsible Authority or Interested Parties to assess whether the steps to be taken to promote licensing objectives are satisfactory. Applicants should therefore make informed judgements as to the steps that may need to be undertaken to promote the licensing objectives. Applicants are advised to volunteer conditions they are willing and able to comply with.

- 11.2 The steps set out in the Operating Schedule will form the basis of the conditions that are then attached to any licence granted.

If no relevant representations are made, the application will be granted in accordance with the application and be subject to conditions consistent with the Operating Schedule and the relevant mandatory conditions. If representations are received the Licensing Authority will hold a hearing. The Licensing Authority in determining the application at the hearing will have regards for the steps put forward in the operating schedule, and considers whether the proposed conditions adequately suit the proposed activities. Conditions should be expressed clearly, meaningfully and without ambiguity. The Authority will reword meaningless unenforceable or ambiguous conditions in Operating Schedules where necessary in order to ensure the objectives are promoted. Contact with applicants will be made as early as possible to clarify any questionable conditions offered.

With regard the licensing of garages and or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing authority approach these based on intensity of use, to establish primary use. Where such applications are

submitted, the licensing authority will expect relevant evidence to accompany the application form and where there is any doubt the Licensing sub Committee will decide whether or not any premises is used primarily as a garage.

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 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. It is acknowledged generally 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 had 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. The Council works with partners to reduce crime and the fear of crime for the communities we serve.

Crime and Disorder Risks

12.2 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime. When preparing the Operating Schedule there are various conditions that are considered best suited to promote the licensing objectives. Applicants for premises offering the sale of alcohol should pay close attention to this and fully consider the physical environment of the premises when proposing conditions, Factors for consideration include, for example, what measures are necessary to prevent underage sales? what measures are necessary to prevent alcohol from being sold outside of permitted hours? will there be procedures in place to prevent sales of alcohol to intoxicated persons especially in areas with street drinking problems?.

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. Carrying out licensable activities may involve potential risks to the safety of performers and the public attending licensed premises. This does not refer to public health, which is covered by other legislation. Accordingly, where other legislation fails to make suitable provisions to ensure public safety, the Licensing Authority will exercise its licensing functions to secure the safety of members of the public

and performers. Public safety varies according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/ regulated entertainment to be provided at the premises and the anticipated number of persons attending the premises. In considering Public Safety the Licensing Authority may not consider issues covered by other legislation such as the Fire Safety Regulatory Reform Order, or the Health and Safety at Work Act. Where other legislation does not address specific risks they may be addressed by the licensing regime.

The Licensing Authority will expect applicants to consider the following matters, this is not an exhaustive list:

The blocking of public areas – this will apply both inside and outside areas. Applicants should consider the impact of patrons congregating in areas in close proximity to the premises and the possible safety issues arising from patrons or others being forced to walk in the road as a result.

Emergencies – means of escape in case of fire, bomb threats, emergency management, contingency planning and evacuation.

Environment – premises should be adequately ventilated. If premises are in residential areas keeping doors and windows open is not recommended as a means of ventilation due to public nuisance considerations on the Premises Licence.

Safe Capacity – not all premises have “safe capacities” set by the Licensing authority. For many applicants, the question of how many people to accommodate at the venue is determined solely by a the venue risk assessment. This risk assessment should consider factors such as floor space, number of toilets, potential queuing time and available fire exits. Consideration should be given to the level of staff necessary to deal with the needs of persons attending the premises. If the venue does have a capacity limit there should be systems in place to ensure it is not exceeded. This could be achieved by door supervisors using clicker devices to count customers in and out.

Special effects – the Licensing Authority must be informed if special effects such as flames, lasers, pyrotechnics, smoke, fog, foam or firearms are to be used on the premises. A risk assessment must be carried out in respect of each activity detailing the steps to be taken to prevent and control risk to patrons and staff.

