

## NOTICE OF MEETING

# REGULATORY COMMITTEE

**Monday, 6th July, 2020, 7.00 pm - MS Teams (watch the meeting [here](#))**

**Members:** Councillors Gina Adamou (Vice-Chair), Dhiren Basu, John Bevan, Mike Hakata, Luke Cawley-Harrison, Justin Hinchcliffe, Peter Mitchell, Reg Rice, Viv Ross, Yvonne Say, Preston Tabois and Sarah Williams

Quorum: 3

### 1. **FILMING AT MEETINGS**

Please note that this meeting will be recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on.

By entering the meeting, you are consenting to being filmed and to the possible use of those images and sound recordings.

### 2. **APOLOGIES FOR ABSENCE**

### 3. **URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. Late items will be dealt with under the agenda item where they appear. New items will be dealt with at item 10 below.

### 4. **DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

**5. MINUTES (PAGES 1 - 8)**

To approve the minutes of the meetings held on 16 January 2020 and 2 March 2020

**6. LICENSING ACT 2003 REVIEW OF LICENSING POLICY 2021-2026 (PAGES 9 - 92)**

The Licensing Act 2003 (the Act) came into effect on 25<sup>th</sup> November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshments, to be administered by the local licensing authority within Haringey, this council.

Section 5 of the Act requires each licensing authority to prepare, consult and publish a statement of licensing policy every five years. The policy statement is expected to set out, how the authority intends to approach its licensing responsibilities. Each Authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary. The purpose of this report is to seek approval for consultation to be undertaken on the draft Statement of Licensing Policy 2021/2026 at Appendix 1.

The current statement of Licensing Policy is due for review and to be published by Jan 2021. This report seeks permission to consult on a revised statement.

**7. BUSINESS AND PLANNING ACT 2020 -ADOPTION OF CONDITIONS AND SETTING FEE LEVEL**

*Report to follow*

**8. HOUSING DELIVERY TEST ACTION PLAN (PAGES 93 - 118)**

In 2018, the Government published a revised version of the National Planning Policy Framework (NPPF). As part of the changes a new 'Housing Delivery Test' (HDT) was introduced to measure the delivery of new homes against the adopted target contained in development plans. If delivery falls below 95% of the target the Council must produce a Housing Delivery Test Action Plan. The Council's adopted Housing Target is 1,502 homes per year.

The Government published its 2019 HDT Measurement in February 2020. This indicated that the borough had delivered only 55% (2,628), of its housing requirement (4,506 homes) in the preceding three years. Therefore, an Action Plan is required to be published to show how the Council is responding to the

challenge of ensuring that more homes are built in Haringey and faster. Additionally, due to the severe economic impacts the current Covid-19 pandemic will have, this Action Plan will be useful in ensuring the Council has identified all the ways it can possibly help the local economy recover and support the house building industry in delivering much needed homes in the Borough.

The Regulatory Committee are asked to endorse the report to Cabinet for the adoption of the Housing Delivery Test Action Plan 2020.

**9. PLANNING SERVICES 2019 - 2020 ANNUAL UPDATE & 2020/21 (1ST APRIL - 17TH JUNE) UPDATE (PAGES 119 - 134)**

A report on the work of the Planning Service in during 1<sup>st</sup> 2020 – 17<sup>th</sup> June 2020 as well as figures for the application performance in the financial year 2019/20.

**10. NEW ITEMS OF URGENT BUSINESS**

To consider any new items of urgent business admitted under agenda item 3 above.

**11. DATES OF FUTURE MEETINGS**

20 October 2020 – *to be rearranged to meet before Cabinet on 13 October 2020*  
14 January 2021  
11 March 2021

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Bernie Ryan  
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Friday 26 June 2020

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## **MINUTES OF MEETING REGULATORY COMMITTEE HELD ON THURSDAY, 16TH JANUARY, 2020, 7.00 - 9.20 PM**

### **PRESENT:**

**Councillors: Vincent Carroll (Chair), Gina Adamou (Vice-Chair), John Bevan, Mike Hakata, Luke Cawley-Harrison, Peter Mitchell, Reg Rice, Viv Ross, Yvonne Say, Preston Tabois and Sarah Williams**

### **82. FILMING AT MEETINGS**

The meeting was not filmed or recorded.

### **83. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Basu.

### **84. URGENT BUSINESS**

None.

### **85. DECLARATIONS OF INTEREST**

None.

### **86. MINUTES**

**RESOLVED** that the minutes of the meeting held on 15 October 2019 be approved.

### **87. BENCHMARKING & REVIEW OF FEES AND CHARGES 2020-21 - LICENCES**

Daliah Barrett, Licensing Officer, introduced the report as set out. A benchmarking exercise had been carried out on the fees and charges for licensable activities. The recommendation for the Committee was to agree that the fees should not be increased for 2020/21, and to add an additional fee for massage and special treatment licences. The Council didn't currently charge if businesses were members of affiliated bodies, however the benchmarking exercise showed that other boroughs still charged fees despite this.

Ms Barrett responded to questions from the Committee:

- Chairs and tables on pavements outside premises – the Council were good at enforcing payment for the use of pavements for tables and chairs. Where businesses had not applied for permission to use the pavement, enforcement

officers would visit a number of times to engage the businesses to pay before an issue notice would be issued.

Whilst the Council did not promote the use of tables and chairs on pavements (because there needed to be a balance of retail use and public use of the highway), if there was sufficient space outside of the premises then an application would be granted.

- Premises with licences were responsible for paying their own renewal fees. If a premises had not paid any fees, officers would visit the premises to ascertain whether licensable activities were taking place, and issue an invoice on that basis. If there was no payment after 28 days, then enforcement action would begin. In relation to a recent Licensing Sub Committee hearing, Ms Barrett advised that the premises had not been carrying out licensable activities, so it had been marked as 'closed' on the system.
- Massage & Special Treatment Licences – the proposal was to charge for individual therapists, plus the premises licence.
- Licensing fees could only cover the cost of administering the licensing service, the service could not make a profit.

**RESOLVED that**

- i. **The fees for 2020/21 shall remain as they were for 2019/20; and**
- ii. **An application fee for exempt premises for massage and special treatment be imposed.**

**88. PLANNING SERVICES 2019/20 OCTOBER-DECEMBER UPDATE**

Dean Hermitage, Head of Development Management, outlined the update for development management. Performance remained high, and the Planning Service were in the top three London Boroughs for performance. There had been a reduction in both major and minor planning applications, but the target for making decisions had been exceeded. Mr Hermitage referred to the threshold for overturned decisions and advised that it would only take three further overturned decisions to take Haringey over the threshold. There were currently three at appeal stage. The Council had been successful in defending major appeals in 2019.

Members congratulated the team on their excellent performance.

Mr Hermitage responded to questions from the Committee:

- In regard to the appeal threshold, the difficulty was that the number of major applications was low, so the margin for losing appeals was very small. Not all appealed decisions related to Committee decisions, some were made by officers.
- Income from Planning Performance Agreements (PPA) was guided by the market – if the market slowed down, then there would be fewer developers using

PPA's. Fees for the service had increased, but use of the service was market dependent.

Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, provided the update for planning policy. The Wood Green Area Action Plan was dependent on the Council's wider strategy for Council Owned Sites, which would be decided on later in the year. An evidence base needed to be prepared for the Local Plan, and extra resources would be recruited to carry this out. A report would be provided on Neighbourhood CIL at the next Regulatory Committee.

Emma Williamson, Assistant Director for Planning, Building Standards and Sustainability, provided the update for building control. There had been an increase in fee earned applications, due to the transfer of work from Homes for Haringey. Although there was currently a large amount of work, this would reduce over the coming years following a reduction in the amount of applications. A big focus for Building Control was to respond to the Hackett Review recommendations.

Ms Williamson responded to questions from the Committee:

- Spurs were yet to receive full Building Control sign off, however the stadium was temporarily signed off before every game so there was no compromise to safety.
- The dangerous structure detailed at paragraph 5.46 was a house in Stapleton Hall Road – an explosion and fire had occurred at the property, and work had now been carried out to ensure the building was safe.

**RESOLVED that the report be noted.**

## **89. AUTHORITY MONITORING REPORT (AMR) 2018/19**

Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, introduced the report as set out. The covering report provided a summary of the Annual Monitoring Report document.

Officers responded to questions from the Committee:

- The standard methodology across the country for counting vacant properties was to use Council Tax records.
- The indicators for carbon dioxide reductions were based on the existing 2016 local plan. These would be brought up to date, and more challenging targets set. The Council had made a commitment to achieve zero carbon emissions by 2050. A report would be provided to Cabinet in March on the Climate Action Plan.
- The Cycle Future Route 2 was a big project that the Council were working on in conjunction with TfL. Consultation would be carried out in the summer.
- DriveNow were ceasing operations due to organisation issues. There was a model in place which could apply to other operators if requests came forward in the future.

It was noted that many of the questions raised by Members were in relation to Highways. Officers informed the Committee that the AMR covered a range of service areas across the Council. Members requested that a Highways Officer be present at the next meeting that the AMR is reported up to.

**RESOLVED that the report be noted.**

**90. NEW ITEMS OF URGENT BUSINESS**

None.

**91. DATES OF FUTURE MEETINGS**

The Chair advised that the date of the next meeting had moved to Monday 2 March 2020.

CHAIR: Councillor Vincent Carroll

Signed by Chair .....

Date .....



## **MINUTES OF MEETING REGULATORY COMMITTEE HELD ON MONDAY, 2ND MARCH, 2020, 7.00 - 8.10 PM**

### **PRESENT:**

**Councillors: Vincent Carroll (Chair), Gina Adamou (Vice-Chair), Dhiren Basu, Peter Mitchell, Reg Rice, Viv Ross and Yvonne Say**

### **92. FILMING AT MEETINGS**

The meeting was not filmed or recorded.

### **93. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bevan, Cawley-Harrison, Hakata, Hinchcliffe and Williams.

### **94. URGENT BUSINESS**

None.

### **95. DECLARATIONS OF INTEREST**

None.

### **96. MINUTES**

The minutes of the meeting were deferred to the next Regulatory Committee.

### **97. DRAFT HIGHGATE SCHOOL SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

Emma Williamson, Assistant Director for Planning, Building Standards and Sustainability, and Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, introduced the report as set out. The need and desirability for the Supplementary Planning Document (SPD) was set out in the Site Allocations Development Plan Document adopted by the Council in 2017. Highgate School had a large estate in Highgate, and it was felt that it would be useful to create an SPD to set out the whole context of the plans for the school, rather than to provide a number of separate planning applications. There were proposals for step free access on parts of the site; enhanced sports facilities; demolition and rebuild of buildings. The SPD would set out the guidance and framework parameters for these plans – it would not replace planning policy.

Ms Williamson and Mr Krzyszowski responded to questions from the Committee:

- A benefit of creating an SPD was to give context of all applications when the Planning Committee were considering individual applications. It would also allow

for public consultation on the masterplan before individual applications were submitted.

- There would be more than one planning applications submitted, and these would likely be brought forward by the School on varying timescales but sometimes in parallel.
- Whilst an SPD would not bind the Planning Committee into approving any applications, the document would be a material planning consideration and the Planning Committee would need to consider any applications in the normal way.
- The parade ground would be greened, as well as roofs and walls of the buildings.

**RESOLVED that the draft Highgate School SPD be referred for approval by Cabinet for public consultation in accordance with the Haringey Statement of Community Involvement.**

**98. MAKING NON-IMMEDIATE ARTICLE 4 DIRECTION FOR OFFICE (B1A) TO RESIDENTIAL (C3) CHANGES OF USE**

Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, introduced the report as set out. Existing national legislation allowed for permitted development rights for the change of use from office to residential use without a full planning application. However, Local Authorities had the power to invoke Article 4 powers which would require full planning applications to be submitted for a change of use. The plan was for the powers to take full effect following a one-year grace period. It was important to note that these powers would not cover the whole borough, but key growth and defined centre areas.

It was not envisaged that a large number of applications would be received in the intervening year although it is not possible to know for sure, and the implementation of these powers would not mean that applications would be refused in the future – applicants would just be required to submit a planning application. The year-long grace period and consultation would begin after approval by Cabinet

**RESOLVED that**

- i. The regulatory requirements for the making of a new Article 4 Direction, as prescribed by The Town and Country Planning (General Permitted Development) (England) Order 2015 be noted;**
- ii. Cabinet be recommended to adopt the justification herein provided to support the making of an Article 4 Direction to remove Office (B1a) to Residential (C3) Permitted Development Rights within Growth Areas, and Metropolitan and district Centres; and**
- iii. Cabinet be recommended to approve the making of a non-immediate Article 4 Direction removing permitted development rights for Office (B1a) to Residential (c3) changes of use within Growth Areas, and Metropolitan and District Centres as identified on the Haringey adopted Policies Map as set out in Appendices A and B.**

**99. NEIGHBOURHOOD COMMUNITY INFRASTRUCTURE LEVY (NCIL) - REDISTRIBUTION CONSULTATION/ CHANGES TO CIL GOVERNANCE DOCUMENT**

Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, introduced the report as set out. Community Infrastructure Levy (CIL) was a charge on developers based on new floor space, and the Council could spend the money on infrastructure and other projects. Scrutiny had looked at governance arrangements, and following their recommendations, the 2017 CIL Governance document was adopted. This document created neighbourhood areas where CIL money could be spent. A consultation had been carried out in 2018 to get ideas on areas where the public would like to see the money spent.

A key issue with the current governance was the disparity of the Neighbourhood CIL (NCIL) funds between NCIL areas. This was due to the different rates charged in different areas. This report sought to remove the principle that NCIL had to be spent in the area where it was collected. This would enable the Council to distribute the funds more equally, and based on where there was development and infrastructure need.

Mr Krzyszowski responded to questions from the Committee:

- The CIL charging rates were automatically indexed for inflation over time.
- The Committee had previously recommended an increase in the CIL rates to Cabinet. Cabinet had approved the report to consult on an increase, and this consultation had recently concluded. The results and a recommendation would be submitted to an independent examiner, who would provide a view. Once these steps had completed, a report would be taken at Full Council to implement the increased rates, with implementation likely in 2021. CIL rates must be set based on the financial viability of development.
- CIL funds had taken some years to build up, CIL was paid upon commencement of a development on site, so there was a time lag between developments being CIL liable and then paying.
- CIL should be seen in the context of other contributions from developers such as Section 106 (S106) planning obligations and affordable housing
- The decision to spend CIL funds would be made taking into consideration where development happened, and the need for development in particular areas.
- NCIL boundaries would be reconsidered when the boundary changes had been completed.

**RESOLVED that**

- i. The draft changes to the CIL Governance Document as set out in Section 6 and Appendix B be noted;**
- ii. The Leader be recommended to approve the draft changes to the CIL Governance Document as set out in Section 6 and Appendix B, having regard to the ongoing consultation.**

**100. NEW HARINGEY LOCAL PLAN**

Rob Krzyszowski, Head of Planning Policy, Transport and Infrastructure, introduced the report as set out. The Haringey Local Plan was the main document used to determine planning applications. The Haringey Local Plan was relatively up to date, however, the Council's ambitions had changed since 2017, and it was important that the plan reflected current priorities. The new London Plan was at its final stage, and would set some helpful parameters. It was expected that the Haringey Local Plan would use London Plan policies where appropriate, and local policies for local issues. The process to implement a new plan was long – there would be three public consultations and an independent examination. It was stated that a member working group would be set up comprising the Regulatory Committee members.

**RESOLVED that the report be noted.**

**101. NEW ITEMS OF URGENT BUSINESS**

None.

**102. DATES OF FUTURE MEETINGS**

To be confirmed.

CHAIR: Councillor Vincent Carroll

Signed by Chair .....

Date .....

**Report for:** Regulatory Committee

**Title:** Licensing Act 2003 Review of Licensing Policy 2021-2026

**Report**

**authorised by :** Eubert Malcolm Interim Assistant Director Stronger Communities & Waste

**Lead Officer:** Daliah Barrett – Licensing Team Leader

**Ward(s) affected:** All wards

**Report for Key/**

**Non Key Decision:** N/A

### **1. Describe the issue under consideration**

- 1.1 The Licensing Act 2003 (the Act) came into effect on 25<sup>th</sup> November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshments, to be administered by the local licensing authority within Haringey, this council.
- 1.2 Section 5 of the Act requires each licensing authority to prepare, consult and publish a statement of licensing policy every five years. The policy statement is expected to set out, how the authority intends to approach its licensing responsibilities. Each Authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary. The purpose of this report is to seek approval for consultation to be undertaken on the draft Statement of Licensing Policy 2021/2026 at Appendix 1.
- 1.3 The current statement of Licensing Policy is due for review and to be published by Jan 2021. This report seeks permission to consult on a revised statement.

### **2 Recommendations**

This report recommends that the Committee:

- 2.1 Approve for consultation the draft Haringey Statement of Licensing Policy 2021-2026. (SOLP attached at Appendix 1 to this report).
- 2.2 Note and agree the arrangements for public consultation as set out within this report at section 6.
- 2.3 Note that following the consultation the responses will be brought back to the Regulatory Committee who will then make recommendations to Full Council for adoption of the policy.

### **3 Alternative Options Considered**

- 3.1 This is a statutory requirement and the Council has no discretion to do otherwise.

**3.2** Consideration was given to extending the existing policy due to the COVID -19 panedemic situation making the ability to consult challenging, however following Legal advice the fact that the consultataion would be carried out online this concern was discounted. The Local Government Association (LGA) have also advised Authorities to use online methods of engaging with residents and licence holders on licensing matters.

**4 Reasons for decision**

**4.1** The Council’s current Statement of Licenisng Policy expires in January 2021 and the Council has to comply with its statutory duty to prepare, consult and publish a statement of licensing policy every five years.

**4.2** Members should note that the Statement of Licensing Policy must not be inconsistent with the provisions of the 2003 Act and must not override the right/s of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. Members should also note that the council has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions as a licensing authority under the 2003 Act; to do all it reasonably can to prevent crime and disorder within the borough.

**5 Background information**

**5.1** Central to the Statement of Licensing Policy is the promotion of the four licensing objectives established under the Act. These are:

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

**5.2** Since the commencement of the current Statement of Licensing Policy, there have been a number of issues that have arisen at licensing sub-committee meetings where members, responsible authorities and applicants have requested clarification. The amendments in this revision seek to clarify Haringey’s position and are believed to be appropriate and necessary.

**5.3** There have been a number of changes to the Licensing Act 2003 and also to the Section 182 Guidance issued for licensing authorities (the current version was issued by the Home Office in April 2018). In recognition of the various changes work has been undertaken to update the Haringey policy and make it consistent with the legislation and the latest guidance. The majority of changes have been automatically incorporated into the policy document. Some are highlighted for the committee’s information, before going to public consultation. A summary of some of the changes are listed below. these changes are outlined in Appendix 1 and summarised in 5.3 below.

**5.4 Summary of the main amendments – Table 1**

Section of policy	Reason for change /update	Page ref
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All about Haringey	Information updated to reflect most up to date data and policies. State of the Borough Borough Plan and Priorities. Licensed premises have an impact on the community the information sets the scene of the challenges facing Haringey as well as the aspirations.	4
Alcohol harm and Public Health	Updated wording. Police no longer gather in data on various crime that allows for alcohol markers to be flagged. Wording on the impact of alcohol on young people and borough expectations on preventing harm.	7
Borough Plan	Updated wording to Borough Plan and priorities.	10
Relationship with Planning	Wording updated to make clear close working but separate regimes	12
Modern Day Slavery	Reflect how licensing plays a role. Raise awareness of this issues in the licensed trade across the borough	12
Community Safety Strategy	Wording on the six point plan to deliver and how late night economy and protection of women and vulnerable will impact.	13
Sustainability wording	Links in with Haringey Climate change agenda and raise awareness	14
LA ability to revoke or suspend Personal Licences	New Powers that came into effect in 2017, opportunity to insert methodology and delegation info into policy.Change to legislation and Section 182 Guidance	18
Council position on the use of multiple TENs	Use of TENs for large warehouses to get around the 499 limit. New wording makes clear that as an Authority we will not agree to this practice	21

Large events Council position on transport capability for simultaneous events	Wording updated on expectations of management of large events. Wording inserted to say that matters of this nature will be done under a public safety concern by the Safety Advisory Group on a case by case basis	21
Schedule of delegation	Table updated to make reference to Sec of State	24
Transferring licences to avoid review process	Council position on not permitting transfers to take effect when premises is under review.	25
Smuggled goods	Updated guidance on seriousness of the offence and strong approach-learning from matters arising from LSC hearings	31-32
Council position on strong management of premises	Expectations of responsible management from licence holders.	27
Multiple licences	Clarity that a review on one licence held on a specific premises does not automatically affect any other licences held by other organisations for the same premises.	28
Cessation of Form 696	Removal of wording of the need for Form 696 but still the need to risk assess an event	33

## 5.5 Impact of Covid 19

The impact of the measures put in place to fight the virus nationally saw licensed premises such as pubs, clubs and restaurants having to close their doors to restrict entry by the public to prevent the spread of the virus. As the UK is being brought out of the lockdown measures and businesses are able to be opened up again we are faced with the need to support changes to the way in which the licensed premises will need to operate for a period of time. There are a range of issues licence holders need to be aware of such as:

- The need for licensing additional space, most likely outdoors
- The need to review licensing conditions that might restrict trading
- flexibility
- A review of licensed hours to adapt to a new way of trading



- 5.5 Haringey will aim to support business wishing to make these changes by way of a variation application where possible.
6. **Contribution to strategic outcomes**
- 6.1 **The Borough Plan 2019-23** sets out a four-year vision to make Haringey one of London's greatest boroughs where families can thrive and succeed. The Haringey Council Community Wealth Building approach will create an economy that is rooted in the community.
- 6.2 **Priority-2 People** - Our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. The protection of children and the vulnerable from harm within the licensing objective will contribute to this priority.
- 6.3 **Policy 3 – Place** - Our vision is for a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. As the borough continues to grow, becomes better connected and continues to be a destination for many Londoners, we will need to ensure Haringey remains a safe and pleasant environment for all. We want to work with partners and the local community to achieve this and to define and shape how the borough looks and feels, both now and in the future. Residents engaging in the licensing process will contribute to this priority and allow them to have a say in how premises operate. The expectations set out the Policy will inform applicants for licenses of the kind of best practice and responsible management expected for well run premises in the borough.
- 6.4 **Policy 4 – Economy** - Our vision is for a growing economy that provides opportunities for all our residents and supports our businesses to thrive. We want to build the strength, depth and wealth of our local economy and will create safe and attractive environments for both businesses and our residents to thrive. We will make sure that investment and development has the interests of our communities at its heart and is undertaken for the benefit of our local residents and businesses. Haringey offers a lot of opportunity for new businesses and attracts entrepreneurs who wish to start up their first business in the hospitality trade in the borough. The Regeneration Team have made use of 'Meanwhile Spaces' in the East of the borough that have provided welcome alternatives to regular pubs and clubs.
- 6.5 The above Priorities and objectives are underpinned by a number of cross – cutting principles namely:
- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
  - A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
  - Working together with our communities – building resilient communities where people are able to help themselves and support each other.

- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

**6.6** Licensing is about regulating the carrying on of licensable activities within the terms of the Act. The statement of licensing policy should make it clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business carrying on licensable activities. However, the guidance also states that licensing law is a key aspect of such control and should always be part of a holistic approach to the management of the evening and night-time economy. It is therefore desirable that the statement of licensing policy is in line with the council's wider objectives and consistent with other policies.

## **7 Consultation process**

**7.1** The revision of the Haringey Statement of Licensing Policy is intended to be undertaken with public consultation in accordance with section 5(3) of the Licensing Act 2003. As such, it is proposed that consultation will take place as set out below.

**7.2** The policy will be introduced by circular letter sent electronically to:

- The chief officer of the police
- The fire authority
- Representatives of holders of premises licences, club premises certificate holders and personal licence holders
- Representatives of businesses and residents
- All responsible authorities specified under the Act.

**7.3** The consultation will also be introduced on the council web site with the draft policy together with an online questionnaire for easy response.

**7.4 Consultation questionnaire** - It is suggested that the following questions be posed under the public consultation exercise.

Whether the amendments to the policy are clear and easily understood?  
Whether the amendments to the policy are balanced, fair and reasonable?  
Any other comments on the draft Policy?

**7.5** In each case, respondents will be offered the opportunity to expand on their answer and provision for general comments will be made.

**7.6 Consultation timetable** - The following timetable for the public consultation on the draft policy amendments and for final approval of the 2021 – 2026 policy document is proposed:

Action	Timeline
Draft taken to Place Board	29 <sup>th</sup> June 2020
Report taken to Corporate Board	TBC June 2020
Report taken to Lead Member and Chair of Regulatory Committee for discussion	June 2020
Report taken to Regulatory Committee for permission to consult on the draft policy revision; and consultation timetable.	July 2 <sup>nd</sup> – 6 weeks consultation to start in July.
Licensing	Consultation to be advertised at main Council buildings/placed on website. Statutory and public consultation to run from 9 <sup>th</sup> July to 29 <sup>th</sup> August 2020 (6 weeks)
Report taken to Overview & Scrutiny	July 2020
Consultation ends. Consideration of consultation responses and further revision of the policy	29 <sup>th</sup> August – responses compiled and preparation of reports to Place Board and Regs Committee to report on outcomes.
Outcome report back to AD/ Place Board	Mid -October
Report back to the Regulatory Committee asking the committee to consider the further draft policy revision and make recommendation for adoption of a final policy by Full Council	October TBC
Report prepared for Full Council with recommendation to adopt	November TBC
4 weeks public notice period.	December TBC
New policy takes effect	Jan 2021 TBC

## 8 Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

### 8.1 Finance

This report seeks approval for a consultation exercise for the Haringey Licensing Policy 2021-2026, which is a statutory requirement. The existing policy expires in January 2021.

The consultation exercise will be conducted online and therefore at minimum cost. This cost relates to materials and officers time which is already accounted for within the existing budgetary resources.

The results of this will be brought back to the regulatory committee, prior to Full Council.

The timeines laid out are reasonable and achievable to ensure an updated policy will be ready in time to ensure the Council have a continued policy in force.

## **8.2 Procurement**

N/A

## **8.3 Legal -Michelle Williams - Principal Lawyer Litigation**

The Assistant Director of Corporate Governance has been consulted in the preparation of this report and confirms that the legal implications are set out in the body of the report.

In the case of R (Moseley) v Haringey the Supreme Court endorsed the following principles of consultation:

- That consultation must be at a time when proposals are still at a formative stage;
- That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
- That adequate time must be given for consideration and response; and
- That the product of consultation must be conscientiously taken into account in finalising any proposals.

The consultation timetable for the SOLP is in accordance with the Mosley principles.

Under the Council's Constitution at Part Three, Section B, Section 7 – Regulatory Committee - Protocol para 2(b) the Regulatory Committee has the responsibility for formulating, reviewing and approving for consultation the Statement of Licensing Policy and (following consultation) recommending it and any revisions to it, to Full Council for adoption.

## **10. Equality**

**10.1** The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 10.2** A draft equality impact assessment has been completed (Annex 2). A draft equality impact assessment has been completed (Annex 2). The policy equally recognises that irresponsible business operators who fail to provide good management practices are likely to have negative impacts on the community. As such, the statement of policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system.

The consultation will include an equalities questionnaire which will have findings reported back and any impact identified updated in the final policy.

## **11 Use of Appendices**

### **Appendix 1 Draft Statement of Licensing Policy**

## **12. Local Government (Access to Information) Act 1985**

The Licensing Act 2003 and secondary regulations

The Home Office Guidance to the Act published April 2018

Local Government (Miscellaneous Provisions) Act 1982

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# Licensing Act 2003

# Haringey Statement of Licensing Policy 2021 - 2026

This Policy should be read in conjunction with:

**The Licensing Act 2003**

Available from [www.legislation.gov.uk/2003](http://www.legislation.gov.uk/2003)

**Government Guidance under Section 182 of the  
Licensing Act 2003**

A Home Office document available from

HMSO. Information also available on the GOV.UK website:

[www.gov.uk](http://www.gov.uk)

**Haringey Council's guidance documents on making  
applications under the Licensing Act 2003**

Available from Haringey Council's Licensing Service on request and our  
website: [www.haringey.gov.uk/licensing](http://www.haringey.gov.uk/licensing) or by calling 020 8489 8232.

## Contents

<b>LICENSING ACT 2003 .....</b>	<b>1</b>
<b>1. ALL ABOUT HARINGEY – BACKGROUND INFORMATION.....</b>	<b>5</b>
<b>2.5 HARINGEY AND THE LEISURE AND ENTERTAINMENT INDUSTRY .....</b>	<b>6</b>
<b>3 CHALLENGES FACING HARINGEY.....</b>	<b>7</b>
<b>3.7 Alcohol and public health.....</b>	<b>8</b>
<b>4 LINKS TO THE BOROUGH PLAN .....</b>	<b>11</b>
<b>5. PLANNING, REGENERATION AND BUILDING REGULATIONS REGIMES .</b>	<b>12</b>
<b>6 PURPOSE AND SCOPE OF THE LICENSING POLICY.....</b>	<b>15</b>
<b>7 DEFINITIONS – ‘REGULATED ENTERTAINMENTS’ .....</b>	<b>16</b>
<b>8. THE LICENSING OBJECTIVES.....</b>	<b>16</b>
<b>9.5 Change of name or address .....</b>	<b>19</b>
<b>9.6 Duration and renewals.....</b>	<b>19</b>
<b>10.1 PROVISION OF SCALE PLANS .....</b>	<b>20</b>
<b>19.2 VARIATIONS &amp; NEW APPLICATIONS.....</b>	<b>20</b>
<b>10.3 PROVISIONAL STATEMENTS .....</b>	<b>21</b>
<b>10.4 TEMPORARY EVENT NOTICES (TENS).....</b>	<b>21</b>
<b>19.16 MANDATORY CONDITIONS.....</b>	<b>36</b>
<b>19.18 ENTERTAINMENT INVOLVING STRIPTease AND NUDITY.....</b>	<b>36</b>
<b>19.23 THEFT OF PERSONAL PROPERTY .....</b>	<b>37</b>
<b>21.10 OTHER RELEVANT LEGISLATION .....</b>	<b>44</b>
<b>21.11 REGULATORY REFORM (FIRE SAFETY) ORDER 2005 .....</b>	<b>44</b>
<b>21.13 HEALTH AND SAFETY AT WORK REGULATIONS 1999.....</b>	<b>44</b>
<b>21.14 SAFE CAPACITIES.....</b>	<b>45</b>
<b>21.17 A PROACTIVE APPROACH TO CUSTOMER SAFETY .....</b>	<b>45</b>
<b>22.5 ACCESS TO LICENSED PREMISES.....</b>	<b>47</b>
<b>22.8 THE PURCHASE AND CONSUMPTION OF ALCOHOL BY CHILDREN AND YOUNG PERSONS.....</b>	<b>48</b>
<b>22.12 AGE VERIFICATION POLICIES – MANDATORY CONDITION .....</b>	<b>48</b>
<b>22.13 AGE VERIFICATION POLICIES-APPLICANTS CONSIDERATIONS. ....</b>	<b>48</b>
<b>22.17 CHILDREN AND RESPONSIBLE DRINKS PROMOTIONS .....</b>	<b>49</b>
<b>22.18 CHILDREN AND CINEMAS – MANDATORY LICENCE CONDITION.....</b>	<b>50</b>
<b>22.19 REGULATED ENTERTAINMENT PROVIDED FOR CHILDREN.....</b>	<b>50</b>
<b>22.21 RAISING AWARENESS OF CHILD SEXUAL EXPLOITATION AND DEALING WITH THE RISK. ....</b>	<b>50</b>
<b>22.22 Steps to reduce risks to children and young persons.....</b>	<b>51</b>
<b>22.24 What can licensees do to manage this risk? .....</b>	<b>51</b>



<b>CONTACT DETAILS .....</b>	<b>57</b>
<b>THE LICENSING SERVICE.....</b>	<b>57</b>
<b>ADVICE AND GUIDANCE.....</b>	<b>57</b>
<b>IN WRITING .....</b>	<b>57</b>
<b>THE LICENSING SERVICE.....</b>	<b>57</b>
<b>RIVER PARK HOUSE, LEVEL 1, 225 HIGH ROAD , WOOD GREEN, LONDON N22.....</b>	<b>57</b>
<b>BY E-MAIL: LICENSING@HARINGEY.GOV.UK.....</b>	<b>57</b>
<b>BY VISITING THE WEB SITE: HTTP://WWW.HARINGEY.GOV.UK.....</b>	<b>57</b>
<b>RESPONSIBLE AUTHORITIES –APPENDIX 1A .....</b>	<b>58</b>

#### **Legal Background to this document**

The Licensing Act 2003 came into effect in November 2005, it repealed existing legislation relating to alcohol, entertainment and late night refreshment. It introduced a new licensing regime administered by the local Licensing Authority.

Section 5 of the Act requires each Licensing Authority to prepare and publish a statement of its licensing policy every five years. The Haringey statement has been frequently revised and updated in order to keep up to date with changes in law, guidance and local issues and policy. Each revision of the policy had been developed through consultation and regard to the Act as well as the Section 182 Guidance issued by the Home Office more recently.

The Section 182 guidance itself is subject to revisions from time to time and there may be periods of time when the Haringey policy is inconsistent with the guidance. At such times the Council will have regard and give appropriate weight to the revised guidance in its decision making.

The Licensing Authority may depart from its own policy if the circumstances of a given case merits such action in reaching a decision in the interest of promoting the licensing objectives.

## **Foreword– Cllr (Cabinet Member)**

The Covid-19 pandemic is the biggest health crisis for generations. The measures that the Government has taken to limit the spread of the virus, including restrictions on movement and the closure of retail shops, restaurants and pubs as well as schools for a period of time has had a major impact on the UK economy and locally.

At the time of preparing the policy the UK is slowly coming out of the lockdown measures and life will slowly return to a new normal where social distancing and the ongoing impacts of Covid 19 will be all our responsibility to deal with. More than ever the need to support businesses' and residents through this period to enable the rebuilding of livelihoods within the community is of paramount importance. Haringey enjoys a widespread and diverse selection of licensed premises and venues with more than 900 premises that are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from pubs, bars, night clubs, member's clubs, theatres, cinemas and indoor sports facilities to restaurants, cafes and take-away establishments to off-licences, supermarkets and grocers. Together they combine to help make Haringey the exciting, vibrant borough it is by providing a wide-range of leisure and cultural opportunities; providing employment; and making a significant economic contribution to the local community.

We believe that licensed premises within the borough can play a key role in positively contributing to community cohesion and cultural development; however, this can only work if licensees work with local communities and run well managed and safe venues which address the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

However, the Council equally recognises that negative impacts will occur if good management practices are not followed. This can include anti-social behaviour, nuisance and disturbance caused to local residents, together with serious crime and disorder problems. We recognise that the misuse of alcohol, in particular, is an important contributing factor in all of these problems. Alcohol related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon A&E; additional policing; additional street cleaning; and the criminal justice system. This authority does not consider that it is reasonable for Haringey communities to suffer because of the actions of irresponsible profiteering business operators or the inconsiderate few. As a borough we are committed to improving the impact that alcohol can have on health by proper consideration at the application stage, and by ensuring that premises operate responsibly, we will ensure that licensed premises have a positive impact in neighbourhoods throughout the borough.

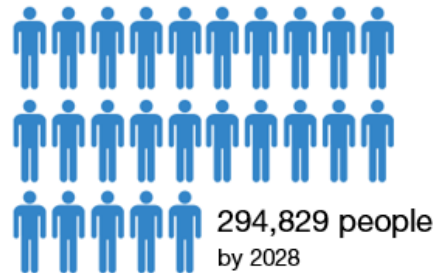
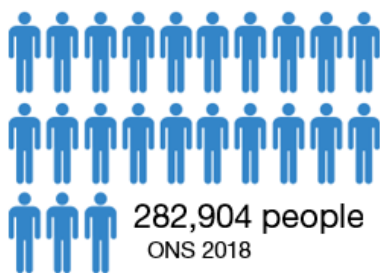
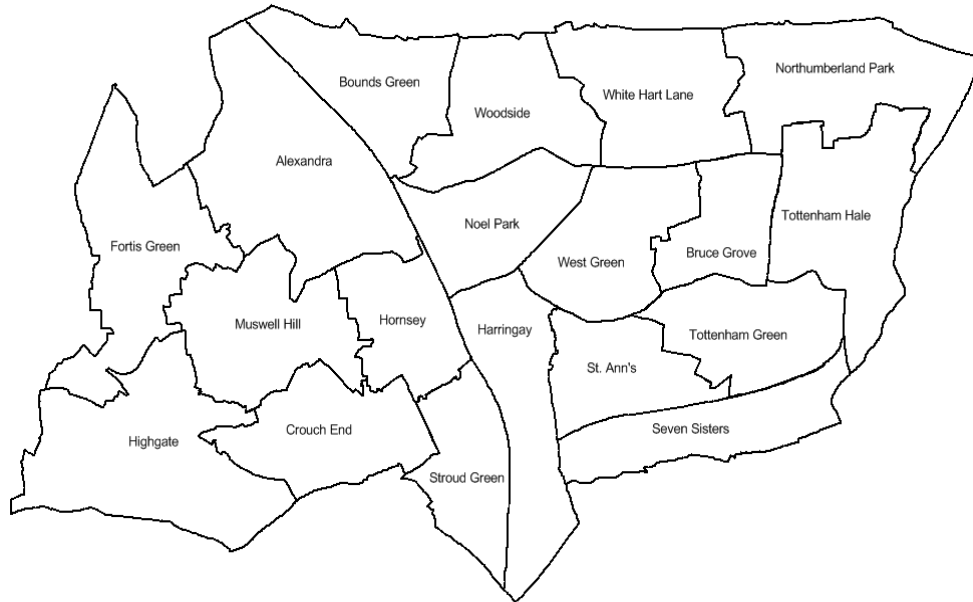
Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time economy, while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

With continuing financial pressure on the council we note our increased partnership approach. The importance of joint working with the metropolitan police and engagement with businesses and residents lies at the heart of our work. The Rebalancing of the Act which introduced a package of measures to put local communities at the heart of decisions which determine local licensing has empowered individuals, families and local communities, this policy will contribute towards the success in promoting the borough for all for the benefit of businesses, residents and visitors.

The policy summarises the various processes that a prospective licensee will need to undertake in order to present a license application to the Council for consideration. Reference is also made to how the Council will enforce license conditions and how the new policy supports the new priorities and objectives as set out in the Borough Plan – 'Building and retaining wealth in our community, Tackling serious violent crime , Reducing inequality and making Haringey a fairer place.