- 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 and the After Promotion/ Event Debrief Risk assessment be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature no longer falls within the remit of the Licensing Act 2003. These premises are now regulated under the Local Government (Miscellaneous Provisions) Act 1982, which classify them as Sexual Entertainment Venues (subject to the Council's adoption of the amendment to Schedule 3 by the Policing and Crime Act 2009 Such adult entertainment is known as "relevant entertainment" In summary, this will cover lap dancing / pole dancing and similar venues
- 13.5 However, we must be aware that the Act allows for premises to offer adult entertainment up to 11 times in a calendar year without the need for a licence under the LGMP Act 82. In such circumstances the Licensing authority will pay attention to the conduct of the premises and the activities being offered and will enforce the law diligently. This Authority will seek to ensure that applicants applying for 'the performance of a dance' on their licence are able to make clear that it will not involve any adult entertainment as a condition on their licence..
- 13.6 This Authority recognises that the Indecent Displays (Control) Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall not therefore seek to impose conditions concerning such displays inside or outside the premises. The Licensing Authority shall, however, consider imposing conditions if it considers it necessary, in certain premises consider attaching conditions following a hearing addressing the exclusion of minors.

Tables and Chairs Policy

- 13.7 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 Enviro Crime/ Street Enforcement Teams about the grant of permission under Part 7A of the Highways Act 1980. However, when determining the permit the following matters will be considered:
- Whether the grant of the permit is likely to have an adverse impact on the safety and amenity of local residents.
 - The history of the permit holder/premises, particularly in relation to past enforcement issues or complaints received.

- Whether the application receives any objections and the nature of those objections.
- Whether the grant of the permit is likely to conflict with conditions on any Premises Licence granted under the Licensing Act 2003 or meets the relevant planning requirements.
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts that may arise as a result of being granted the permit.
- That the use of the tables and chairs will cease by 21.00 to minimise any late night noise that may arise.

Door Supervisors

13.8 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 Licensing Authority 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 Licensing Authority will expect applicants to address these issues under prevention of public nuisance when preparing the Operating Schedule:
- Amplified music – noise from music played on the premises
 - Customer noise – this may take many forms but of particular concern:
 - Customers queuing to enter or leave the premises
 - Customers loitering outside the premises waiting for transport
 - Alcohol related drunken behaviour and shouting
 - Customers eating, drinking, smoking in open air areas
 - Car horns/ car radios/slamming of car doors late at night in the vicinity of licensed premises.
 - Deliveries – early morning deliveries and late night clearing up, e.g. the emptying of bottle bins
 - Lighting – excessive artificial lighting in the vicinity of licensed premises
 - Litter/waste – litter and waste generated by the carrying out of licensable activities, e.g. wrappers and cigarette butts. Where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and clearing it up
 - Obstructions – the blocking of footpaths by customers eating, drinking and smoking in the vicinity of licensed premises. Is there

an effective door and queuing policy to encourage good behaviour outside the premises.

- Plant and machinery – noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extracts.

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.

Applicants in their Operating schedule should set the appropriate steps they will take to ensure proper protection of children from harm while licensable activities are taking place. When addressing the protection of children the applicant should initially identify any particular issues having regard to their particular type of premises and or activities that are likely to cause concern in relation to children.

These may include following:

A proof of age scheme and refusal book. Licensees may consider adopting a challenge 21 Policy. Displaying the Challenge 21 posters throughout the premises. It is recommended that applicants, particularly supermarkets small retailers and off licences obtain best practice advice on 'No Proof No Sale' from Trading Standards Officers to ensure alcohol is not being sold to under 18's. Retailers who use price/code scanning devices may wish to consider the use of a till prompting mechanism on the tills and regular staff training on the laws relating to children and alcohol. The operating schedule should also state how the Licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity.

Where appropriate and particularly with regard to late public events, the Licensing Authority advises licensees to include in the Operating Schedule s procedures for lost and found children.

In cases of under 18 events the Licensing Authority strongly recommends that applicants adopt a Code of Conduct/policy for these events to ensure the four Licensing Objectives are complied with. This could include;

- Searches on entry to prevent alcohol being brought onto the premises
- Policy to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside

- Where there is normally a bar, ensuring that alcohol is not on display and is locked away
- Ticketed events to monitor capacity
- No adult entertainment
- CRB check staff assisting at the event and at the end of the event
- Sufficient stewards monitoring the event
- Ensure an efficient dispersal at the end of the event and the young people are not left hanging around outside the premises

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.**

The Licensing Authority encourages licensees to demonstrate in the Operating Schedule that they have considered guidance from the Portman Group Code of Practice on the naming, packaging and promotion of alcohol drinks to prevent children from being enticed into purchasing these products.

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. In appropriate cases and where relevant the Licensing Authority will expect the licence to show how they intend to provide for the supervision of children as customers or as performers providing regulated entertainment. Licensees will have to demonstrate that consideration has been given to the welfare of children as performers or customers
- 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.

Street Drinking Zones

Anti-social drinking in the streets can intimidate members of the public, cause disorder and nuisance, and generally degrade a public space. This can range from groups of street drinkers, to general drunken or rowdy behaviour as part of the night-time culture.

Street drinking can be perceived as intimidating by others. Alcohol misuse is linked to disorder and contributes to an increase in people's fear of crime; there is a perception that alcohol-related violence on the streets is increasing, and some members of the public see drinking on the street as a problem.

People who are drunk and causing anti-social behaviour can also be arrested as drunk and disorderly, drunk in a highway or causing harassment, alarm or distress.

Haringey has a number of areas that are designated as controlled zones for street drinking. Police have additional powers in these areas to prevent street drinking where it causes a public nuisance or leads to antisocial behaviour.

The areas affected are listed below.

- Bounds Green ward
- Bruce Grove ward
- Harringay ward
- Noel Park ward
- Northumberland Park ward
- Seven Sisters ward
- St. Ann's ward
- Tottenham Green ward
- Tottenham Hale ward
- West Green ward
- Woodside ward

Designated Public Place Orders (DPPOs) under the Criminal Justice and Police Act 2001, give local authorities powers to designate places where restrictions on public drinking will apply. These are available in

areas that have experienced alcohol-related disorder or nuisance. Once a DPPO is in place, the police can use their confiscation powers to enforce these restrictions.

Alcohol disorder zones

The Violent Crime Reduction Act 2006 introduced new Alcohol Disorder Zones. These build on the existing powers that allow police and local authorities to use a DPPO to confiscate alcohol containers within a certain area. The new Alcohol Disorder Zones cover licensed premises in areas that experience alcohol-related disorder. Before such a zone could be designated, licensed premises would be warned to take their own steps to reduce alcohol disorder, otherwise a designation would be imminent. They would also be required to contribute towards the policing and other local costs of dealing with the disorder in this area.

Directions to leave a locality

Section 27 of the Violent Crime Reduction Act 2006 provides a constable in uniform with the power to issue a direction to an individual aged 16 years or over, to leave a locality. The constable can apply the direction if they are satisfied that the individual's presence is likely to contribute to the occurrence, repetition or continuance of alcohol-related crime and disorder. The direction can prohibit their return for up to 48 hours.

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 this process 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 **7th January 2011**.

21.0 The Types of Licences

Under these 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 licence 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.

Applicants for Personal Licences with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions upon application. In such cases if the Metropolitan

Police make an objection to the granting of the licence on the crime prevention grounds, a hearing will be held to determine whether or not a licence should be granted.

Where a personal licence Holder appears before a Magistrates Court for a relevant offence, the licence Holder must produce his licence to the court at the first hearing or provide the court with a valid reason why they are unable to produce the licence. The magistrates and or the crown court will then decide on what action if any to take.