Section One – The Borough Profile

1. ALL ABOUT HARINGEY – BACKGROUND INFORMATION



The highest expected growth is in the older age groups of 65-84 and 85+

Haringey is the fifth most diverse borough in the UK with over 100 languages spoken

Men in the most deprived wards live, on average, 7.6 years less than men in the least deprived wards

2. Our vision for Haringey

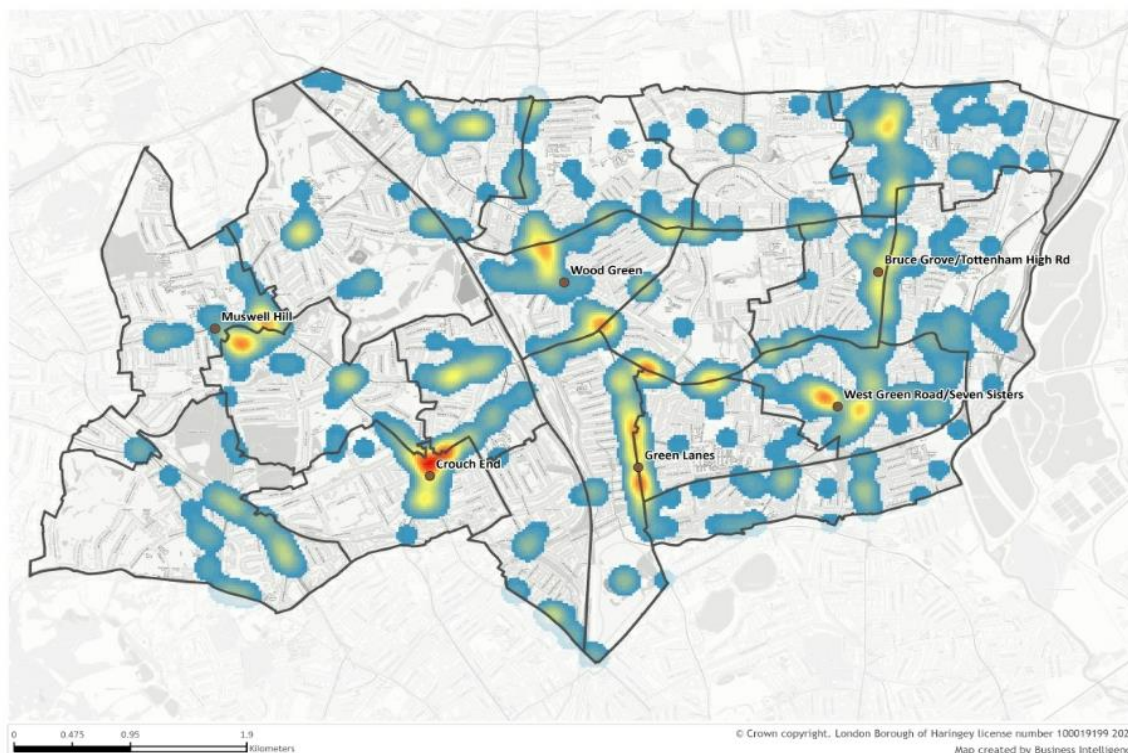
2.1 Haringey embodies the future of London: a borough that embraces growth and harnesses the strengths of diverse communities and innovative businesses to create an excellent place to work learn and live. As a gateway to central London we are determined to be a well-connected hub of activity rather than a dormitory borough. Our Community Wealth Building approach is a direct response to people and communities

being left behind by economic growth, resulting in increasing inequality. Questions about fairness and equality are therefore at the core of Community Wealth Building. These should prompt us to consider not only who will benefit from any intervention or investment, but also whether all parts of our community are equally well equipped and supported to take advantage of the opportunities that exist to improve their prosperity and wellbeing with a focus on creating a good economy which supports our residents and businesses to thrive with an ambitious objective for achieving full employment and establishing Haringey at the epicentre of London's small and medium sized innovation economy. Our Housing Strategy and Local Plan lay the foundations for major house building and the regeneration of neighbourhoods with an exciting mix of employment, retail, entertainment and housing. Here we are building on our existing strengths: Haringey is a vibrant place to live, with many different cultures mixing together, and a fantastic variety of characterful High Streets – from the metropolitan centre at Wood Green to the boutiques and restaurants of Muswell Hill and Crouch End – creating a strong sense of local pride. The State of the Borough Profile has been put together to provide all Haringey's stakeholders –from Officers and Councillors to Residents –with access to the data they need to understand the borough and can be accessed via this link:

<https://www.haringey.gov.uk/local-democracy/about-council/state-of-the-borough>

- 2.2 Licensing policy has a key role in helping us achieve this vision for promoting growth, creating exciting mixed-use neighbourhoods and helping communities to continue to mix and live comfortably with one another. The entertainment and night-time economies make a valuable contribution to economic growth, through employment and local spend, and an effective Licensing Policy can ensure that these sectors grow in a positive and sustainable way. An effective Licensing Policy can also ensure that all neighbourhoods have a vibrant entertainment and night-time offer that reflects the diversity of the borough and provides space for people to come together.
  - 2.3 Haringey's Borough Plan lays out how the Council will seek to pursue its vision for the borough over the next four years. The principles of the Borough Plan are reflected in the Licensing Policy, in particular the emphasis on working in partnership. The Licensing Policy lays out how the Council's Licensing team will work in partnership with the Police, Public Health and other Community Safety partners to analyse data and take intelligence led approach to licensing enforcement. It also describes how we will work with resident's associations and other community groups to ensure that Haringey residents have a real say over the development and operation of licensed premises in their neighbourhoods. Working in partnership is also about shared responsibility and the Licensing Policy lays out how we will look to build alliances with responsible businesses and traders associations to tackle problems together. It is through such partnerships that we will apply our commitment to prevention. By engaging early with businesses and educating them on how to avoid alcohol related problems, we can increasingly prevent the need for costly enforcement action.
  - 2.4 Through partnership and prevention, the Licensing Policy will help ensure that the entertainment and night-time sectors are able to play their part in the diverse, dynamic and pro-growth Haringey that is being built through the combined efforts of residents, businesses and public sector agencies.
- 2.5 Haringey and the leisure and entertainment industry**
- 2.6 Haringey is home to a number of iconic leisure and cultural institutions that attract people from across London and the UK, benefitting from the borough's excellent public transport links. The borough is the home of Alexandra Palace, the focus of a £27m regeneration programme that will develop an interactive broadcasting museum in the former BBC studios and an adaptable performance space for theatre, cinema, comedy and music that can accommodate audiences of up to 1,300. Tottenham Hotspur is based at White Hart Lane and, working in partnership with the Council, it has been redeveloped into a world-class multipurpose stadium. Finsbury Park has played host to major music concerts for many years and continues to attract a wide range of artist as an iconic venue to perform at.

- 2.7 Across the borough, Haringey has in excess of 900 premises licensed for the sale and supply of alcohol and/or regulated entertainment and late night refreshment. Over 780 of these are licensed for the sale and supply of alcohol. Between 90% and 100% of licensed premises are open between 11:00 and 23:00. There is a great variety of licensed premises – from community owned pubs to national chain bars, Turkish cafes to banqueting suites – catering for our diverse communities and playing an important role in making Haringey the borough that it is. The average density across London of population to licensed premises is 281 to 1. In Haringey it is 251 to 1, making Haringey 11th in London for outlet density.



- 2.8 The Licensing Policy seeks to expand choice further and encourage premises that will extend the diversity of entertainment and attract a wider range of participants rather than premises mainly or exclusively focussed on the sale of alcohol. The Policy aims to develop a more inclusive night time economy and promote high-quality premises that contribute positively to their neighbourhoods.
- 2.9 In addition to licensed premises, around 7 00 small occasional events take place under temporary event notices each year. This number is likely to grow year on year.

### 3 Challenges facing Haringey

- 3.1 Haringey ranks as one of the most deprived boroughs in the country with pockets of extreme deprivation concentrated in the east. Haringey is the 84th most deprived borough in England and the 2nd most deprived in London, yet it is also a borough of contrasts, with great prosperity and affluence in some communities.
- 3.2 Persistent inequalities are manifest in the health and wellbeing of our residents. The life expectancy gap between the most and least deprived wards is 7 years for men and 3 years for women. The borough is facing an obesity crisis with 1 in 5 reception aged children, and 1 in 3 10/11 year olds, measured as overweight or obese. The number of people with long term conditions like diabetes and heart disease is increasing and there are approximately 4,000 adults with severe mental illnesses – three times more than would be expected, even given Haringey’s level of deprivation.

- 3.3 There are also inequalities in educational achievement, access to employment and housing quality. The borough has seen twelve consecutive years of improvement in GCSE performance and A-levels scores, making Haringey one of the top 3 most improved areas. Yet too many of our young people still leave school without the skills needed to secure sustainable employment, blocking their access to one of the world's most dynamic economies at their doorstep. It remains our priority to make all of our schools outstanding and to ensure our young people are accessing the skills needed for the jobs of the future.
- 3.4 The Council's response to these challenges is to meet them head on with ambition, innovation and a commitment to work ever more closely with residents, businesses and public sector partners. Nowhere is our ambition greater than in our most deprived communities in Tottenham. Working with central and local Government, developers and major local businesses like Tottenham Hotspur, the Council has secured £1bn of public and private investment in Tottenham's physical environment. Over the next 20 years, this investment will deliver new homes, new transport links and stations, education and health facilities, green public space and 5,000 new jobs. Wood Green is another community that will be the focus of major regeneration that will look to build more homes, create better connections to Alexandra Palace. We are determined that regeneration will be shaped by the views of residents and are pioneering new governance structures to embed the resident voice in the key decisions.
- 3.5 We are also determined that regeneration has a transformative effect on the health and wellbeing of residents. Regeneration has the potential to promote health and wellbeing through the built environment in a number of ways, including designing infrastructure to increase ease of walking and cycling, increasing the accessibility and perceived safety of green space, and shaping the retail offer to promote access to healthy foods.
- 3.6 We are also keen to encourage innovative responses to the health challenge – such as promoting 'Healthy Catering' in the Food industry across the borough and Responsible Retailing scheme to the licensed premises. In Haringey we are adamant that economic growth has to be harnessed as an engine for tackling deprivation and the role of the Licensing Policy is to ensure that licensed businesses play their part. The aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. Indeed, the need for responsibility and innovation is even greater in the licensed sectors, given the scope for negative impacts is so much higher, as the evidence shows.

### **3.7 Alcohol and public health**

- 3.8 Health bodies were made 'responsible authorities' under the Licensing Act 2003 in April 2012. Although public health is not a licensing objective, health-related data can be used to identify the potential impact of the premises on the licensing objectives.
- 3.9 Alcohol plays a significant part in the social lives of many people and the economic development. However, alcohol consumption is a key factor of poor health in Haringey and around 1 in 10 people are binge drinkers and over 10,000 people across the borough are higher risk drinkers, regularly going well above the levels recommended by the Department of Health (21 units per week for men and 14 for women). Haringey has high rates of alcohol dependency, it is estimated to be the second highest in North Central London (2016/17). The sale of high strength, low cost alcohol is a particular problem in Haringey and contributing factor behind these figures.
- 3.10 According to Haringey's State of the Borough document the businesses in the Borough sold the most litres of alcohol per adult in all of London in 2014, 35% more

than the London average. The high level of sales points and high levels of unsafe drinking, increases the risk of both health and social related alcohol harms. This has a large impact on our communities, such as alcohol fuelled crime and disorder, antisocial behaviour, street drinking and other hidden harms (i.e. dependency, family breakdown, domestic abuse and child safeguarding issues). Haringey has one of the highest rates of reported domestic abuse across London. Figures do not show if alcohol was a contributing factor.

3.11 Alcohol misuse is also associated with 60 medical conditions, from liver disease, heart disease and strokes to types of cancer, hypertension and mental health issues. This has a large impact on our health services. Haringey has the 5th highest rate of alcohol-related admissions in London and has a significantly higher rate than all North Central London boroughs except Islington, which ranks first in London (2016/2017). Alcohol consumption is a contributing factor to hospital admissions and deaths from a diverse range of conditions. Alcohol misuse is estimated to cost the NHS about 3.5 billion pounds per year and society as a whole 21 billion pounds annually. Alcohol related hospital admissions are higher in Haringey than the London and England averages). Around 4.5% of all local hospital admission in 2019. Men living in more deprived areas (generally the east of the borough) have higher rates of alcohol related hospital admissions (see figure 1).

3.12 In Haringey, there are an estimated 546 adults with alcohol dependency who live with children (and 1,038 children who live with an adult with alcohol dependency). There are 149 of these adults in specialist treatment, a higher percentage than the benchmark and national average. Among Haringey’s most prolific young offenders, signs of poor parenting are evident in the first year of life in 45% of cases, parental involvement in substance or alcohol misuse is evident in 30% of cases by the age of 1.

3.13 Using national estimates from the biennial schools survey: ‘Smoking, drinking and drug use among young people in England’ for 11-15 year olds, applied to the Haringey population, we found an estimate of 6,386 11-15 year olds in Haringey are estimated to have ever had an alcoholic drink (GLA 2016). Haringey has 4.2% of young people at the age of 15 who are known to be regular drinkers (Source LAPE). Alcohol was the second leading substance cited as the substance that brought the young person into treatment in 2017/8.

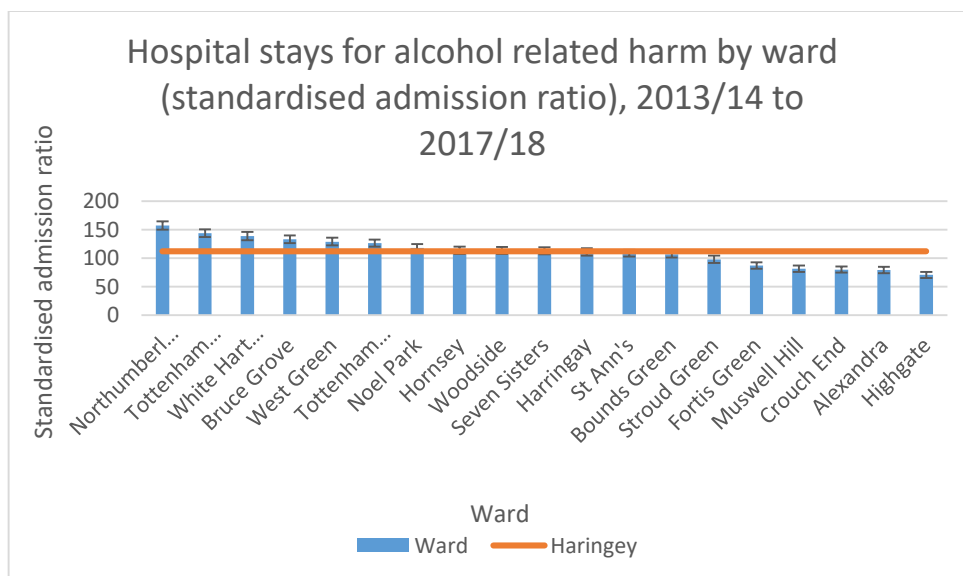


Figure 1. Hospital stays for alcohol related harm by ward (2013-18)

3.14 Local health data around the impact on alcohol is collected as part of the annual Joint Strategic Needs Assessment (JSNA) and State of the Borough Plan is a core source of data used to inform licensing decisions and broader activity of the Community Safety Partnership.

3.15 The issues highlighted above affect the young people of the borough and the expectation is that applicants and traders will be required to demonstrate a robust policy to ensure the protection of children from harm objective is fully considered. Licence holders failing to have regard for this will receive enforcement action as the challenges facing our young people is very real.

### **3.16 Alcohol and crime/anti-social behaviour**

3.17 We know we face some significant challenges. London has a problem with serious violence, particularly with knife crime. Some of this is due to less funding for work to intervene at an earlier stage in order to put preventative measures in place. There have also been significant cuts to neighbourhood policing across London, which means that the police are less visible than they were. We want Haringey to be a safe borough for everyone who lives and works here; a place with strong, resilient and connected communities where people can lead active and healthy lives in a safe environment. As the borough continues to grow, becomes better connected and continues to be a destination for many Londoners, we will need to ensure Haringey remains a safe and pleasant environment for all. The Community Safety Strategy provides the partnership approach with an opportunity to set out how it will achieve that vision. The Crime and Disorder Act 1998, as amended by section 97 and 98 of the Police Reform Act 2002, places a requirement on Local Authorities to co-operate in the reduction of crime and disorder in the Borough.

3.18 We will continue to work together with local people and businesses to **ensure licensed?**

are contributing to this requirement through the promotion of the licensing objectives. It is against this backdrop that Haringey will seek to robustly implement its policy to ensure responsible retailing of alcohol and the impact on the wider community are considered and monitored. The Community Safety Partnership is now receiving anonymised data on alcohol related violence which may also be useful, particularly if it can be related to a specific premise(s).

### **3.19 Public Health - Licensing consideration post Covid 19**

The escalation of Coronavirus crisis has meant that many hospitality and leisure operators, including hotels, restaurants, pubs, some retailers and visitor attractions, are making difficult decisions to plan for reduced activity and reduced demand going forward. There is ongoing debate about social distancing measures that must be adopted to support the leisure sector. However, it is clear that social distancing will be part of everyday life for the foreseeable future. With this in mind, there will be a need for premises licence holders to revisit their premises licence to check its Covid-19 fit for purpose and compatibility.

3.20 There are a range of issues licence holders need to consider such as:

- The need for licensing additional space, most likely outdoors
- The need to review licensing conditions that might restrict trading flexibility
- A review of licensed hours to adapt to a new way of trading

3.21 Within the context of trading under current restrictions, we anticipate licensed businesses will seek to utilise outdoor space more than they have done in the past. It will be necessary to license additional areas for the sale of alcohol



3.22 if you are making a new application consider the ability to authorise Off sales, the use of door staff, last entry, as well as steps to prevent underage sales. There are a number of licensing, environmental and health and safety considerations for premises licence holders to bear in mind when planning how their business will operate in the new norm of social distancing. In particular: Health, Safety, Licensing and Environmental considerations such as carrying out a risk assessment to include:

- social distancing guidelines;
- hygiene information;
- entry and exit routes; access points to regulate entry/flow of visitors and customers
- customer instructions required inside and outside of venue
- contactless payment process.

For existing licence holders you are encouraged to review your existing licence conditions to consider whether anything needs amending for example the use of any existing outside space or any potential new areas that can be brought into the curtilage of the licence boundary to help with social distancing. Further guidance for existing business's to carry out small changes under a Minor Variation process can be found at section 10.2.

If you are making a new application consider the ability to authorise Off sales, the use of door staff, last entry, as well as steps to prevent underage sales.

## 4 Links to the Borough Plan

4.1 The Borough Plan 2019-23 sets out a four-year vision to make Haringey one of London's greatest boroughs where families can thrive and succeed. The Haringey Council Community Wealth Building approach will create an economy that is rooted in the community, with the council:

- Using all our available levers to make sure every public pound delivers maximum public good and wherever possible builds the prosperity of local people and businesses,
- Supporting residents economically and socially, with a focus on employment, particularly in areas with high levels of deprivation
- Giving residents a greater stake in public services and the Haringey economy
- Working with partners to ensure they embed the same approach across the borough

We will work to make sure strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. We will work to create safe, stable and affordable homes for everyone, whatever their circumstances, and neighbourhoods with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.

4.2 **Priority-2 People** - Our vision is a Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential. The protection of children and the vulnerable from harm within the licensing objective will contribute to this priority. Outcome 4: Best start in life: The first few years of every child's life will give them the long-term foundations to thrive

Delivery Plan:

- Listen better to the voice of children, young people and families and work with them earlier to support the best outcomes

Outcome 5: Happy childhood: all children across the borough will be happy and healthy as they

grow up, feeling safe and secure in their family and in our community

Delivery Plan:

- Work with young people and those around them to ensure that their voices are heard

Outcome 7: All adult are able to live health and fulfilling lives.

4.3 **Policy 3 – Place** - Our vision is for a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green. As the borough continues to grow, becomes better connected and continues to be a destination for many Londoners, we will need to ensure Haringey remains a safe and pleasant environment for all. We want to work with partners and the local community to achieve this and to define and shape how the borough looks and feels, both now and in the future.

4.4 **Policy 4 – Economy** - Our vision is for a growing economy that provides opportunities for all our residents and supports our businesses to thrive We want to build the strength, depth and wealth of our local economy and will create safe and attractive environments for both businesses and our residents to thrive. We will make sure that investment and development has the interests of our communities at its heart and is undertaken for the benefit of our local residents and businesses.

4.5 The above Priorities and objectives are underpinned by a number of cross – cutting principles namely:

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other.
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers’ needs at the centre of what we do;
- Working in partnership – delivering with and through others.

#### 4.6 Integration with other policies and strategies

#### 4.7 Other regimes

This Authority will look to ensure consistency, as far as is possible within law, with other licensing and consent regimes. This Authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market.

### 5. Planning, regeneration and building regulations regimes

The planning, regeneration, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Each regime involves consideration of different (albeit related) matters. Neither Licensing nor Planning Committees are bound by decisions made by the other.

5.1 This Authority will look to ensure proper integration with the planning regime. While it is understood that there is no legal basis for a Licensing Authority to refuse a licence application solely because it does not have planning permission, to allow clarity and consistency both for Applicants; and in response of enforcement action, it is strongly recommended that applications for premises licences for permanent commercial premises should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a licence intended to facilitate a change of use / type of operation. Where this is not the case, the

Council may expect the Applicant to address the reasons why planning permission had not been firstly sought and / or granted and provide reasons as to why licensing consent should be.

5.2 This Authority notes that Guidance supports ‘where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, the Licensing Sub-Committee and Officers may consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs”.

5.3 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. It must be emphasised that where these hours are different to the permitted licensing hours, the Applicant must observe the earlier closing or later opening time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

#### **5.4 Land owners consent**

5.56 Where licences are granted or temporary event notices are submitted for licensable activities to persons who do not own the premises/land where the licensable activity is to take place, this authorisation does not authorise the use of the premises without the prior consent of the land owner and does not allow an operator to breach any covenants or restrictions on the titles or leases for the use of land/premises.

5.6 With regards to public or Council owned premises/land there is no implied permission to use the premises/land with the issue of a premises licence without obtaining separate consent from the appropriate Council section, such as Highways, the Housing Service. or Parks, who is effectively the land owner, to use the land.

#### **5.7 Other consents**

Other consents such as planning permission are separate regimes and a premises licence or temporary event notice cannot be used unless all other relevant consents are in place.

#### **5.8 Statement on Modern Slavery**

Modern slavery is the illegal exploitation of people for personal or commercial gain. An unseen crime, it hides in takeaways, hotels, car washes, nail bars and private homes. Victims are trapped in servitude, which they were deceived or coerced into and they feel they cannot leave.

The Global Slavery Index estimated earlier this year that in 2016 there were up to 136,000 victims of modern slavery in the UK. This contrasts with a figure of 13,000 estimated by the Home Office in 2013 . Modern Slavery might not always be obvious, but its exploitation of vulnerable people can be happening all around us and includes:

- Sexual exploitation
- Criminal exploitation
- Forced labour and domestic servitude
- Child exploitation

It happens across the world and UK. It is also happening in Haringey and could even be happening on your own doorstep.

We all have a duty to protect the most vulnerable in our society from these criminals who are willing to exploit them. We must all be vigilant for signs of this happening in our communities, the hospitality industry plays an important part in this regard. The legislation requires that checks are made to ensure Personal Licence holders and applicants for Premises licences are checked to ensure their right to work in the UK. We will work with the Home Office and partner agencies on this issue. Haringey’s Borough Plan has a focus on People, as a borough we are committed to take a lead role alongside our partners in identifying and safeguarding those at risk of harm, exploitation or neglect.

#### **5.9 Community Safety strategy**

We want Haringey to be a safe place for people to live, work and visit. We want people to live without fear in our borough. This will be delivered through the Safer for All Strategy which

contain six priorities:

- Young people - prevention and support
- Serious crime - violence, acquisitive crime and domestic violence
- Anti-social behaviour - A focus on children and families, housing and the public realm
- Drugs and alcohol - prevention, effective treatment and re-integration
- Reducing re-offending - adults and young people
- Increasing confidence in the Criminal Justice System

A part of this is the late night economy of the borough and the protection of women and the vulnerable.

## 5.10 Late night economy

Haringey currently has a ‘food led’ late night economy as opposed to an alcohol led late night economy. Alcohol is not the main driver for the evening economy in the borough at the present time. The Licensing Authority recognises that licensed premises make a significant contribution to the wellbeing of the borough by providing a wide variety of entertainment, arts and cultural activities, business, employment and career opportunities. However, we must be alert to uncontrolled expansion of this sector could provide disproportionately negative benefits for local residents and public services.

Densely populated residential areas are located in very close proximity to commercial areas, and that poorly managed premises can have a negative impact on nearby local residents. Looking forward the Licensing Authority will continue to play its part in managing the growth of the late night economy. Premises trading beyond midnight pose the greatest risk of undermining the licensing objectives. We want to positively support well managed businesses that will contribute to the borough’s growing vibrant and diverse evening economy.

## 5.11 Women and vulnerable persons safety

The Women’s Night Safe Charter launched by the Mayor of London in August 2018 aims to raise awareness across the late night economy to put in place best practice to keep women and vulnerable people safe at night. There is the potential for harassment to be seen as normalised behaviour and goes unchallenged and or unreported.

Licensed bars, clubs and the many venues and large events that take place across the borough are therefore encouraged and strongly recommended to demonstrate their commitment to ensuring that their premises provides a safe environment by taking the following steps:

- Prominently display high visibility posters in their venue which discourage harassment and encourage reporting
- Take every report of harassment and sexual intimidation seriously and take appropriate action
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises
- Train all front of house staff to address women’s safety and harassment
- Take active steps to ensure females leave the venue safely

The Metropolitan Police launched the scheme called ‘Ask for Angela’ and licensees are strongly encouraged to adopt and train staff to operate such a scheme within venues.

## 5.12 Statement on sustainability

Climate change is real and in March 2019 Haringey Council declared a climate emergency. The Council has warned that unless action is taken, and soon, there will be an increase in health problems – particularly for young and older people – as well as higher energy and food costs.

Haringey has agreed to work with the community and partners to speed up the borough’s efforts to become carbon neutral by 2030, bringing forward the original date from 2050.

As part of this commitment, Haringey Council is encouraging licensed premises to do their part to

ensure their day to day operations are as sustainable as possible.

## Section Two- Purpose and Scope

### 6 PURPOSE AND SCOPE OF THE LICENSING POLICY

#### Purpose of the policy

6.1 This policy has five main objectives:

- To reinforce, for the benefit of elected members on the Licensing Committee, the powers and constraints placed upon the Local Authority as Licensing Authority by the 2003 Act;
- To set out, for the benefit of prospective Applicants; Responsible Authorities; local residents; and licensed operators; the parameters under which this Authority will make its licensing decisions;
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area;
- To inform local residents and licensed operators how their needs will be addressed;
- To minimise the number of licensing decisions that may be challenged in a court of law.

#### 6.2 Scope of the policy

The Licensing Act 2003 regulates the following activities

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- The provision of “regulated entertainment”;
- The provision of “late night refreshment”.

#### 6.3 Types of authorisation

The Act provides for four different types of authorisation or permission as follows

- Personal licences – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence;
- Premises licences – to use a premises for licensable activities;
- Club premises certificates – to allow a qualifying club to engage in qualifying club activities;
- Temporary event notice (TENs) - to carry out licensable activities at a temporary event.

6.4 The scope of the policy covers new applications for licences, renewals, transfers and variations, including time-limited premises licences. It also covers the review and possible revocation of licences and certificates.

6.5 In general a reference in this policy to a premises licence will also include a club premises certificate.

## 7 Definitions – ‘Regulated entertainments’

“Regulated entertainment” includes:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance.

7.1 For the entertainment to be licensable, one or more of these activities must take place in the presence of an audience and be provided (at least in part) to entertain that audience upon premises made available for the purpose.

7.2 There are a number of exemptions contained in the Act. Also, since the introduction of the Live Music Act 2012, a number of deregulatory steps have been taken. For the current up to date position please contact the licensing service ([licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)).

### 7.3 Definitions – ‘Late night refreshment’

“Late night refreshment” is defined as the supply of hot food or hot drink to members of the public from or in a premise for consumption on or off the premises, between the hours of 23:00hrs and 05:00hrs. Premises include vehicles and stalls.

## 8. The licensing objectives

In carrying out its licensing functions the Council will promote the four licensing objectives set out in the Licensing Act 2003. They are:

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

8.1 Each objective is of equal importance. There are no other licensing objectives, so the promotion of the four objectives is paramount at all times. It is the responsibility of all parties involved in the licensing process to work together toward these licensing objectives at all times. The four objectives are considered in more detail in section three (How the policy works) of this document.

8.2 However, the legislation supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators;
- Giving the Police and Local Authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers Local Authorities to make and enforce decisions about the most appropriate licensing strategies for their local area;

- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

8.3 Each licence application will be considered on its own merits and in accordance with this policy.

### **9. Fundamental principles**

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act.

9.1 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or other persons, this Authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions.

9.2 Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

9.3 While this statement sets out the Council's general approach to the making of licensing decisions, nothing in this statement undermines the right of any individual to apply under the terms of the 2003 Act for a variety of permissions and to have any such application considered upon its individual merits.

9.4 Similarly, this statement of policy does not override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the 2003 Act. Absolute weight will be given to all representations. However, this will not include those that are frivolous, vexatious or repetitious.

9.5 The Council may depart from this policy in the interests of promoting the licensing objectives, if the individual circumstances of any case merit such a decision. Where such decision is taken, full reasons for the departure from the policy will be given.

### **9.6 General information**

This Authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from licensed premises and, therefore, beyond the direct control of the individual, club or business, holding the licence. Nevertheless, it is a key aspect of such control and licensing law will always be a part of the holistic approach to the management of the evening and night-time economy in town and city centres.

9.7 Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:

- Maximising the use of intelligence sources, ensuring these are identified and information obtained is analysed and shared among all relevant partner agencies;
- Ensuring the most effective and efficient use of partnership resources, co-ordinated and intelligently targeted where they are most necessary and can achieve the maximum benefit;
- Ensuring the careful consideration is given to the best use of the full range of powers available to the various partner agencies, so as to achieve effective outcomes to matters of concern.

9.8 Regulatory powers extend beyond licensing and include for instance other Police, anti-social behaviour, Trading Standards and Environmental Health legislation;

- Ensuring good communication and support is provided to responsible operators, providing regular contacts, liaison and training opportunities are available. For example: The partnership tasking group plays an important role in providing additional focus on targeted enforcement approach
- Co-ordination with Planning and use of planning controls;
- Careful consideration of supporting infrastructure, including the provision of CCTV surveillance across the Borough; improved street lighting; late night public conveniences; street cleaning and litter patrols together with initiatives such as The Public Spaces Protection Order (PSPO) which replaced the Designated Public Place Orders (DPPO) under the Anti-Social Behaviour Act 2014. The current DPPO's in place across various wards of the Borough provides powers to confiscate alcohol from nuisance drinkers, another controls dogs;
- Encouragement of socially responsible licensed operations through schemes such as the Responsible Retailer Scheme;

The Council will use its full range of powers, engage all relevant responsibilities and work together with all partners to deliver the licensing objectives.

## 9. ADMINISTRATION: EXERCISE AND DELGATION OF FUNCTION

### General

9.1 Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee and all other required information, by the licensing authority and the relevant Responsible Authorities.

Where electronic applications are made, the application will be taken to be given when the applicant has submitted a complete application form and submitted the fee.

Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details.

### 9.2 Personal Licences

A personal licence is a portable licence issued to an individual which allows them to authorise sales of alcohol from premises that hold a premises licence. The Personal licence holders is assigned to the Premises as the Designated Premises Supervisor.

- A personal licence:
- is granted to an individual
- has effect indefinitely
- ceases to have effect if surrendered, suspended or revoked; or if the holder may no longer work lawfully in the UK and
- can be used anywhere in England and Wales

Before anyone can apply for a personal licence, they first need to complete a qualification known as the Award for Personal Licence Holders (APLH).

We can only accept application from persons who live in Haringey. The applicant must also be able to prove (with copies of official government-issued documents) that they have the legal right to work in the UK.

9.3 The process requires that you will need to enclose



- two passport photos, one of which has been endorsed (by a solicitor, notary, a person of standing in the community or an individual with a professional qualification) with a statement that the photo is a true likeness of the applicant
- the original certificate issued after passing the accredited training course
- a completed 'disclosure of convictions, immigration penalties and declaration' form
- a criminal record certificate, such as a Basic Disclosure within the last month
- copies of documents proving that you have the right to work in the UK.

If an applicant has any unspent convictions for relevant or foreign offences, or have had to pay a civil immigration penalty, or if their right to work in the UK is unclear, we will consult with the police or the Home Office. If they object to the application, it will be determined by the Licensing Sub-Committee at a hearing.

## 9.4 Convictions and immigration penalties

People who hold personal licences are also required to notify the licensing authority if they are subsequently convicted of any relevant offence or foreign offence, or required to pay an immigration penalty. Personal licence holders who are charged with a relevant offence must tell the court that they hold a personal licence before the end of their first court appearance. If convicted, the court may decide to order the forfeiture or suspension of the licence as part of the sentence, and the licensing authority may also review that personal licence with a view to revocation or suspension.

## 9.5 Change of name or address

A holder of a Personal Licence must also notify the authority in writing if there is a change of name and/or address. Proof of any changes must be provided such as a copy of your marriage or deed poll certificate.

A holder must notify the authority in writing if their licence is lost, stolen, damaged or destroyed.

## 9.6 Duration and renewals

Personal licences are valid for life, and do not need to be renewed. They will cease to be valid in the following circumstances:

- if the holder dies
- if the holder no longer has a legal right to work in the UK
- if the licence is surrendered by the holder (for example, if they no longer work in the licensed trade and return the licence to us)
- if we revoke the licence, due to the holder being convicted of a relevant offence or having to pay a civil immigration penalty
- if a court orders the forfeiture of the licence, as part of a sentence following conviction for a relevant offence.

## 9.7 Licensing Authority powers to revoke or suspended Personal Licences

Section 138 of the Policing and Crime Act 2017 amended the Licensing Act 2003 and gave licensing authorities the power to revoke or suspend personal licenses. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters. Should licensing authorities choose to use this power, the process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the Licensing Act 2003. The decision to revoke or suspend a personal licence must be made by the Licensing Sub-Committee, but the action required before making a final decision may be made by a licensing officer. Section 138 of the Policing and Crime Act 2017

additionally confirms that the decision to revoke or suspend a personal licence (following a relevant conviction or immigration penalty) may not be delegated to an officer.

- 9.9 The implication is that if the authority has granted the personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or has been required to pay an immigration penalty on or after 6th April 2017, the authority has the discretionary power to revoke the licence or suspend it for a period of up to six months.

## **10. Application for Club premises certificate.**

Club premises certificates may be issued to qualifying clubs, formerly registered members clubs. To be eligible for a club premises certificate the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk, for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met. This authority will require evidence to be submitted with any application that supports that the club is non-profit making and that there is a minimum of a two-day interval between the application and the acceptance of new members.

### **10.1 Provision of scale plans**

Applicants should note that this council will normally require that a current scale plan of the premises be submitted with each new application for a premises licence and a scale plan of the proposed layout for any application for a variation of a premises licence affecting approved layout arrangements. Plans should normally be submitted in scale 1:100 unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must be clear and legible in all material respects and provide sufficient detail for this authority to determine the application. Applicants are asked to note that plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence but not if the area of land is in the public domain. This includes patio or garden areas and any temporary structures such as marquees or smoking shelters.

### **10.2 Variations & new applications**

Where a premises licence holder wishes to amend their licence the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence, unless the proposed variation would make substantial changes to the premises. A minor variations process exists for proposed variations to a licence that do not impact upon the licensing objectives. A separate major variations process supplements this for variations that carry potential impacts. It should be noted, however, that some proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. Applicants should discuss their proposals with the licensing team before submitting an application in order to ensure that the correct route is taken.

#### **10.2A Minor Variations**

A minor variation is defined as a small change to a licence that could not impact adversely on any of the four licensing objectives.

#### **MINOR VARIATION APPLICATION POLICY**

##### **Applications**

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours (not including alcohol hours);
- The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and the addition of certain licensable activities (not alcohol).

Please refer to the application form for examples of what would and would not constitute a 'minor variation'.

#### **10.2B Processing**

The licensing authority (officers) will consider the following when determining a minor variation application:

- a) Whether a full detailed description of all the proposed variation has been provided in the application;
- b) Whether the variation could impact adversely on the licensing objectives;
- c) If more than one variation is sought, whether any of them considered separately or together could impact adversely on the licensing objectives;
- d) The history of the premises, e.g. have previous applications attracted representations from the local community that have been difficult to resolve?
- e) Whether there have been any complaints received relevant to the proposed application.

All minor variations will be circulated to the relevant responsible authorities with an interest in the proposed variation.

If the licensing authority fails to respond to an applicant within 15 working days, the application will be treated as refused and the authority will return the fee.

### **Determining an Opposed Application**

Where a representation has been submitted there is no right to a hearing under this process, but licensing authorities (officers) must take any relevant representations into account in arriving at a decision.

Where an application is refused and then resubmitted through the full variation process, the full 28 day consultation period will apply from the date the new application is received.

### **10.3 Provisional statements**

While applications for a full premises licence may be made in respect of a premises that is not yet complete, this council would prefer to see provisional statements sought in the first instance in cases where the responsible bodies are not yet able to confirm that works have been carried out in compliance with agreed schedules and to standard. However, the council acknowledges that any person falling within section 16 of the Act can apply for a premises licence before new premises are constructed, extended or changed, as long as clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule. The schedule will need to contain details of:

- The activities to take place there
- The time at which such activities will take place
- The proposed hours of opening
- Where the applicant wishes the licence to have effect for a limited period, that period
- The steps to be taken to promote the licensing objectives
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

### **10.4 Temporary event notices (TENs)**

The Act provides a system by way of "temporary event notices" for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event.

**10.5** There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the police and this authority's Environmental Protection team .

**10.6** A standard TEN must be given with at least 10 clear working days notice before the event. A late TEN (intended to assist premises users in situations that are outside of their control) can be given no earlier than nine working days but still with a minimum of five clear working days notice before the event. These stated timescales are not negotiable and no notice will be progressed unless all parties have been correctly notified and the correct fee paid.

**10.7** The 10 and 5 clear working days notice periods will be calculated exclusive of the day on which the event is to start and the day on which the notice is given. So, for instance, if a standard

temporary event is intended for a Saturday or Sunday night, the notice must be given three Fridays before the event date at the latest. If a bank holiday should fall within the period then an additional working day must be allowed for each bank holiday day that occurs. A 'working day' as defined by the Licensing Act is any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

- 10.8** Only the Police or the Environmental Health team (on grounds relevant to any of the licensing objectives) may intervene to prevent such an event taking place. However, the licensing authority will also intervene if the notice given is incorrect or if the limits set out in the Act on the number of events that may be given are exceeded.
- 10.9** In a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that 28 days notice of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
- 10.10** It should also be noted that in cases where there is any element of doubt as to whether the premises user has the consent of the premises owner to use the premises concerned for the purposes given; this authority will wish for both the police and itself to be provided with evidence to this effect.
- 10.11** Furthermore, it should be recognised that many temporary events will still have potential to give rise to concerns, particularly around health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other "responsible authorities". This does not provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children issues
- 10.12** If the required notice is not given, the TEN cannot be acknowledged by the Authority. Therefore, it is advisable to provide as much notice as possible. The Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing will be held to determine whether the event may proceed. The police or Environmental Health may withdraw their objection notice at any Stage if the proposed premises user agrees to modify the proposal to meet their concerns. A copy of the modified Notice should then be given to the licensing authority by the police as proof of the agreement. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. Where the notice is in connection with licensable activities at a premises which already holds a premises licence or club premises certificate, the licensing authority may impose one or more of the conditions from that authorisation on the Temporary Event Notice (insofar as such conditions are not inconsistent with the event). Where the authority considers that this is appropriate for the promotion of the licence objectives, the policy is to give notice to the premises user which includes a statement of the conditions imposed. Copies of this notice will be provided to the police and Environmental Health.
- 10.13** Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.
- 10.14 Multiple TENs for a single event**  
Section 171 of the explanatory notes to the Licensing Act 2003 with regards to Section 101 of the Act, "Minimum of 24 hours between event periods", states that:
- 10.15** *"This section provides that there must be a minimum period of 24 hours between temporary events held on the same premises by a premises user, or held by that user and*

*another person who is related to, associated with or in business with that user. This prevents a premises user holding numerous consecutive temporary events as a means of avoiding an application for a premises licence. If a temporary event takes place on premises that are included within or include other premises where another temporary event takes place, then the two events are deemed to take place on the same premises.”*

- 10.16 In addition to section 101 of the Licensing Act 2003, the Licensing Authority considers that the use of more than one TEN within the same or adjacent premises at similar times to allow an event of over 499 persons attending at any one time is likely to give rise to the increase in public nuisance and crime and disorder. Additionally the increased number of patrons over 499 persons gives a greater concern on the impact of the event on public safety and the prevention of harm to children.
- 10.17 Organisers of events whereby patrons will exceed 499 should not use the “light touch” approach with multiple TENS. Such events should be licensed by application for a time-limited premises licence. This will allow for full consultation of the proposal and the measures to promote the licensing objectives and allows greater opportunities to grant the application with appropriate conditions to promote the licensing objectives.
- 10.18 Therefore multiple TENS that are at similar times, or within 24 hours of each other, for the premises included within or adjacent to the premises that receive objections from a relevant person will be considered by the Licensing Sub-Committee.
- 10.19 Premises users for multiple TENS will be given opportunity to demonstrate how they will ensure that the licensing objectives will not be undermined and that the total maximum capacity of 499 will not exceeded. This will be balanced against evidence provided by the Police and/or Environmental Health Officers.

## **11 Major art and pop festivals**

- 11.1 We encourage organisers of major festivals and carnivals to approach the Council at the earliest opportunity to discuss arrangements for the licensing of their events. Larger events will require a time-limited premises licence. This will involve the preparation of a substantial operating schedule, full public consultation and a longer lead in period.
- 11.2 The Council co-ordinates a Safety Advisory Group (SAG) with membership comprising all the emergency response authorities which can provide support to event organisers on event planning if good time is allowed. All major events will be scrutinised by the SAG.
- 11.3 Haringey has a number of venues that host large capacity events throughout the year. Alexandra Palace in the West of the borough, Tottenham Stadium in the East and Finsbury Park which sits on the boundary with Hackney and Islington. It is not the purpose of The Licensing Authority to schedule the timings of large events but operators are encouraged to have early dialogue with each other and Transport for London to ensure that dates timings and capacity of proposed events can be safely accommodated to ensure safe arrival and egress of large crowds from an area. It is important that operators have the support of the transport infrastructure and are able to ensure that crowds can safely be dispersed.
- 11.4 The SAG will take the view that a suitable egress/dispersal plan will need to have agreement from TFL and Police members of the SAG to meet sign off agreement.