Where an applicant for a personal licence is convicted of a relevant offence as listed in the Licensing Act 2003 the applicant is required to advise the Licensing Authority as soon as reasonably practicable so that the licence can be amended. All offences under the Licensing Act 2003 are considered summary offences that normally have to be prosecuted within 6 months of the offence. However, by virtue of Section 186(3) the time limit for laying information has been extended from 6 months from the date of the offence.

Where a Premises Licence is in force authorising the supply of alcohol a DPS will need to be nominated. The main purpose of the DPS is to ensure there is always one specified individual who can be readily identifiable by Responsible Authorities as the individual who has day to day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly, As such the DPS plays an important role. In some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day to day running of that premises. In these cases where there is no individual readily identifiable by Responsible authorities the Licensing Authority will therefore pay particular attention to those premises where the DPS is remote and not the person responsible for the daily running of the premises.

This Authority recognises that a DPS may supervise more than one premises, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises The Licensing Authority recommends a responsible individual be nominated who can deal with matters in the absence of the DPS, and written dated consent be given to that nominated person. If there are concerns that a DPS is repeatedly absent, the Police may review the Premises Licence or refer the matter to the Licensing panel if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.

- 21.2 Where a personal licence authorises the supply of alcohol, every supply of alcohol must be made or authorised by a Personal Licence Holder. This does not mean the Personal Licence holder must be present at every sale of alcohol or directly supervise each sale authorisation should be meaningful and properly managed. Whilst the

Licensing Authority recognises that it is not a requirement of the Act it would be considered good practice for the personal Licence holder to give written and dated authorisation to individuals to carry out the sale of alcohol and it would also demonstrate due diligence. It should be noted that whilst the Designated Premises Supervisor (DPS) and personal Licence holder may authorise sales in their absence they still remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing laws and conditions are complied with at all times on the premises.

- 21.3 In circumstances where the DPS had delegated the responsibility for the sale of alcohol they will still have responsibility for the actions of those they have authorised to make those sales.

This Authority recognises that the legislative Reform Order provides that certain community premises may apply for an exemption from the requirement to give a DPS but the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The licensing Authority will need to be notified if there are any key changes in the committee composition as this committee will be responsible for ensuring compliance with licence conditions and licensing law.

Personal licences are valid for 10 years and are '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.

- 21.4 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

- 21.5 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.

- 21.6 A premise licence will be valid for the life of the premises, subject to any review.
- 21.7 Applications are required to be advertised at the premises for a period during which representations can be made, and details will be shown on the website.
- 21.8 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

- 21.9 A Club Premises Certificate is required when qualifying clubs want to supply alcohol and provide other activities on club premises.
- 21.10 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.
- 21.11 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

- 21.12 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.

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

- up to 499 persons at the event at any one time;
- No longer than 72 hours duration;
- With 24 hours between events.

21.14 A Temporary Event Notice may be given for any part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee, as long as the Notice clearly describes the area where the event is to be held and the premises user intends to restrict the number of people present.

21.15 A Temporary Event Notice does not relieve the premises user from any requirements under the planning law for the appropriate planning permission, the licensing Authority recommends that the user contact the planning Authority, Highways and any other relevant authority will in advance of the event to avoid any disappointment.

Applicants are required to prepare Health and Safety and Fire Risk assessments with regard to their event. Assistance in doing this can be obtained from the relevant enforcing authority. This Authority serves a copy of all Temporary Event Notices submitted to the Fire Authority so that they can offer advice to event organisers as necessary.

In the event of a relevant notice of objection from the Police, the Licensing authority will hold a hearing and publish their decision not less than 24 hours before the event is due to take place. The police have powers to close down an event without notice on the grounds of disorder, the likelihood of disorder or public nuisance. The Licensing Authority therefore, expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to drunken individuals.

Whilst the minimum statutory time is 10 working days, which does not include the day the application was submitted or the actual day of the proposed event.