## **12 Application Consultation arrangements**

- 12.1 This Authority considers it important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for the grant, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.
- 12.2 This Authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour; and printed legibly in black ink or typed in black in a

font of a size equal to or larger than 16. It also recognises that applications may not be rejected on the basis of improper notification if public notices comply with this minimum standard. This Authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers-by for the period during which representations may be made.

12.3 The licensing service supports the consultation process by maintaining a public register at:

12.4 This details all current applications (alongside detail of current licensed premises). It is open to any person who wishes to be kept up to date with the latest applications in their area.

12.5 The licensing service will also notify local Ward Councillors of all new applications in their area.

### **13. Responsible Authorities**

13.1 The Responsible Authorities must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises licence or club premises certificate. Responsible Authorities will also provide advice and information on established best management practice. Information on preparing an operating schedule is contained within this policy, for more complex applications, e.g. those that may include a variety of differing licensable provisions with differing operational times within the same premises, Applicants may also wish to consult with the Authorities directly with a draft operating schedule prior to submission.

13.2 It should be noted that the Director of Public Health is added as a Responsible Authority. While health is not included as a licensing objective, the Guidance to the Act recognises that health bodies may hold information which other Responsible Authorities do not, but which would assist a Licensing Authority in exercising its functions.

13.3 Additionally the Secretary of State has been added as a Responsible Authority and this task is undertaken by the Home Office. Changes to the Act now prevent the issue or transfer of a premises licence to a person who is not entitled to work in the UK. Relaxant offences have also been updated to include the offence of employing a person who is not entitled to work in the UK.

### **13.4 Representations**

It is open to any "Responsible Authority", as defined under the Act or other person to lodge representations concerning a premises licence or club premises certificate application during the set consultation period.

13.5 A representation will only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. A representation that fails to do this is not "relevant" for the purposes of the 2003 Act. It is for the Licensing Authority to determine on its merits whether any representation by an interested party is frivolous or vexatious.

13.6 Representations must be received in writing at the licensing service office by the last date for representations. Representations must be signed, dated, provide the grounds of representation in full and include the name and address of the person / body making the representation.

### **13.7 Disclosure of personal details of persons making representations**

Where a notice of a hearing is given to an Applicant, the Licensing Authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the Applicant with copies of the relevant representations that have been made. Applicants will be provided with the complete addresses of all Objectors, as they may wish to challenge whether or not an Objector lives in the local area where the premises is situated. Other personal details will be redacted. If an Objector does not wish for their address to be given, they may ask another party such as their Ward Councillor or local Residents Association to make an objection on their behalf. A Licensing Sub-Committee hearing may be convened to consider the representation and to determine the application. Any representations may form part of the public documents for the

hearing, which are available to the public and press. All personal details, including addresses, will be removed from public documents, including online reports.

- 13.8 In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as names and address, are divulged to the Applicant.
- 13.9 Where this Authority considers that the person concerned has a genuine and well- founded fear and may be deterred from making a representation on this basis, alternative approaches will be considered. Where circumstances justify such actions this Authority may either provide only minimal details (such as street name or general location in a street) or withhold details.

**14 The Licensing Authority acting as responsible authority**

The Licensing Authority is included within the list of responsible authorities. This role will be undertaken within the Authority’s licensing service. This Authority will determine when it considers it appropriate to act in its capacity as a Responsible Authority in accordance with its duties under section 4 of the 2003 Act.

- 14.1 Where it is decided to act within the Responsible Authority role, a separation of duties will be maintained to ensure procedural fairness and eliminate conflicts of interest.

**14.2 Determination of applications**

In accordance with the provisions of the Act, this Authority has established a Regulatory Committee with a maximum of 15 members and provision for Sub- Committees of three members to be drawn from the overall pool of the main Committee membership.

- 14.3 In doing so, the Council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to Officers. All such matters will be periodically reported for information only to the Regulatory Committee.
- 14.4 Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a mediation process. This service is provided to help develop workable agreed outcomes supported by all parties which will also save the time and costs associated with holding a public hearing. Mediation can be agreed up until 24 hours before a hearing takes place. Where this is not possible the application and representations to it will be considered by the Sub-Committee at a public hearing.
- 14.5 Table 1 sets out the schedule of delegation of decisions and functions to Regulatory Committee, Sub-Committees and Officers. This form of delegation is without prejudice to the Council’s right to redirect an application as appropriate in the circumstances of any particular case.

Matter to be dealt with		
	Licensing Sub-Committee	Officers
Application for personal licence	Where a police or Sec of State objection has been received	
Personal licence with unspent convictions	All cases	
Personal licence where the Authority becomes aware of any relevant offence or foreign offence	When the Authority becomes aware	
Application for provisional statement	Where representations have been received and not withdrawn	Where representations were not received or

<b>Matter to be dealt with</b>		
		have all been withdrawn
Application for premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary designated premises supervisor	Where a police or Sec State objection has been received	Where an objection was not received
Request to be removed as designated premises supervisor		✓
Application for transfer of premises licence	Where a police or Sec State objection has been received	Where an objection was not received
Application for interim authority notice	Where a police or Sec of State objection has been received	Where an objection was not received
Application to review premises licence / club premises certificate	✓	
Decision whether a representation is irrelevant, frivolous or vexatious		✓
Making of representation when authority is consulted by neighbouring licensing authority	✓	
Consideration to a temporary event notice	If police or EH objection is made	

## 15 Licence reviews

15.1 At any stage following the grant of a premises licence, a Responsible Authority or other persons, may apply for a review of that licence because of a matter arising at the premises in connection with any of the four licensing objectives. Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing interested parties, local councillors or representatives and responsible authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.

15.2 The Licensing Authority may, at any time, reject any ground for review if it is satisfied that the request for review does not relate to the licensing objectives or is frivolous, vexatious or repetitious.

15.3 In addition, a review of the licence will normally follow any action by the Police to close down a premises for up to 24 hours on grounds of disorder or nuisance, as a result of a magistrate's court's direction sent to the Licensing Authority. A licence review can have several outcomes, ranging from no action being found necessary to the temporary suspension or revocation of a licence.

15.4 Where a review of a premises licence is sought this must relate specifically to a particular premises licence relating to an individual premises. The Licensing Authority may also reject an



application made by an interested party if it determines that the ground for the review is repetitious, that it is substantially similar to an earlier review, following which a “reasonable interval” has not elapsed since the earlier application or alternatively since the grant of the premises licence. In other words, where a licence has been granted or varied and an aggrieved interested party chooses not to appeal but elects instead to review the premises licence/certificate shortly after the Licensing Sub-Committee’s decision.

15.5 Any evidence relied upon for a review (or any submitted representation) must be supplied to all parties within the consultation period. Any supplementary evidence following that period must be supplied at least 24 hours before the Hearing. It is the responsibility of the person bringing the review, or making a representation, to ensure that any supporting evidence (written or visual) is in an acceptable and usable format that can be circulated to all Responsible Authorities, the licence holder and any other interested parties.

Evidence supplied should be complete at the point that it is submitted, with no expectation that the Council will add to their evidence or produce evidence from previous complaints or applications.

### **15.6 Applications for transfer of a premises licence following application for a review**

This Authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.

15.7 Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to support the contention that the business is now under new management control.

### **15.8 Annual maintenance fee payments**

The annual maintenance fee is payable in respect of all premises licences and club premises certificates. If the annual fee is not paid when it is due, the Authority must suspend the licence or certificate. In such cases, the holder of the licence will be notified in writing, giving at least two working days notice of the suspension date. Once suspended, the licensable activity authorised by that licence must cease. The Police and other Responsible Authorities will be informed and monitoring checks will be made to ensure no licensable activity continues.

15.9 The suspension ends upon payment of the fee. Licence holders should ensure that the payment of the outstanding fee is brought to the attention of the licensing service in order that the suspension may be lifted.

## **Section 3 How this policy works**

### **16 DETERMINING APPLICATIONS FOR PREMISES AND CLUB PREMISES**

#### **How this policy works**

16.1 All applications for new premises licences or variations need to be supported by an operating schedule. The schedule must clearly establish the steps the Applicant proposes to promote the licensing objectives.

16.2 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from Responsible Authorities or other persons, the Licensing Authority must grant the application in the terms sought, subject only to the relevant mandatory conditions and conditions that are consistent with the operating schedule. The Licensing authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.

16.3 If relevant representations are received, then (unless the concerns raised are resolved through conciliation) a hearing of the application by the Licensing Sub-Committee will normally follow. At

the hearing, each application will be considered upon its own merits with all relevant matters taken into account.

- 16.4 Having had regard to all relevant matters, the Sub-Committee will take such steps as it considers appropriate to promote the licensing objectives. This may include the refusal or part grant of the application, or adding to or modifying the conditions proposed in the operating schedule.
- 16.5 In exercising its discretion, the Licensing Sub-Committee will have regard to the content of this licensing policy. Applicants are therefore, advised to read the content of this policy carefully before drawing up their operating schedule. Where an operating schedule complies with this policy, it is generally less likely that a Responsible Authority or other person will object to it, or that any representation will succeed. Therefore, compliance with this policy is likely to assist the Applicant to avoid the delay and expense of a contested licensing hearing, and risk refusal of the application or the addition of unwanted conditions.
- 16.6 This is not to say that an opposed application which complies with the policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case, and will make representation on the operating schedule only when, and to the extent, considered appropriate to promote the licensing objectives, where the steps proposed are insufficient to meet the licensing objectives in the individual circumstances of the case.
- 16.7 While the contents of the operating schedule are a matter for the Applicant, in cases where there is objection to a schedule which departs from the policy, the licensing Sub-Committee hearing the opposed application will normally expect to be given good reason for the departure if it is to be asked to make an exception to the policy.
- 16.8 The Licensing Authority's expectations of Applicants is engaged where the Licensing Authority has a discretion following the receipt of representations. In such cases, the Licensing Authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.
- 16.9 Applicants are encouraged to conduct a risk assessment in relation to the licensing objectives before completing an operating schedule. It is emphasized that there is no statutory requirement for this under the Licensing Act 2003. If the Applicant can demonstrate that a particular risk has been properly evaluated and either discounted or mitigated in the operating schedule.

#### **16.10 Location and other relevant considerations**

In considering applications for new licences, variations of existing licences and licence reviews, this Authority will take the following matters into account:

- The type and mix of premises in the local area;
- The location of the premises and their character;
- The views of the Responsible Authorities and other persons;
- The past compliance history of the current management;
- The proposed hours of operation;
- The type and numbers of customers likely to attend the premises;
- Whether the Applicant is able to demonstrate commitment to a high standard of management for example through the level of consideration given to the promotion of the licensing objectives; by active participation in the Responsible Retailer Scheme or safety schemes such as Ask For Angela
- The physical suitability of the premises for the proposed licensable activities i.e. in terms of safety, access, noise control etc.

This Authority will need to carefully balance the conflicting needs of residents, patrons and businesses in relation to the introduction of premises and flexible opening hours for the sale and supply of alcohol and late night refreshment.

#### **16.11 High standards of management**

When assessing the Applicant's or Licensee's ability to demonstrate a commitment to high standards of management this Authority will consider whether the Applicant or Licensee

- Has researched the local area and can demonstrate understanding of local community concerns;
- Has carried out relevant risk assessments and devised an appropriate strategy to promote the licensing objectives;
- Can demonstrate comprehensive knowledge of best practice;
- Has sought advice from the Responsible Authorities;
- Has implemented any advice given by Responsible Authorities;
- Is able to understand verbal and written advice and legal requirements;
- Can demonstrate knowledge of the licensing objectives, relevant parts of the licensing policy and their responsibilities under the 2003 Act;
- Is able to run their business lawfully and in accordance with good business practices;
- Is able to demonstrate a track record of compliance with legal requirements.

## **16.12 Mandatory conditions**

There are a number of mandatory conditions set out within the Act (as amended by the Mandatory Licensing Conditions (Amendment) Order 2014). The mandatory conditions must be imposed upon all licences where relevant. The mandatory conditions are detailed within this policy under the relevant licensing objectives.

## **16.13 Other conditions**

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This Authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives;
- Be precise and enforceable;
- Be unambiguous and clear in what they intend to achieve;
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation unless extending circumstances have
  - demonstrated multiple breaches of that legislation and the condition/s are to prevent further breaches;
- Be tailored to the individual type, location and characteristics of the premises and events concerned;
- Not be standardised;
- Not replicate offences set out in the 2003 Act or other legislation;
- Be proportionate, justifiable and be capable of being met;
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff (but may impact upon the behaviour of
  - customers in the immediate vicinity of the premises or as they enter or leave);
- Be written in a prescriptive manner.

## **16.14 Multiple licences on a premises**

The Licensing Authority has received applications for premises licences where a licence is already in force. The licences issued carry the same or similar terms to the licence already existing. The Authority recognises that there is no restriction in the Licensing Act 2003 for there to be more than one licence to be in effect at any one time at the same premises.

16.15 The Licensing Authority has concerns however that the holding of additional licences has the potential to undermine the decisions made as a result of determining applications to review a premises licence whereby if one licence was modified, suspended or revoked the premises could effectively continue to operate under the original conditions on the unaffected licences.

16.16 To promote the licensing objectives this Authority will take a holistic view of the licensing circumstances at the premises. The Licensing Authority will encourage Responsible Authorities and other persons when submitting an application to review a premises licence, to also consider whether it is appropriate to review all the licences in effect at the premises in order to promote the licensing objectives.

16.17 In determining applications for a review of a more than one premises licence relating to the same premises each application will be considered individually on its own merits.

**17 Cumulative impact considerations outside local CIAs**

This authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Thereby, this council will not impose quotas of premises or licences.

17.1 However, the authority recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Guidance to the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may adopt special local saturation policies. However, there should be an evidential basis for a decision to include a special policy within the statement of licensing policy.

17.2 Where an application for a grant of a new premises licence, or to vary an existing, premises licence is made the Authority will accept representations that include evidence of cumulative impact issues in an area. Cumulative impact can form part of a representation with supporting evidence

17.3 In summary, the steps to be followed in considering whether to adopt a special policy within the borough are:

- (a) Identification of concern about crime and disorder or public nuisance or protection of children from harm
- (b) Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
- (c) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
- (d) Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise
- (e) Consultation with those specified by section 5(3) of the 2003 Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement

17.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, or subject to certain limitations, following relevant representations. This, unless the applicant can demonstrate in their operating schedule, that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application. It should be stressed that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted. Once a policy is adopted it will need to be kept under review.

**17.5 Early morning restriction orders (EMRO)**

There are no EMROs in Haringey at the time of writing this policy. We will review this as the business growth across the borough increases.

**THE LICENSING OBJECTIVES**

**18 THE PREVENTION OF CRIME AND DISORDER**

The council recognises that well run licensed premises can make a valuable and positive contribution to the local community through the local economy, tourism, and cultural development. However,

poorly managed licensed premises, especially those offering late night alcohol and / or entertainment, or late night refreshment for large numbers of people, can become a serious source of crime and disorder or anti-social behaviour problems.

18.1 This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of crime and disorder associated with the premises operation. The operating schedule should demonstrate an understanding of the level of risk of crime and disorder and include positive proposals to manage any potential risk.

Relevant issues might include:

- Anti-social behaviour;
- Drunkenness on the premises;
- Public drunkenness;
- Violent behaviour;
- The possession of weapons;
- Drugs use;
- Underage drinking;
- Theft of personal property;
- Trafficking and illegal workers;
- Prostitution, lewd acts and similar offences;
- Child sexual exploitation;
- Harassment;
- Counterfeit goods;
- Non-duty paid goods and tax evasion;
- Maintenance of smoke-free environments, including shisha bars.

18.2 Applicants are recommended to seek advice from the council's licensing team, the police and trading standards when carrying out their risk assessments and in preparing their operating schedules.

18.3 While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

18.4 The main part of this section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of crime and disorder licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

18.5 Where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences and permissions to deter crime and disorder, both inside and immediately outside the premises. As far as possible these will reflect local crime prevention strategies.

18.6 As an additional aide to good management, this authority recommends the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII). Further information is available by contacting the BII by e-mail at the following address [info@bii.org](mailto:info@bii.org)

**18.7 Measures in support of the prevention of crime and disorder licensing objective – all premises** - When compiling operating schedules Applicants are strongly advised to give consideration to:

- **The setting of a safe capacity limit** – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder;

- **Use of crime prevention notices** – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers;
- **Publicise details of the premises operation** – Display details of the premises opening and closing times;
- **Installation of CCTV** – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times and a member of staff on duty that is able to operate the CCTV system;
- **The removal of low cost, high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness. Any beers or ciders above 6.5% are considered high strength;
- A written **drugs policy** – Establish a clear written anti-drugs policy and publicise this to customers;
- **Use bona fide suppliers** – Being mindful of the prevalence of counterfeit products, particularly alcohol and tobacco, to only stock from legitimate and traceable suppliers
- **Denying access to hawkers** – Prevent counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises.

**18.8 Premises supplying alcohol for consumption On the premises** - Consideration should be given to the measures set out below.

- **Use of plastic containers and toughened glass** – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used
  - as weapons. Premises should be using reusable polycarbonate plastic receptacles as the alternative to glass. Single use plastics (both receptacles and straws) should not
  - be used unless there is no alternative. Note: All plastic glasses, both single use and reusable, must carry the approved CE mark when used for draft beer, cider and
  - wines;
- **Introduce bottle bans** – Decant drinks into glasses before being handed across a bar;
- **Provide seating for customers** – sufficient to ensure that the majority of customers do not have to stand;
- **Ensure good availability of soft drinks and food;**
- **Maintain control over the removal of open containers** – To prevent the use of containers as weapons in the street;
- **Off sales to be sold in sealed containers for consumption away from the premises to minimize public nuisance.**

**18.9 Premises providing alcohol for consumption upon the premises and regulated entertainment in the night-time economy** - Consideration should be given to:

- **Employment of appropriate number of SIA registered door supervisors** – for maintaining orderly behaviour in queues;
  - searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures. A minimum of two SIA would be expected on most premises;
  - **Make personal searches by door supervisors a condition of entry** – Including the provision of signage and female SIA for personal searches conducted on female customers and performers;
- **Provide door supervisors with search wands / search arches** – Maintained in good working order and used on all occasions;
- **Provide a drugs and weapons box** – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the Police in accordance with the Police instructions;
- **Install ID scanning and recording equipment** – Requiring all customers seeking admission to the premises to provide ID and agree to being recorded. Notices should be provided to this effect. PASS approved Proof of Age cards should be accepted as part of the age verification system;

- A **last admissions policy** – For both admissions and readmissions. Publicise this at the premises;
- A written **dispersals policy** – Helping to reduce the potential for disturbance to local residents;
- **Co-operate with the Police and Council on Risk assessments** Management should carry out a risk assessments on all DJ and Live music events and advise police of any medium or high-risk events so advice can be obtained to minimise the risk to the public. To participate in the voluntary partnership for venues and promoters;
- Ensure **certain performances and exhibitions are age appropriate**– That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender;
- **Police promote the use of CCTV to prevent and assist with detection of crime and terrorism. The following conditions should be included within relevant applications in consultation with the Police Licensing Officer:**

- 18.10 That a CCTV system be installed at the premises, be maintained in good working order and be continually recording at all times the premises are in use. The CCTV System must be capable of capturing a clear facial image of every person who enters the premises;
2. That all CCTV footage be kept for a period of 31 days and shall be made immediately available to Officers of the Police and/or Council on request;
  3. That a member of staff shall be on duty at all times the premises is open who is trained in the use of the CCTV system and who is able to view, and download to a removable device, CCTV footage at the request of Police and / or Council Officers.

18.11 The Data Protection Act 2018 controls how your personal information is used by organisations, businesses or the government. Where a premise collects personal data, including CCTV images and ID scanners in licensed premises, the licence holder should have a formal procedure in place regarding the use, retention and destruction of this data within a reasonable time period. <https://www.gov.uk/data-protection>

## **19 Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol**

This Authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this chapter require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.

19.1 . However, this Authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.

19.2. This Authority considers it reasonable to expect therefore that either the designated premises supervisor or another personal licence holder will normally be present upon the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This Authority does recognise that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but this Authority considers that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.

19.3 Furthermore, this Authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor, preferably in written form; and any other personal licence holders must be meaningful and be properly carried out.

19.4. It is understood that, ultimately, whether or not an authorisation has been given within the meaning of the Act will be a matter for a court to determine on the evidence before it when the issue arose, but this Authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real authorisation:

- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- b) The authorisation should have specified the acts which may be carried out the person being authorised;
- c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised;
- d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

19.5 Attention is drawn; however, to the fact that recent provision has been made for certain community premises to apply for the removal of the mandatory condition relating to the requirement for a DPS and personal licence and replace this with an alternative condition making a Management Committee or Board of individuals responsible for the supervision and authorisation of alcohol sales. Where such application is made the Council will expect the Applicant to demonstrate that the arrangements for the management of the premises by the Committee or Board are adequate to ensure adequate supervision of the supply of alcohol on the premises. In cases where it is intended to make the premises concerned available for private hire, this Authority will wish to consider the arrangements for hiring agreements. This consideration will include steps to be taken to ensure that the hirer is aware of the licensing objectives and offences in the 2003 Act and to ensure that no offences are committed during the period of the hire.

#### **19.6 The sale and possession of smuggled, bootlegged or counterfeit products and the handling of stolen goods**

The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods:

- Smuggled – foreign brands illegally brought into the UK;
- Bootlegged (duty evaded) foreign products brought into the UK in illegal quantities and / or resold in the UK;
- Counterfeit – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands.

19.7 Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. To prevent these offences occurring, the Licensee should consider taking certain precautions. Advice on this can be obtained from the Council's Trading Standards service. Note: That on conviction for offences relating to counterfeit products a proceeds of crime confiscation hearing may be sought by the Council.

19.8 The Licensing Authority's approach is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect the Licensing Authority to impose additional controls and sanctions and run the risk of losing their licence. The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives. The Authority notes that the Home Office guidance under S.182 makes it clear that matters such as these should be treated particularly seriously.

#### **19.9 Door Supervision**



Door supervisors will often play an important key role in ensuring that well managed premises are free from crime and disorder and nuisance problems. A reminder is given that where a premises licence (other than for plays or films) includes a condition that at specified times there must be persons employed for the purposes of security; protection; screening the suitability of persons entering premises; or dealing with conflict in pubs, clubs and other licensed premises open to the public, then such persons must be registered with the Security Industry Authority (SIA). In any event it is in operator's own interests to ensure that all security staff employed, whether under contract or employed in-house are so licensed, since the operator may be legally liable for their actions. Licensed door supervisors will have undergone an identity and criminal record check and have received suitable training. It is recommended that employers should consider using only SIA approved contractors to source staff.

## **19.10 Police promotion event risk assessments**

This Authority recommends that for significant events (see note below) further specific comprehensive risk assessments are undertaken by premises licence holders to identify and minimise any risk of serious violent crime (or public nuisance). Accordingly, for premises that wish to stage promotions, or events (as defined below) this Authority recommends that Applicants address the risk assessment and debrief processes in their operating schedules.

19.11 Risk assessment should be completed by the management for all 'significant events' and when they are assessed as medium or high risk by the management or have an audience of over five hundred the Police should be informed. This Licensing Authority anticipates that these will be forwarded to the Metropolitan Police and a consultation will take place. Risk assessments should be submitted to the Metropolitan Police more than 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

19.12 Note: The Metropolitan Police define "a significant event" as any occasion in a premises licensed under the provisions of the licensing act 2003, that is promoted /advertised to the public at any time before the event; predominantly features live music, DJs or MCs performing to a recorded backing track; runs anytime between the hours of 22:00hrs and 04:00hrs; and is in a nightclub or large public

## **19.13 Off licences**

Street drinking can be a major cause of antisocial behaviour, often involving underage persons and those with alcoholic problems, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.

19.14 The licensing authority therefore adopts the following policy in relation to premises licensed for the sale of alcohol for consumption exclusively off the premises where any Responsible Authority makes representation against the grant of a licence for off-sales and, following a hearing the committee are satisfied that there is evidence of serious concerns over demonstrable problems of street drinking or disorder associated with the off-sale of alcohol in the area, there shall be a presumption against granting a licence.

Applicants will need to demonstrate in their operating schedule their willingness to address any known anti social behaviour issues in the area:

- Consider the types of alcohol intended to be sold at the premises
- Times for alcohol sales
- Social responsibility
- Joining the Responsible Retailer Scheme
- No bottles or cans of beer, lager or cider with an alcohol volume of 6.5% or more that is sold cheaply shall be sold except higher priced premium products as specified in a Reduce the Strength Campaign.

19.15 Applications shall only be granted where the licensing authority is satisfied the grant of the licence would not harm the Licensing Objectives following a hearing. Where relevant representations are made, the licensing authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependant may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises.

Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

## **19.16 Mandatory conditions**

A number of mandatory licence conditions are set out in the Act. The following mandatory conditions will apply to all premises licences authorising the retail sale of alcohol:

- (a) Where a premises licence authorises the sale of alcohol, every supply of alcohol is to be made or authorised by a person who holds a personal licence; and
- (b) Where a premises licence authorises the supply of alcohol, no supply may be made if no designated premises supervisor has been specified in the licence, or at a time when the designated premises supervisor does not hold a personal licence, or his or her licence has been suspended.

**19.17** Further mandatory licence conditions have been introduced under Orders which cover:

- The prohibition of irresponsible drinks promotions (on sales only) – Requiring the responsible person to ensure staff do not carry out, arrange or participate in any irresponsible promotion carried on for the purpose of encouraging the sale of alcohol on the premises. Irresponsible promotions incorporate drinking games; provision of unlimited or unspecified quantities of alcohol for free or fixed or discounted prices which undermine the licensing objective; promotional posters; and dispensing alcohol directly into the mouth of a customer by a member of staff
- The provision of free potable water (on sales only)
- Requirements for age verification policies to be established in relation to the sale and supply of alcohol, including photo-identification for persons appearing to be under 18 years of age (on and off sales).
- Requirements for alcohol, where sold or supplied for consumption upon the premises) to be made available in the following measures beer or cider half pint; gin, rum, vodka or whisky – 25ml or 35ml; and still wine in a glass – 125ml
- A ban on the sale of alcohol below the cost of VAT and duty

## **19.18 Entertainment involving striptease and nudity**

On 11th January 2011, Council resolved to adopt the provisions under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, with effect from 8th February 2011. This legislation established a new extended licensing regime for sex establishments, covering sex shops, sex cinemas and sex entertainment venues.

19.19 Any person wishing to operate a lap dancing club or similar in the Haringey area will require to be licensed as a sex entertainments venue under a sex establishments licence. The policy decision taken in January 2011 was that the number of sexual entertainment venues across the borough should be 0 in each ward, meaning that no licences will be issued. The exemption that existed in law that enabled lap dancing clubs or similar to operate under the provisions of the 2003 Act no longer applies, excepting that occasional striptease performances are permitted without a sex establishments licence. Occasional performances are limited to no more than 11 per year, each of less than 24 hours duration and each at least one month apart.

19.20 This authority's approach to the licensing of sex establishments is covered in full under the separate Haringey Sex Establishments Licensing Policy, which is available from the

Licensing section.

19.21 Beyond the remit of the 1982 Act (as amended) where activities specified in the operating schedule include any permitted adult entertainment (involving full or partial nudity, occasional striptease or any other kind of adult entertainment) the licensing authority will give particular consideration to the implications of the proposals across the four licensing objectives.

19.22 In such circumstances, this authority advises that applicants should give specific consideration when conducting their risk assessments and operating schedules to the appropriate management controls. This must include issues around the protection of children and young people from harm.

Where occasional striptease performances are provided, the licensing authority will normally expect the operating schedule and, if the application is granted, the licence conditions to address all relevant matters in pursuit of the licensing objectives. These are likely to include conditions relating to:

- The exclusion of persons under 18 at all times from the premises and the prevention of views into the premises
- The prohibition of exterior advertising of the sex-related entertainment at the premises
- The prohibition of leafleting or touting for business
- That the provision of services will be to seated customers only
- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

### **19.23 Theft of personal property**

Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV
- Ensure adequate staffing levels and provided appropriate staff training

Officers from the police crime prevention can be requested to visit and advise on

arrangements at your premises.

## 20. THE PREVENTION OF PUBLIC NUISANCE

Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.

20.1 This Authority expects Applicants for premises licences and club premises certificates to have made relevant enquiries about the local area before submitting their application. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside while it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site at an early stage. Though each site will be considered upon its own characteristics, locating licensable activities in town centres on main roads well served by public transport will generally offer a better prospect of mitigating the impact of the activity.

20.2 When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to the local community. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

20.3 Relevant considerations might include

- Preventing disturbance caused by patrons upon arrival; when queuing or being admitted to the premises; while congregating outside the premises; or upon departure. This particularly (though not exclusively) between 22:00hrs and 08:00hrs;
- Preventing noise and vibration escaping from the premises, including from music played upon the premises; public address systems; and customer noise;
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc.;
- The need for regular patrols of the boundary of the premises and / or at the nearest residential points to ensure nuisance impacts are not being experienced by neighbours;
- Controlling disturbance that may be caused by the use of external areas. This should include gardens and terraces as well as other open-air areas including the highway (particularly in relation to the smoking ban and passage of patrons between internal and external areas);
- Arranging clear up operations conducted by staff so they do not cause a nuisance and controlling staff departures;
- The provision of adequate parking arrangements for customers, preventing illegal parking and obstruction of emergency and other vehicles;
- The prevention of queues of traffic forming outside the premises;
- The availability of alternative public transport and local provision for licensed taxis or private hire vehicles, including arrangements to ensure their use does not cause disturbance to local residents;
- Restricting delivery and collection times (waste, equipment and consumables) to between 08:00hrs and 20:00hrs;
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting;
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises;
- Preventing odour from food preparation and have adequate kitchen extraction systems in place.

20.4 Applicants are recommended to seek advice from the Council's Environmental Protection Team when preparing their operating plans and schedules. Where relevant, Applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs";
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from
- <http://www.hse.gov.uk/pubns/indg362.pdf>;
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts – This document is under review

20.5 While it is recognised that there is no requirement in the 2003 Act to do so, Applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application. Where appropriate, an acoustic report / noise impact assessment can also be submitted to support an application.

### **20.6 Guide to control measures**

This section of the strategy is intended to provide a guide to prospective licence Applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

20.7 Applicants should note that where the discretion of the Authority is engaged following consideration of relevant representations, the Licensing Authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

### **20.8 Preventing nuisance outside of premises**

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. This forms the basis for many of the complaints received within the Authority, especially through the summer months. While people noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and may also hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.

20.9. Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted endangering the continuation of the premises licence.

20.10 Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents by customers outside of licensed premises. Consideration should be given to placing controls on:

- Queues of patrons awaiting admission and how these are arranged;
- The hours of operation of any licensed external area, requiring customers to return back into the premises at a specific time. It is suggested that a closing time no later than 22.00 is appropriate. No drinks allowed outside after this time;

- All off sales to be sold in sealed containers for consumption away from the premises;
- The supervision of patrons using any external area so as to prevent nuisance and disturbance;
- Setting a maximum occupancy figure for the premises to address the likely impact of public nuisance from patrons arriving and leaving the premises, particularly where the application seeks to continue beyond recommended closing times;
- Setting a maximum capacity figure for the outside area to control the number of patrons at any one time and the potential noise from the use of the area;
- Whether it is appropriate to relay music into any external area (Licensees must take care not to cause nuisance at any time of the day or night)
- The times during which any live music or amplified sound may be played in, or relayed by external speakers into, any external area or marquee. (Note: Any music played or relayed into the external area should cease earlier than the time set on the use of the external area).
- The numbers of persons using any licensed external area at any one time;
- The numbers of 'smokers' allowed outside of the premises at any one time;
- The taking of drinks outside of the premises when patrons step outside to smoke. This encourages customers to return quickly inside. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises;
- The areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises;
- The times within which barbecues or other cooking facilities may be provided within any external area;
- The terminal hour for last admissions and readmissions to the premises;
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving;
- Arrangements made with local cab companies when calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street;
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours;
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time;
- The clearance of any litter created by the operation of the premises;
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. (Note: It is recommended this is prohibited between 22.00hrs and 08:00hrs);
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance;
- Ensuring any/all external plant (i.e. air conditioning units, kitchen extraction systems etc.) are maintained and serviced so as not to create any additional unnecessary noises;
- The time and number of people allowed to use shisha or similar items in any area.

## **20.11 Preventing nuisance from within premises**

Nuisance may often be caused by sound escaping from the premises or transmitted through the structure of the building. While some simple management steps may be taken to reduce the problem, it should be understood that in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided; the later the intended hour of operation; where residents live adjacent to, above or close by the premises; or where there are other noise sensitive premises close by. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

## **20.12 This Authority expects that the following measures will be considered and applied appropriate to the level of risk of nuisance being created.**

- The provision of and management control of entrance / exit lobbies, so as to ensure that the integrity of the premises is maintained and internal sound contained;

- The provision of acoustic double door lobbies of an adequate residence time;
- The provision of acoustic seals and self closers on doors;
- The installation and / or maintenance of double glazing / sound resistant glass;
- The provision of sound insulation to party walls, floor and ceiling;
- The provision of alarms to fire doors or other private external doors;
- Keeping doors and windows closed where performances of regulated entertainment take place;
- The installation and use of a sound-limiting device for all amplified sound to enable maximum volume and bass to be set at levels appropriate for the premises / event;
- The connection of fire doors and / or private external doors to the sound limiting device (so that volume is reduced if the doors are opened);
- The provision of additional air conditioning / air cooling to enable doors and windows to remain closed during any entertainment;
- The provision of acoustic baffling to any ventilation extract and intake system;
- Management and recording of periodic perimeter checks;
- Management should ensure that there are sufficient toilet facilities on the premises.

**20.13** It is important to understand that, even though recent government deregulation initiatives have relaxed the requirements around the licensing of small scale entertainments taking place during day time hours, all operators remain responsible for preventing public nuisance arising from their premises operation. Failure to prevent public nuisance may give rise to deregulation provisions being removed and endanger the continuation of a premises licence.

#### **20.14 Outdoor events**

Haringey hosts a number of major commercial events, these events add to the vibrancy of the Borough and are enjoyed by both residents and visitors alike. It is important that such events are organised and managed so as to ensure that minimum disturbance is caused to people living and working nearby. In order to achieve this, Applicants are asked to submit an 'Event Management Plan' as part of the licensing process and to consult with the Haringey Safety Advisory Group early in the process of preparing for any event.

Account will be taken of:

- (i) the type/s of events planned
- (ii) the number of events that take place each year
- (iii) the numbers of participants and people attending each event
- (iv) the times of day and duration of events
- (v) the days/dates of the events
- (vi) conformity to The Noise Council's 'Code of Practice on Environmental Noise Control at Concerts', guidelines and recommended noise control procedures
- (vii) conformity to standards set by the council in relation to the existing external noise levels at the nearest noise sensitive properties.

**20.15** The Noise Environmental Health Team as Responsible Authorities, will assess all licence applications for their impact with regard to public nuisance. Nuisance from outdoor events can be created by many activities, for example:

- Set up rigging / de-rigging;
- Vehicle movements on and around site;
- Patrons congregating and dispersing;
- Parking arrangements;
- Music and entertainment;
- Fireworks and special effects;
- Smoke;
- Odour from concessions or open food preparation;
- Lighting;
- Operation of plant and machinery (including generators etc.);
- Litter.

20.16. It is recommended that event organisers include a 'noise management section' within the Event Management Plan, assessing all nuisance-causing activities and setting out the measures proposed to mitigate any nuisances that are likely to be caused.

20.17 The noise management section should include the following information

- Location and site plan;
- Date /hours of operation. It is suggested a finishing time of 22:00hrs is appropriate; however an earlier finish time may be requested subject to local circumstances;
- Information on the type of event, with programme and timetable;
- Orientation of any stage(s), marquees or potential sources of noise;
- Plans for access to and from site and site routes within the event perimeter
- Location of operational plant and vehicles;
- Background noise survey and predictive noise assessment;
- Details of event and stage management structure including names and contact details for persons responsible for liaison with Council and other Enforcement
- Officers at the event; for management of sound systems; recording of noise levels; dealing with complaints and keeping records of and remedial actions; and attending pre-event and post-event audit meetings with the Authority;
- Details of noise control measures:
  - Sound limiting technology to be used
  - Maximum noise / bass levels
  - Selection of equipment etc.
- Location of light sources and light impact assessment;
- Litter control, waste management and recycling provisions;
- A copy of the pre-event information leaflet to be dropped to occupiers of nearby noise sensitive premises.

## 20.18 Other consents

Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs, metal or rope barriers or 'A' boards on the highway. Please discuss your proposals with the Licensing Team in the first instance

## 21 PUBLIC SAFETY OBJECTIVE

Licence holders have a responsibility to ensure the safety of those using their premises as a part of their duties under the Licensing Act 2003. This concerns the safety of people using the relevant premises, including the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.

21.1 The act covers a wide range of premises that require licensing, including night clubs, cinemas, concert halls, theatres, public houses, off-licences, supermarkets and grocers, cafes/ restaurants and fast food outlets. Each of these premises presents a mixture of risks. While many risks are common to most premises, others are unique to specific operations. It is essential that premises are constructed or adapted and managed in a manner which acknowledges these risks and safeguards occupants against them.

21.2 This authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this authority expects applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective. In certain premises where existing legislation does not provide adequately for the safety of the staff or others lawfully on the premises, consideration should also be given to conditions that deal with Living accommodation attached to or accessed via Licensed Premises, such as: ensuring that sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons ensuring adequate fire separation and means of escape is provided between the mixed use premises.



21.3 In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

21.4 This authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this authority expects applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective.

Relevant issues might include

- Premises configuration and site layout arrangements, including access for emergency services such as ambulances
- Means of escape
- Temporary structures
- Fire and other emergency safety and systems
- Building services
- Hygiene and welfare
- Special installations and special effects
- Communications systems
- Ensuring good communication with local authority and emergency services (for example, communications networks with the police and signing up for local incident alerts)
- Ensuring appropriate provision of trained staff including the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transport)
- Ensuring appropriate and frequent waste disposal, particularly of glass and bottles
- Ensuring appropriate safe limits on the maximum capacity of the premises
- Considering the use of CCTV in and around the premises (see previous section)
- Considering the use of licensed security

21.5 Applicants are recommended to seek advice from the council's occupational health and safety team and / or local fire safety officers when carrying out their risk assessments and preparing their operating schedules. Reference should also be made to the following documents, where appropriate:

- **Model National and Standard Conditions for Places of Public Entertainment** and Associated Guidance ISBN 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- **The Event Safety Guide** - A guide to health, safety and welfare at music and similar events (HSE 2002) ("The Purple Book") ISBN 0 7176 2453 6
- **Managing Crowds Safely** (HSE 2000) ISBN 0 7176 1834 X
- **5 Steps to Risk Assessment: Case Studies** (HSE 1998) ISBN 07176 15804
- **The Guide to Safety at Sports Grounds** - (The Stationery Office 1997) ("The Green Guide") ISBN 0 11 300095 2
- **Safety Guide for Street Arts, Carnival, Processions and large scale Performances** published by the Independent Street Arts Network, copies of which may be obtained through [www.streetartsnetwork.org/pages/publications.htm](http://www.streetartsnetwork.org/pages/publications.htm)
- **Fire Safety Risk Assessment – Open Air Events and Venues** (ISBN 978 1 85112 823 5) which is available from the Communities and Local Government website [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire)
- The London District Surveyors Association's "**Technical Standards for Places of Public Entertainment**" ISBN 0 9531229 2 1
- **Safer Clubbing** - Produced by the Home Office in conjunction with the London Drugs Policy Forum

21.6 The following British Standards should also be considered

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

21.7 It helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

21.8 This main part of this section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the public safety licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

21.9 Where its discretion is engaged following the consideration of relevant representations the licensing authority will consider attaching relevant conditions to licences permissions to promote public safety where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

### **21.10 Other relevant legislation**

Applicants are firstly reminded of the general duties imposed under other legislation (i.e. the Regulatory Reform (Fire Safety) Order 2005) and the Health and Safety at Work Regulations 1999.