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 Licence Variations

An applicant who wishes to make changes to an existing Premises Licence or Club Premises Certificate must do so by making an application to vary the existing authorisation.

A full variation should be used to:

- Extend the hours during which licensable activities can take place
- Add licensable activities that may impact on one or more of the licensing objectives
- Remove or amend conditions that may impact on one or more of the licensing objectives
- Remove or amend conditions that may impact on one or more of the licensing objectives.

A variation should not be used where changes are being made to the building such as using previously unlicensed parts of a building, this could result in an increase to the capacity of the licensed premises, In such instances the Licensing authority will expect a new application to be submitted for a grant of a new authorisation.

The Authority would also expect a new application to be submitted where the nature of the licensed premises is being substantially changed e.g. a restaurant being converted to a nightclub.

Minor Variations

The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from interested parties within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

Officers shall consult when and if necessary with the relevant Responsible Authorities. If the Licensing Authority fails to respond to a

request for a minor variation within fifteen working days, it is deemed refused.

A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.
- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 0700 hours and 2300 hours.
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded
- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete.

Relevant Considerations

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exits or escape routes shall be blocked by the proposed changes
- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective.
- The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

22.4 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.

22.5 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned.

22.6 Members as Interested Parties

The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.

The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime & disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.

For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

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 Protocol provides 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. The primary aim of enforcement is to achieve compliance, it may also include advice and support to businesses to achieve compliance.
- 25.6 Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information and initiatives and education, inform and encourage partners and stakeholders to work together efficiently and effectively. The aim is to take a holistic approach to managing the night time economy is to prevent problems from occurring before they begin.
- 25.7 It is recognised that such aims cannot always be achieved and that active enforcement of the law may be the only effective means of

securing compliance. To this end the following enforcement options are available to the Licensing Authority

- To take no action
- Verbal or written advice
- Written warning
- Yellow Card / Red Card Enforcement tool
- Mediation between licensees and residents
- Simple caution
- Prosecutions

25.8 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.

25.9 The Council's licensing officers and Enforcement Response Team 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.

The Licensing Authority has produced a joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority and Trading Standards. This details the role of these bodies in the monitoring and enforcement role and covers the powers available. The primary aim of the protocol are to:

- Promote the Licensing objectives
- Promote communication between agencies
- Provide clear guidance on the roles and responsibilities
- Share intelligence to enable effective enforcement of the law
- Establish a process for the Licensing Panel to be used to give warnings to problem premises
- Establish a process for Responsible Authorities and Elected members to call for reviews of licences

25.10 The Licensing Panels will be one of the key mechanisms that the Licensing Authority and its partners will use to manage alcohol related crime and disorder and public nuisance or non compliance in licensed premises. Partners will share and provide intelligence, complaints history and crime statistics in relation to problem premises. Problem premises will be interviewed and a process agreement signed stating the matters that have caused concerns and what steps have been agreed to mitigate the problems, this will be the Yellow card. If after a 4 week period the problems have not improved and or there is still non compliance at the premise, notice will be given for a review of the licence, this will be the Red Card. The Red Card will signal the start of a formal review which will be decided on by the Licensing Sub Committee. The Responsible Authority or Elected Member will be able to show the steps that were put in place under the Yellow Card/ Red

Card regime and the outcomes from the stepped programme of change that would have been put in place.

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
- additional conditions being attached to the licence
- Removal of the DPS
- Revocation of the licence

25.11 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

25.12 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.

25.13 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.

25.14 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		If a representation	If no representation

certificate		made	made
Application for provisional statement		If a representation made	If no 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

Licenses 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 PTI);
- 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.


Dispersal Policies



Agenda item:

[No.]**GENERAL PURPOSES COMMITTEE****On 28th June 2010**Report Title. **Adoption of powers to regulate Sex Entertainment Venues**Report of **Niall Bolger – Director of Urban Environment**

Signed :


 2nd June 2010.