### **21.11 Regulatory Reform (Fire Safety) Order 2005**

Under the Regulatory Reform (Fire Safety) Order 2005 the “responsible person” as defined by the order, must

- Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of his or her employees
- Take such general fire precautions as may be reasonably required in the circumstances of the case to ensure that the premises are safe for the use by other persons
- Make a suitable and sufficient assessment of fire risks to which relevant persons may be exposed for the purposes of identifying the general fire precautions he or she needs to take
- The responsible person MUST record the information gathered by the risk assessment for all premises covered by the Licensing Act 2003, in particular, the significant findings; the measures taken, or to be taken, to ensure general fire safety; and any person identified as being especially at risk

21.12 This authority recognises that it may not impose any condition relating to any requirement or prohibition that is or could be imposed under the “Fire Safety Order” and thereby that conditions relating purely to fire safety matters may not be placed on premises licences. Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website at [www.communities.gov.uk/fire](http://www.communities.gov.uk/fire) .

### **21.13 Health and Safety at Work Regulations 1999**

The Health and Safety at Work Regulations 1999 state that

“(1) Every employer shall make a suitable and sufficient assessment of

- (a) The risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the

measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

- (2) Every self-employed person shall make a suitable and sufficient assessment of -
- (a) The risks to his own health and safety to which he is exposed whilst he is at work; and
  - (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,”

The Health and Safety Executive helpfully provides a range of example risk-assessments which may be viewed at <http://www.hse.gov.uk/risk/casestudies/> The examples provided include for night-clubs, pubs, village halls, off-licences and convenience stores.

## 21.14 Safe capacities

The Guidance to the Act sets out that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises.

The position of the authority and the responsible authorities is that the importance of the role of safe capacities in terms of both public safety and crime and disorder should not be overlooked.

21.15 Accordingly it is recommended that wherever the setting of a safe capacity will assist issues of crowd safety or public order, this is addressed by the operating schedule. It should be borne in mind that the safe capacity should be that which applies at any material time that licensable activities may take place under the premises licence. Safe capacities should consider not only the overall capacity of a premises but the potential for localised overcrowding within premises also. This is particularly relevant in larger premises, where several activities are taking place in different areas at the same time.

21.16 It should also be noted that where an applicant wishes to take advantage of the special provisions in Section 177 of the Act relating to small venues then a capacity must be set in consultation with the fire authority.

For guidance in calculating safe capacities applicants may refer to the London District Surveyors Associations Technical Regulations.

## 21.17 A proactive approach to customer safety

Applicants are also encouraged to take a proactive approach to general safety issues, including that of their customers, and to discuss appropriate measures with the responsible authorities concerned. Arrangements that might be taken into account could include steps;

- To monitor customers present upon the premises so as to ensure that no customer continues to be supplied with alcohol to a point where they become drunk
- To ensure the regular collection of glass within the venue and / or external areas
- To ensure against drinks being “spiked” or otherwise tampered with
- To ensure all (internal and external) parts of the premises are adequately lit and may be monitored by staff report of harassment and sexual intimidation seriously and take appropriate action
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises
- Train all front of house staff to address women’s safety and harassment issues
- Take active steps to ensure females leave the venue safely
- To ensure that customers are able to return home safely, for instance, by providing information on local transport availability or making arrangements with reputable cab companies

21.18 Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new

Operating Schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

## 22. THE PROTECTION OF CHILDREN FROM HARM

22.1 The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing Authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

22.2 This Authority expects Applicants for premises licences and club premises certificates to have prepared their operating schedule on the basis of a risk- assessment of the potential sources of harm to children. It is expected that the operating schedule will demonstrate an understanding of the potential risks to children and set out the steps to be taken to protect children from harm when on the premises. This authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.

Relevant issues might include

- Preventing access to alcohol
- Removing encouragement for children to consume alcohol
- Preventing exposure to gaming
- Preventing exposure to adult entertainments or facilities

22.3 While it is recognised that there is no requirement in the 2003 act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment relating to the protection of children from harm to the LSCB and the trading standards team when submitting the application.

22.4 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the protection of children from harm licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. Applicants should note that where its discretion is engaged following the consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to protect children from harm.

### 22.5 Access to licensed premises

The act makes it an offence to permit children under the age of 16, who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit children under 16 who are not accompanied by an adult, between midnight and 0500 at other premises supplying alcohol for consumption on the premises, under any such authority.

22.6 The council recognises, however, that licences may be sought for a great variety of premises, including theatres, cinemas, restaurants, concert halls, take-away and fast food outlets as well as public houses and nightclubs. While the council would encourage applicants to make provision for the access of children, where appropriate, conditions restricting the access of children will be strongly considered in circumstances where:

- Adult entertainment is provided.
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking.
- It is known that unaccompanied children have been allowed access.
- There is a known association with drug taking or drug dealing.
- The premises are used exclusively or primarily for the sale of alcohol for consumption upon the premises.

22.7 Applicants must be clear in their operating schedules about the activities intended to be provided and the times at which these shall take place, in order to help determine when it is not appropriate for children to enter the premises.

Conditions should reflect the licensable activities taking place on the premises.  
Consideration should be given to appropriate conditions

- Restricting the hours when children are present
- Restricting or excluding children under a specified age when certain particular specified activities are taking place
- Restricting the parts of the premises to which children may have access;
- Age restrictions (below 18)
- Requirements for an accompanying adult
- Full exclusion of people under the age of 18 years from the premises

### 22.8 **The purchase and consumption of alcohol by children and young persons**

This Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Licensees are expected to have robust management arrangements in place to prevent all staff making underage sales. This Authority will take appropriate action, including the review of licenses, where sales persist.

22.9 The NHS report on 'Smoking, Drinking and Drug Use Among Young People in England in 2008' notes the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units. More than double since 1990. Furthermore, 12,718 children aged between 11-17 were admitted to hospital in 2008-9 with an alcohol related condition (3,556 aged 11-15 and 9,164 aged 16-17). The UK has one of the highest rates in the EU of admissions to hospital or A&E due to alcohol use by 15-16 year olds.

22.10 Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 37% of all offences but only 14% of respondents.

22.11 The borough carries out alcohol test purchase campaigns, while the compliance rates are seen to be improving over the years, the rate of test purchase failures remains a concern. It is important that compliance rates are further improved.

### 22.12 **Age verification policies – Mandatory condition**

The following mandatory licence condition must be attached to all premises licences and club premises certificates issued by this authority.

- The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This must as a minimum require individuals who appear to the responsible person to be under 18 years of age to produce upon request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark

### 22.13 **Age verification policies-applicants considerations.**

The trading standards service, in its role as responsible authority, considers each individual licence application received by the licensing authority and makes recommendations on the appropriate range of management controls around this issue. The service's recommended approach to controlling under-age sales is set out below. As a minimum it is recommended that:

- That an age verification scheme is established and maintained that requires the production of evidence of age (comprising any Proof of Age Standards Scheme (PASS) accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.

- That notices be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age verification will be required.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.

22.14 However, the service recommends that as best management practice

- That “Challenge 25” is supported as part of the age verification scheme established. The scheme should require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That “Challenge 25” notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised officers.
- That if a CCTV recording system is installed inside the premises, it shall be positioned to capture the sale of alcohol. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially responsible manner and that they do not encourage irresponsible drinking. If authorised officers raise concerns about any promotion the premises licence holder shall discontinue it.

11.15 While this is intended as guidance only, this authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

Trading standards also provides practical support to licensees. This includes:

- Running a local PASS approved proof of age card scheme.
- Provision of a range of downloadable business advice information leaflets.
- Free retailer support materials such as refusals registers, signage, posters and point of sale material.

22.16 In detailing the council’s recommended approach to under-age sales it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers.

### **22.17 Children and responsible drinks promotions**

The Portman Group operates, on behalf of the alcohol industry, the ‘Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks’ to ensure that alcohol is marketed responsibly and only at adults.

The Code applies to all alcohol marketing (including naming, packaging, sponsorship, point of sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.

The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>. This authority commends the Code accordingly.

## **22.18 Children and cinemas – Mandatory licence condition**

Where premises licences incorporate film exhibitions as a licensable activity the following mandatory condition will be imposed:

- The admission of children to films is to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently the British Board of Film Classification) or by the licensing authority itself.

Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

Information regarding the classification of films by the council can be requested from the licensing service.

## **22.19 Regulated entertainment provided for children**

Where entertainments or facilities generally are provided specifically for children, applicants are asked to demonstrate within their application

- That the company / organisation has a policy or statement on keeping children safe from harm
- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm
- That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children
- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise
- There are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility
- There are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures for staff who may have concerns about the welfare of children on the premises
- That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary

22.20 Where a theatrical entertainment is specially presented for children, the council advises the presence of sufficient adult staff to control access and egress of children and to protect them from harm as follows –

- (1) An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- (2) No child (unless accompanied by an adult) to be permitted in the front row of any balcony
- (3) No standing to be permitted in any part of the auditorium during the performance

## **22.21 Raising awareness of child sexual exploitation and dealing with the risk.**

The risks will vary from premises to premises depending on the type of licensing activity and the age of the children. Young children may be at risk if they are not properly supervised or are exposed to adults who have become intoxicated. Young children can be dangerously intoxicated by quite small quantities of alcohol, so care needs to be taken to clear used glasses to protect them from this risk. Young teenagers may attempt to buy and consume alcohol and then become



vulnerable because their judgement is impaired, this could put them in danger from getting involved in fights, from drink driving or from sexual predators.

All children are at risk of adults who are viewed as a danger to them. Care must be taken when staff are appointed to ensure that such individuals are not placed in an environment where they can exploit their position.

Adult entertainment is not suitable for children. At premises where such entertainment is allowed arrangements must be enforced to ensure that children are not exposed to any inappropriate acts or material.

## **22.22 Steps to reduce risks to children and young persons**

- Use clear signs so that people are aware when and where children are welcome in the premises
- Display signs and adhere to laws relating to alcohol and children
- Have a clear policy for dealing with children on their premises, e.g. age, thresholds, supervision, expectations of adults, timings, etc.
- Age-identification procedures used – national, local, premises schemes
- How expectations on adults are enforced e.g. instructions to staff
- Vetting procedures for staff, to ensure that no unsuitable adults are employed
- Staff should be easily identifiable (uniform or badge) and aware of safeguarding issues
- Policy on clearing glasses to minimise opportunities for children to access left-over alcohol
- Minimise the risk of passive smoking with clearly defined 'smoking' areas to which children have no access.
- Use CCTV to monitor the premises/event including toilet and play areas.

**22.23** The risks vary depending on the style and character of the business but premises can be involved in the following ways:

- If an adult venue (night clubs/sex entertainment venue) is frequented by underage customers this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens)
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders)
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation

## **22.24 What can licensees do to manage this risk?**

Under the Licensing Act 2003, the 'due diligence' defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence 'due diligence' and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol
- Staff training records should be maintained
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained)

- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol.
- If you have a delivery service (for example hot food) enforce a Code of conduct to promote good safeguarding when deliveries are made to unaccompanied children.

The authority recognises that training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

## **22.25 Film classifications**

Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with:

- EITHER the BBFC classification;
- OR where the film is not classified by the BBFC, any recommendations made by the licensing authority.

In accordance with the Guidance issued under s182 of the Licensing Act 2003, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the Licensing Objectives.

**22.26** The Guidance states: 'The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

**22.27** The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the licensing authority is not obliged to follow these guidelines.

**22.28** Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit.

Requests should include:

- (a) a DVD copy of the film
- (b) details of any existing classification issued by an existing classification body, whether within or outside the UK
- (c) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- (d) such recommendation as may have been made by the film-maker upon age limit for the intended audience for exhibition of the film
- (e) proposal of age restriction by the applicant

**22.29** Applicants should note that where its discretion is engaged following the consideration of relevant representations, the Licensing Authority will consider attaching appropriate conditions

## **Section**

### **23 Guide to Licensing Policy- How can we help?**

**23.1** Residents can play a significant role in contributing to the effective implementation of this Licensing Policy. The impact of licensed premises will naturally be most felt at a local level and it is important that residents and businesses have an active involvement in the licensing process

and understand how they can do this. In order for premises to provide any of the above activities, the operator must obtain authorisation from Haringey in its role as licensing authority.

The authorisation may be in the form of a Premises Licence, a Club Premises Certificate or a Temporary Event Notice.

Where an application for a new Premises Licence or Club Premises Certificate is made to the licensing authority or for variation of an existing licence or certificate, consultation is required with Responsible Authorities as defined under the Licensing Act 2003. Details of the Responsible Authorities can be found at Appendix 1.

## 23.2 Relevant information for residents and other persons

An application will consist of (among other things) an operating schedule, which details the licensable activities applied for as well as specifying during which times and on which days they would be conducted. In the operating schedule, the licensee also sets out any steps they propose to take in order to address the four Licensing Objectives.

Local residents and businesses can play an important role in the licensing process as it will be they who are most likely to be directly affected. This section provides useful information on understanding how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application.

In this section, references to 'licences' shall also be relevant to 'Club Premises Certificates'. Further useful information and guidance can be found on the Council's website at [www.haringey.gov.uk/licensing](http://www.haringey.gov.uk/licensing) and also at <https://www.gov.uk/alcohol-licensing>.

## 23.3 Finding out about the application

Applicants for new licences and variations to existing licences are required to advertise the application in two ways by:

1. Placing a notice at or on the premises
  - On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation)
  - Printed legibly in black ink or typed in a font of at least 16 point
  - Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises
  - Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).
- 2 . Placing a notice in a newspaper (not applicable for a Minor Variation)
  - Newspaper circulation must be in the vicinity of the premises (or if there isn't a local paper, in a local newsletter or circular)
  - Advertisement will be at least once in the ten days following the application being given to the licensing authority.

**23.4** Both of these notices are required to give a brief description of the application. A notice will also be published through the Council's website ([www.haringey.gov.uk](http://www.haringey.gov.uk)) outlining key details in respect of an application, including:

- The name of the applicant or club;
- The postal address of the applicant or club;
- The postal address and, where applicable, the internet address where we keep our licensing register and where and when the record of the application may be inspected;
- The date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
- That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

It is advised to regularly check the Council's register of licence applications and notices on premises in your local area.

## 23.5 Representations

If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:

- (a) be made by any person or Responsible Authority (see Appendix 1)
- (b) be made in writing to the licensing authority
- (c) be received by the licensing authority no later than 28 days after the date the application was made (ten days for a minor variation)
- (d) relate to the likely effect of the granting of the application upon one or more of the

Licensing Objectives, which are:

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

Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises, or provision of activities not suitable for children where children could be admitted. Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.

Representations may be made by email and the licensing authority does not require email representations to be followed up with a hard copy. Representations should be made to:

**By post: By email:**

The Licensing Team  
Level 1, River Park House  
225 High Road  
London N22 8HQ  
licensing@haringey.gov.uk

### **23.6 Good practice for making a representation**

- In accordance with (d) above, you should demonstrate how your representation affects the promotion of the Licensing Objectives.
- Provide an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that the representation is specific to the premises.
- Consult the Licensing Policy, If you consider that an application has not addressed any particular issues around the four licensing objectives, then you should highlight these and explain your reasons why you think these issues should be addressed.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- If you are making a representation in support of an application, explain how the proposed application would promote the Licensing Objectives.
- Representations will not be considered if they are considered 'frivolous' or 'vexatious' by the licensing authority. 'Frivolous' and 'vexatious' have their ordinary meaning; therefore, the licensing authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness.

### **23.7 Disclosure of personal details of persons making representations**

The licensing authority is required to provide the licence applicant with copies of any relevant representations received in respect of the application.

The licensing authority may consider withholding some or all of a person's personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action.

The withholding of personal details by the licensing authority will only be taken in exceptional circumstances and any person requesting their details to be withheld will be expected to demonstrate why such action is necessary.

Where a person who has concerns over an application but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a

representation based on their concerns, or alternatively providing details on how the licensing objectives are likely to be undermined to a responsible authority, who may make representation, if they consider it justifiable and appropriate to do so.

## **23.8 The role of councillors**

Councillors are able to make their own representations in their capacity as a member of the Council. If you have concerns over a premises and do not wish to submit a representation yourself, an alternative is to contact your local councillor to enquire whether they will make a representation. However, it is a matter for members whether they accept and it is recommended that such requests are made in writing so that any request can be clearly demonstrated.

Additionally, if you have made a representation, you can nominate any person, including a local councillor, to represent you at the hearing to determine the application. It is your responsibility to ensure that the nominated person is available and willing to represent you.

As above, any request should be made in writing so that the licensing authority can be satisfied the person has been nominated by you.

Where relevant representations are received in respect of an application, it will be determined at a hearing by a subcommittee of three members from the Council's Licensing Committee. The licensee and any party who has submitted a relevant representation (or their representatives) may attend in order to make submissions to the sub-committee.

23.9 All applications will be considered on their own merit. Following such a hearing, the Licensing Subcommittee can:

- (a) Grant the application as applied for; or
- (b) Grant the application with restricted licensable activities/hours than those applied for and/or impose additional conditions, where considered appropriate for the promotion of the Licensing Objectives; or
- (c) Refuse the application

There is a right of appeal to the Magistrates' Court against the decision of the Licensing Subcommittee by any party to the original hearing.

23.10 Licensed premises are an integral part of our communities and this Licensing Policy is a key tool in ensuring the different circumstances of our neighbourhoods are taken into account when considering licence applications.

23.11 Haringey, as the licensing authority, is committed to ensuring that licensed premises are an asset to their locality and respect the character and identity of the area through the implementation of this Licensing Policy. However, where licensed premises fail to promote the Licensing Objectives, the licensing authority will take appropriate steps to address any such licence-related issues.

23.12 The licensing authority considers it extremely important that licensed premises operate as good neighbours within their community. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications to ensure they are aware of, and can address, any needs or concerns they may have. Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area in ensuring the promotion of the Licensing Objectives on an ongoing basis.

## **24 Section Compliance and Enforcement**

It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so. The licensing authority works particularly closely with the Responsible Authorities, including its partners such as the Police and Fire Authority, based upon the principles of partnership working, in order to most effectively address licensing-related issues.

24.1 Enforcement action has been taken in respect of issues including unlicensed premises, underage sales, and breaches of licence condition by the Responsible Authorities such as the Police, Environmental Health and Trading Standards. The licensing authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem

premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises. Failure to promote the Licensing Objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence. Additionally, where offences are committed, prosecution may be considered. The licensing authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

24.2 The principles of enforcement for the licensing authority focus on:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

The Responsible Authorities (see Appendix 1) are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

24.3 All enforcement actions are taken by the range of enforcement agents located within the council's community safety and enforcement division (including the licensing service) and are governed by the council's enforcement policy. In line with best practise all enforcement actions will be fair, consistent, transparent and proportionate. A copy of our enforcement policy may be obtained from the licensing service. [Licensing@haringey.gov.uk](mailto:Licensing@haringey.gov.uk)

24.4 All proactive premises inspections will be undertaken on a risk-assessed basis with resources targeted toward agreed problem and high-risk premises, which require greater attention. A lighter touch will be applied in respect of low risk premises, which are well run.

24.5 Other enforcement activities will be intelligence led using the full range of available information sources, including using complaints and referrals from the local community and reports from officers and partner agencies. As part of the "better regulation initiative" and in order to promote effective use of enforcement resources and reduce the burden on business, the various enforcement agencies involved may from time to time look at references normally dealt with by other relevant agencies during the course of premises visits. Where issues are identified under those other agencies remit (for instance where a licensing officer notes a fire safety matter) this will be brought to the attention of the person in charge and the matter may be referred on to the agency involved. Where appropriate advice and guidance will be given.

24.6 This approach is supported and facilitated by the partnership night-time economy team; regular liaison meetings between the licensing service and the police licensing teams; meetings of the primary responsible authorities; and through the partnership tasking group, and local licensing enforcement group. All complaints and referrals made to such liaison meetings will be investigated appropriately. The night-time economy team also intends to provide a high-visibility reassuring presence and to establish good working relationships with venue front of house and management staff. Random visits will be made to premises to further these aims.

Investigations may be undertaken through a range of means including overt and covert operations. This could include covert observations on premises to ensure opening hours restrictions are being complied with. In addition, weights and measures officers from the council's trading standards service or officers from the police authority will carry out covert test purchases of age restricted products including alcohol. This means underage, or young looking, volunteers are deployed to attempt to buy age restricted products or services. These tests are conducted to check compliance with the law and age verification policies (eg Challenge 25 scheme).