Contact Officer : Robin Payne – Head of Enforcement Services

Wards(s) affected: **All**

Report for: Key Decision

1. Purpose of the report

1.1. To seek approval for the adoption powers contained in Schedule 3 of the 1982 Act Local Government Act 1982 (the 1982 Act) as inserted by Section 27 of the Policing and Crime Act 2009. The effect of this provision, if adopted, is to bring the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

1.2. The report also seeks to establish a fee for applications made.

2. State link(s) with Council Plan Priorities and actions and /or other Strategies:

- 2.1. Haringey's Strategic Partnership strategy 'Safer for All' seeks to reduce harm from antisocial behaviours and in particular to protect families and children.
- 2.2. Our Licensing Policy Statement currently reflects the legal position that venues can operate without licence 11 times a year without licence.

3. Recommendations

- 3.1. That the General Purpose Committee resolve to refer to full Council to adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as inserted by Section 27 of the Policing and Crime Act 2009, to allow the

licensing of sexual entertainment venues.

3.2. That The General Purposes Committee agree to set a fee of £2,700 for an application. No part of this fee will be returnable.

4. Reason for recommendation(s)

4.1. Under the Licensing Act 2003 currently applications can be made for sexual entertainment. Applications must be considered against four prescribed Licensing Policy objectives. Our experience in Haringey has been that the Licensing Act does not easily and adequately deal with the concerns that such venues can have for local communities. The former Cabinet Member for Community Safety and Enforcement lobbied for change so that those wishing to object to applications could better reflect their concerns about local impact. Adopting this amendment will provide a better framework for considering applications for sexual entertainment venues.

5. Other options considered

5.1. The Council can choose to adopt after 6 April 2011, or not at all. If adopted after 6 April 2011 the Council will be required to undertake public consultation before adopting, and as soon as is reasonably practicable after that date. Adopting later would incur additional costs and mean that the existing unsatisfactory arrangements would continue for longer.

6. Summary

6.1. Members of this committee are asked to agree to the proposal that the Council adopt Schedule 3 to the 1982 as amended to regulate lap dancing clubs and similar venues, and to set a corresponding fee to enable an application.

7. Chief Financial Officer Comment.

7.1. The costs of preparing this report and implementing the associated recommendations can be contained within existing budgets.

8. Head of Legal Services Comments

8.1. The Council has already adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. It may now resolve to adopt Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 which would permit the more effective regulation of lap dancing clubs and similar venues. The procedure for adoption is found in Section 2 of the 1982 Act as summarised in the

body of this report. If the amended schedule is adopted by 6 April 2011 there will be no statutory requirement to consult local residents or workers. Non statutory Home Office guidance on Sexual Entertainment Venues was published in March 2010.

9. Equalities & Community Cohesion Comments

The Government carried out an Equality Impact Assessment to see if there would potentially be some less favourable treatment of groups that would be affected and how this could be mitigated. No negative impact on equalities groups were foreseen.

10. Consultation

10.1. No consultation has been undertaken. Licensing Committee has been informed of this report.

11. Service Financial Comments

11.1. The General Purposes Committee will need to consider an appropriate fee level for this application process that are compliant with the EU Services Directive as implemented in the UK by the Provision of Services Regulations 2009. Schedule 3 to the 1982 Act provides that an applicant for the grant, renewal, variation or transfer of a sex establishment licence shall pay a reasonable fee as determined by the Council. Having surveyed fees set by our neighbouring boroughs this Authority propose a reasonable fee of £2700 for an application for a Sexual Entertainment Venue (SEV) licence.

12. Local Government (Access to Information) Act 1985

12.1. The Policing and Crime Act 2009

The Local Government (Miscellaneous Provisions) Act 1982

Home Office Guidance for Sexual Entertainment Venues dated 1 April 2010

13. Background

13.1. The Policing and Crime Act 2009 ("the 2009 Act") amends Schedule 3 of the Local Government (Miscellaneous Provisions Act) 1982 to allow the licensing of "Sexual Entertainment Venues".

13.2. Section 27 introduces a new category of sex establishment called a "sexual entertainment venue". A "sexual entertainment venue" is defined as "any premises, which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." "Relevant entertainment" may take the form of a live performance or live display of nudity and must be of such a

nature that, ignoring financial gain, it must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience. The audience can consist of one person. It is likely to cover lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

- 13.3. Lap dancing does not currently require a premises licence under the Licensing Act 2003 and no special provisions are made in the 2003 Act for lap-dancing venues. If an application for performance of dancing is submitted and unopposed, the authority must grant it subject to mandatory conditions.
- 13.4. If representations are made by an interested party or responsible authority then the authority may, following a hearing, impose other conditions or reject the application providing the rejection is in line with at least one of the four general licensing objectives under the Licensing Act 2003. This severely restricts the scope for objections and limits these to situations which could apply to establishments such as pubs, restaurants and food takeaways. The special, and more controversial sexual aspects of a lap dancing venue or similar may not be considered.
- 13.5. The Government consulted with Local authorities, and other relevant parties, as to whether or not the Licensing Act 2003 provided adequate provisions to regulate such activities. Results of consultation showed that many respondents, including local authorities, thought it was not fit for purpose as it did not allow the issues that really concerned residents faced with such an application to have a voice
- 13.6. The amendment to the 1982 Act provides a more specified approach to Sexual Entertainment Venues and their control. The Licensing Authority can apply prescribed conditions on grounds not covered by the Licensing Act 2003, for example dealing with the location of the premises and the character of the area, the hours of operation, the display of adverts, the visibility of the interior and the managerial control of premises. The local authority may further prescribe different standard conditions on a sexual entertainment venue compared to other sex establishments, such as a sex shop.
- 13.7. A further report with proposals for a Sex Establishment Policy will be brought to this committee at a later date which will set out all criteria against which decisions can be made. This could include setting an effective nil resolution for the borough.

14. Formal Adoption Arrangements

- 14.1. Section 27 came into force on 6th April 2010. Following this date local authorities may resolve to adopt Schedule 3 to the 1982 Act as amended by the 2009 Act so that it has effect in their area. Adoption is a matter for the Council to decide on

following a recommendation from the General Purposes Committee.

- 14.2. If the local authority fails to adopt Schedule 3 in the way described above, within twelve months of the new legislation taking effect (6th April 2011), it must then carry out a full public consultation exercise before deciding whether to formally adopt Schedule 3 of the 1982 Act as amended. The purpose of the duty to consult, if you have not adopted this legislation within 12 months, is to ensure that local authorities consider the views of local people where, for whatever reason, they have not adopted the provisions
- 14.3. There are detailed transitional provisions contained in the legislation. Currently there are no sexual entertainment venues in this local authority's area so the transitional arrangements will not be activated.
- 14.4. Haringey Council has already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas. However a further resolution is necessary before the provisions introduced by Section 27 will have effect in the local authority area.
- 14.5. Should Members of Full Council agree to the adoption of the amendment, they must also specify the day on which it shall come into force in the area. The specified day must be more than one month after the day on which the resolution was passed. The local authority will then publish a notice that they have passed the resolution referred to above for two consecutive weeks in a local newspaper. The first publication shall not be later than 28 days before the day specified in the resolution for the provisions to come into force in the local authority's area.

15. The timescale for the adoption is as detailed below

It is now necessary to track this through to final publication in line with the timetable as detailed below :

- 27th May 2010 Consult Licensing Committee to refer to General Purpose
- 3rd June 2010 Cabinet Advisory Board
- 28th June 2010 – report goes to GPC to agree adoption by Full Council and set fees
- 13th July 10 – report goes to Full Council for adoption . Public notice to be given for 28 days