24.7 Additionally, this authority recognises the important role played in preventing crime and disorder by the Security Industry Authority by ensuring that door supervisors are properly licensed and, in partnership with the police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This authority will look to co-operate with the SIA as far as possible and as part of this co-operation has authorised officers to act under the powers of the Private Security Industry Act 2001.

24.8 However, it remains the over-riding intention of this authority, the police and the other relevant

enforcement agents to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.

In demonstration of this, this authority will provide induction meetings with new licensed operators, intended to make clear the responsibilities of and expectations made of operators and the support that can be expected in return.

This authority also supports pub and club watch and is willing to support business led initiatives intended to help promote the licensing objectives. Together we will ensure that Haringey remains a great place to live, work and visit.

## **25. Pubwatches and Off-licence Forums**

Such schemes are demonstrations of good practice by the licensed trade and are supported by the Council as well as partner agencies such as the Police and the NHS. Haringey will encourage licensees to participate in such local groups, or for them to seek to establish new ones where none currently exist. We will endeavour to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the Licensing Objectives.

## **26. Best Bar None**

The Best Bar None is an awards scheme for licensed premises, currently running in over 80 locations across the UK. Best Bar None schemes provide an incentive for the operators of licensed premises to improve their standards of operation to the level of a commonly agreed national benchmark.

## **CONTACT DETAILS**

### **THE LICENSING SERVICE**

#### **Advice and Guidance**

Further details of the licensing application processes and copies of application forms can be obtained from the licensing service. You can contact the service

#### **In writing**

The Licensing Service

River Park House, Level 1, 225 High Road , Wood Green, London N22

**By phone:** Customer service centre on  
0208489 1335

**By e-mail:** [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

**By visiting the web site:** <http://www.haringey.gov.uk>

## Responsible Authorities –APPENDIX 1A

<p><b>Licensing Authority</b>  London Borough of Haringey  Licensing Team  Level 6  Alexandra House  10 Station Road  London  N22 7TR</p> <p>Tel: 0208 489 8232  Fax: 0208 489 5528  Email <a href="mailto:licensing@haringey.gov.uk">licensing@haringey.gov.uk</a></p>	<p><b>Police</b>  Metropolitan Police Service  Quicksilver Patrol Base  Unit 1  Quicksilver Place  Western Road  Wood Green  London  N22 6UH</p> <p>Tel: 0203 276 0150  Fax: 0203 276 0140</p>
<p><b>Fire</b>  LFEPA  Fire Safety Regulation: North West Area 1  London Fire Brigade  169 Union Street  London  SE1 0LL</p> <p>Tel 0208 555 1200 X53252</p>	<p><b>Children's and Young Peoples Service.</b>  River Park House  225 High Road , Wood Green  London N22</p>
<p><b>Planning &amp; Regeneration Service Group</b>  Level 2  River Park House  225 High Road  Wood Green  London  N22 8HQ</p> <p>Tel: 0208 489 1000  Fax: 0208 489 5220  <b>Email:</b>  <a href="mailto:development.control@haringey.gov.uk">development.control@haringey.gov.uk</a></p>	<p><b>Health, Safety &amp; Food Protection Group</b>  Level 6  Alexandra House  10 Station Road  London  N22 7TR</p> <p>Tel: 0208 489 8229  <b>Fax</b> 020 8489 5528  Email <a href="mailto:frontline@haringey.gov.uk">frontline@haringey.gov.uk</a></p>
<p><b>Trading Standards</b>  Level 1  River Park House  225 High Road London  N22 8HQ</p> <p>Tel 020 8489 5134  Fax 020 8489 5554  Email <a href="mailto:tradingstandards@haringey.gov.uk">tradingstandards@haringey.gov.uk</a></p>	<p><b>Building Control</b>  Level 6  River Park House  225 High Road  Wood Green  N22 8HQ</p> <p><b>Tel</b> 020 8489 5504  <b>Fax</b> 020 8489 5229  <b>Email</b> <a href="mailto:building.control@haringey.gov.uk">building.control@haringey.gov.uk</a></p>
<p><b>Director of Public Health</b>  London Borough of Haringey  Level 4  River Park House  225 High Road  London  N22 8HQ</p>	<p><b>The Enforcement Response Service (Noise)</b>  Level 6 Alexandra House  10 Station Road  Wood Green  N22 7TR</p> <p>Tel: 020 8489 1000  Email:  <a href="mailto:enforcement.response@haringey.gov.uk">enforcement.response@haringey.gov.uk</a></p>





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## EQUALITY IMPACT ASSESSMENT

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a 'relevant protected characteristic' and those without one;
- Fostering good relations between those with a 'relevant protected characteristic' and those without one.

In addition the Council complies with the Marriage (same sex couples) Act 2013.

### Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protected characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

### Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.**

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

1. Responsibility for the Equality Impact Assessment	
Name of proposal	Revision of Statement of Licensing policy
Service area	Regulatory Services
Officer completing assessment	Daliah Barrett
Equalities/ HR Advisor	Louise Hopton Beatty
Cabinet meeting date (if applicable)	N/A
Director/Assistant Director	Eubert Malcolm

### 2. Summary of the proposal

*Please outline in no more than 3 paragraphs*

- The proposal which is being assessed*
- The key stakeholders who may be affected by the policy or proposal*
- The decision-making route being taken*

Haringey Council is the licensing authority under the Licensing Act 2003 and is responsible for granting licences in the Borough in respect of a wide variety of activities.

These are

- the sale and/or supply of alcohol
- the provision of regulated entertainment, (which includes music and/or dance, theatres, cinemas, indoor sporting events)
- late night refreshments.

All activities that come within the definition of the 2003 Act are covered. This would cover personal licences, which are held by individual licensees, registered supervisors, and premises licences, including clubs (premises certificates) and temporary events (permissions).

All licences/permissions relating to a premises is termed as a premises licence. The 2003 Act requires that the Council, after consultation adopts and publishes a licensing policy, which is reviewed every five years. The Council will apply the policy when making decisions on applications made under the Act. However each individual application must still be treated on its own merits and proper consideration must be given to each individual application.

The policy must be reviewed and ratified by Full Council by November 2020. This Statement of Licensing Policy has been prepared in accordance with the provisions of the Licensing Act and the published guidelines made under Section 182 of the Act. The policy has, as required by legislation, be consulted on and reviewed. The new guidelines issued by the Secretary of State have also been taken into account.

The policy states the general principles that the Council will take into account when determining each licence application on its own merits.

The Licensing Authority may depart from its own policy if the individual merits of the application warrant such a departure. In such circumstances the Licensing Authority must be able to justify its decision should there be a challenge

The Licensing Act 2003 requires that the we carry out our various licensing functions so as to promote the four licensing objectives:

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

The main stakeholders are

Entertainment and leisure businesses – have enjoyed a liberalisation of the laws and regulation that relates to licensable activity. The general business community have enjoyed having longer opening hours. A more liberal opening regime is considered by some to be a driver for expanding the economy and therefore, there will be prospect of more regeneration for the

borough and more jobs. There will also be the prospect of generally increasing the quality of life by the provision of a more diverse and accessible entertainment's sector in the borough.

Local residents - would be concerned at the possible increase in anti social behaviour and the increase in noise and nuisance and the detrimental affect it may have on their quality of life. The revised policy is intended to help empower local residents and businesses by raising awareness of the statutory consultation timeframes and how they can participate in the decision making process.

The various responsible authorities, who look to the policy as a source of reference to help them achieve the licensing objectives

The aim of the policy has got to be the delivery of a compromise that will help deliver a more diverse entertainment environment with the economic and accessible benefits it may deliver, but not at the expense of local residents and other stakeholders who would not want their quality of life affected

**3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?**

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these*

*This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.*

<b>Protected group</b>	<b>Service users</b>	<b>Staff</b>
Sex	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	No changes for staff
Gender Reassignment	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Age	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	

Disability	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Race & Ethnicity	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Sexual Orientation	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Religion or Belief (or No Belief)	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Pregnancy & Maternity	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	
Marriage and Civil Partnership	<i>Residents Survey 2018 Borough Plan EQIA Police Crime Reports</i>	

**Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?**

*Explain how you will overcome this within the proposal.*

*Further information on how to do data analysis can be found in the guidance.*

There are broadly two groups impacted by this policy – those applying for a license and people in the community impacted by the decisions made as a result of this policy.

No equalities data is collected from applicants for licenses as the majority of applications go through an E-Gov portal which does not require this information. NB the Council has no control on the questions asked on this form.

In terms of the impact on the community, the assessment is based on the extent to which the policy is able to meet its objectives of:

- the prevention of crime and disorder
- public safety

- the prevention of public nuisance
- the protection of children from harm

### Sex

There is a relatively equal gender split in Haringey, just over half of the population is female (50.5%), in line with England and London.

Women comprise 47% of victims of all crime in Haringey and 17% of suspects, indicating underrepresentation relative to the borough population, although this varies by nature of crime (with women overrepresented as victims of crimes such as sexual offences and domestic violence).

Fear of crime is higher among women than among men. The Haringey Residents Survey found that 19% of women felt unsafe when outside in their local area after dark, compare to 11% of men.

There are no known differences for applicants.

### Gender Reassignment

There is very little robust data on Haringey or the UK's trans population. However it is estimated that there are between 200,000 and 500,000 people who identify as trans in the UK.

Some groups are specifically targeted as victims of crime on the basis of prejudice relating to gender reassignment. The council does not have local data regarding victimisation based on this protected characteristic or the level of fear of crime among individuals who identify as a different gender to the one they were assigned at birth.

There are no known differences for applicants.

### Age

Haringey has a relatively young population with a quarter of the population under the age of 20, and 91% of the population aged under 65 (89% London and 83% England).

The largest age group of victims were between 25 and 34 years, forming 28% of all victims (13% female, 15% male). 35 to 44 year olds were the second largest group, followed by 16 to 24 year olds. Younger residents appear to be overrepresented among victims of crime.

The largest group of suspects in Haringey in 2017/18 were described as being aged between 16 and 24 years old, forming almost 1 in 3 of all suspects. The next largest suspect group was described as being aged between 25 and 34 years old (28%), followed by 35 to 44 year olds (17%).

Fear of crime is disproportionately high among older people. The Haringey Residents Survey found that 55% of residents aged 75+ felt safe outside in their local area after dark, compared to an overall borough average of 69%.

A specific aim of the policy is the protection of children from harm. The Act prohibits the sale of alcohol to those under 18, but does allow under 18's to enter licensed premises, although this is at the discretion of the management. Haringey Trading Standards carry out regular test purchasing operations designed to detect under age sales of alcohol to children. The new policy is tighter on actions following such sales, with those responsible now facing action after just one failure, as opposed to three currently. A significant proportion of new licences have conditions attached requiring licence holders to have a 'challenge 25' policy where those who look under 25 are asked for photo ID before a sale can be made.

There are no known differences for applicants.

### Disability

There is no universal definition of disability. Here we use the Census data on long term health problem or disability and self-reported health as a proxies. This shows that 14% of residents have a long term health problem that limits their day to day activity, lower than England but in line with London.

Some individuals are specifically targeted as victims of crime on the basis of prejudice relating to disability. In the year to December 2017 Haringey recorded 14 instances of disability hate crime.

Fear of crime is higher among residents with long-term illnesses and disabilities. Perceptions of safety after dark for these Haringey residents stand at 49% compared to the Haringey average of 69%.

There are no known differences for applicants.

### Race and Ethnicity

Haringey is the 5th most ethnically diverse borough in the country. Over 65% of residents come from non-White British communities, compared to 20% in England and 55% in London.

Some groups are specifically targeted as victims of crime on the basis of prejudice relating to race. In the year to December 2017, Haringey recorded 675 instances of racist and religious hate crime.

According to police categorisations, the most common ethnicity of victims is White North European (IC1), forming 46% of all victims. This is followed by Black (IC3) victims (27%) and White South European (IC2) (16%). This indicates that Black residents are over-represented among victims, relative to the proportion of Black Haringey residents (19%).



Fear of crime is highest among residents from White Other, Asian, and Black communities, with perceptions of safety after dark ranging from 62 to 64% compared to a Haringey average of 69%.

While we do not hold data on the race and ethnicity of applicants for licenses, the data shows that some groups are disproportionately represented in the criminal justice system. Young black African and Afro-Caribbean men are particularly likely to be over-represented in our criminal justice system. Therefore, the restrictions around obtaining a license when you have a criminal conviction is more likely to impact African and Afro-Caribbean men. It is important to also note that the Council is now legally obliged to carry out immigrant checks on applicants. Immigrants are disproportionately BAME. This disproportionate impact is only likely to be relevant in a small number of cases. For example, no applicant has been turned down to date on immigration grounds.

### Sexual Orientation

3.2% of London residents aged 16 or over identified themselves as lesbian, gay or bisexual in 2013. In Haringey this equates to 6,491 residents.

Some groups are specifically targeted as victims of crime on the basis of prejudice relating to sexual orientation. In the year to December 2017, Haringey recorded 94 instances of homophobic hate crime.

There are no known differences for applicants.

### Religion or Belief (or No Belief)

Haringey is one of the most religiously diverse places in the UK. The most common religion was Christianity, accounting for 45% of residents, less than London (48.4) and less than England (59.4%). The next most common religions were Muslim (14.3%) – higher than London (12.3%) - and Jewish (3%). Haringey had a lower percentage of residents who were Hindu (1.8%) and Sikh (0.3%) than London (5.0% and 1.5%, respectively). A quarter of Haringey residents stated that they did not have a religion, higher than London (20.7%).

Some groups are specifically targeted as victims of crime on the basis of prejudice relating to religion. In the year to December 2017, Haringey recorded 675 instances of racist and religious hate crime. 37 instances were recorded as anti-Semitic hate crime and 52 were recorded as islamophobic hate crime.

Fear of crime is higher among religious minority groups than the Haringey average. 53% of Muslim residents, and 64% of Jewish and Hindu residents feel safe outside in their local area after dark, compared to a borough average of 69%.

There are no known differences for applicants.

Pregnancy & Maternity

The council does not have local data regarding victimisation based on this protected characteristic or the level of fear of crime among individuals who are pregnant or care for small children.

There are no known differences for applicants.

Marriage and Civil Partnership

Haringey has a higher proportion of couples in a registered same sex civil partnership than England and London. 0.6% (or 1,191 residents), compared to 0.2% for England and 0.4% for London.

The council does not have local data regarding levels of victimisation or fear of crime among individuals who are married or in a civil partnership.

There are no known differences for applicants.

**4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?**

*Please outline which groups you may target and how you will have targeted them*

Further information on consultation is contained within accompanying EqIA guidance

Please outline what you are going to do during the consultation to try and get information from people with protected characteristics.

- The consultation will be emailed out to:
- Local Residents and Tenants associations
  - Responsible Authorities
  - Local Businesses
  - Religious bodies and organisations
  - Relevant and associated business organisations
  - Regeneration Team
  - Parks Service
  - Local holders of on & off licences,

- Licence holders
- Local Councillors

**4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics**

*Explain how will the consultation’s findings will shape and inform your proposal and the decision making process, and any modifications made?*

To be update following consultation.

**5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?**

*Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.*

Further information on assessing impact on different groups is contained within accompanying EqIA guidance

Below is an initial assessment of the impact against groups with protected characteristics. This will be updated following consultation.

**1. Sex** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive	<input checked="" type="checkbox"/>	Negative	<input type="checkbox"/>	Neutral impact	<input type="checkbox"/>	Unknown Impact	<input type="checkbox"/>
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Overall, men are more likely to be the victims of crime and women are more likely to have a fear of crime. Should the policy achieve its objects to prevent crime and disorder and public safety, both groups will be positively impacted.

**2. Gender reassignment** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact		Unknown Impact	x
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We do not have local data regarding transphobic hate crime, but its reasonable to believe that it does occur locally. However, the scale to which this policy can reasonably be expected to improve safety or reduce crime against this group is unknown.

**3. Age** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive	X	Negative		Neutral impact		Unknown Impact	
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Young people are over represented in Haringey and are over represented as victims of crime. A specific aim of the policy is to protect children from harm. Therefore this will be positive for younger people.

Fear of crime is disproportionately high among older people. Should the policy achieve its objects to prevent crime and disorder and public safety, older people will also be positively impacted.

**4. Disability** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact	x	Unknown Impact	
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We have data on crime against disabled people and it is evidence that disabled people have a high fear of crime. While the scale of the impact is not clear, therefore we cannot definitely say it will have a positive impact, it is reasonable to expect that it will at least have a neutral impact.

**5. Race and ethnicity** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive	X	Negative		Neutral impact		Unknown Impact	
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Haringey is highly diverse. Black residents are over-represented among victims of crime and fear of crime is highest among residents from White Other, Asian and Black communities. Should the policy achieve its objects to prevent crime and disorder and

public safety, BAME residents will be positively impacted. BAME applicants may be negatively impacted based on their immigration status or criminal record. However, this is only likely to impact on a very small number of people and it can be reasonably expected that this will be outweighed by the positive benefits as referenced above.

**6. Sexual orientation** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact	x	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

We have data on homophobic hate crime. and it is evidence that disabled people have a high fear of crime. While the scale of the impact is not clear, therefore we cannot definitely say it will have a positive impact, it is reasonable to expect that it will at least have a neutral impact.

**7. Religion or belief (or no belief)** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact	x	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

We have data on crime against people based on their religion and evidence that minority religious groups have a high fear of crime. While the scale of the impact is not clear, therefore we cannot definitely say it will have a positive impact, it is reasonable to expect that it will at least have a neutral impact.

**8. Pregnancy and maternity** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact		Unknown Impact	x
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There is no known impact on this group.

**9. Marriage and Civil Partnership** *(Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership)*

Positive		Negative		Neutral impact		Unknown Impact	x
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There is no known impact on this group.

**10. Groups that cross two or more equality strands e.g. young black women**

The process is set in legislation and is open to all who wish to offer licensable activity from their premises located in Haringey.

**Outline the overall impact of the policy for the Public Sector Equality Duty:**

- **Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?**
- **Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?**

**This includes:**

- a) **Remove or minimise disadvantage suffered by persons protected under the Equality Act**
- b) **Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups**
- c) **Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low**
- **Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?**

The principal conclusion of this EIA is that there is no negative impact on any characteristic, and some positive impacts as a result of the policy on sex, age, race and ethnicity. This will be tested during consultation.

**6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?**

Further information on responding to identified impacts is contained within accompanying EqlA guidance

Outcome	Y/N

**6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty**

Impact and which relevant protected characteristics are impacted?	Action	Lead officer	Timescale

**Please outline any areas you have identified where negative impacts will happen as a result of the proposal but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.**

**6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:**

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<b>7. Authorisation</b>	
EqlA approved by ..... (Assistant Director/ Director)	Date .....

<b>8. Publication</b> <i>Please ensure the completed EqlA is published in accordance with the Council's policy.</i>

Please contact the Policy & Strategy Team for any feedback on the EqlA process.



**Report for:** Regulatory Committee 6th July 2020

**Title:** Housing Delivery Test Action Plan

**Report Authorised by:** Mark Baigent, Interim Director of Housing, Regeneration & Planning

**Lead Officer:** Rob Krzyszowski, Head of Planning Policy, Transport & Infrastructure

**Ward(s) affected:** All

**Report for Key/ Non Key Decision:** Key

## **1 Describe the issue under consideration**

- 1.1 In 2018, the Government published a revised version of the National Planning Policy Framework (NPPF). As part of the changes a new 'Housing Delivery Test' (HDT) was introduced to measure the delivery of new homes against the adopted target contained in development plans. If delivery falls below 95% of the target the Council must produce a Housing Delivery Test Action Plan. The Council's adopted Housing Target is 1,502 homes per year.
- 1.2 The Government published its 2019 HDT Measurement in February 2020. This indicated that the borough had delivered only 55% (2,628), of its housing requirement (4,506 homes) in the preceding three years. Therefore, an Action Plan is required to be published to show how the Council is responding to the challenge of ensuring that more homes are built in Haringey and faster. Additionally, due to the severe economic impacts the current Covid-19 pandemic will have, this Action Plan will be useful in ensuring the Council has identified all the ways it can possibly help the local economy recover and support the house building industry in delivering much needed homes in the Borough.

## **2 Cabinet Member Introduction**

- 2.1 The Housing Delivery Test is a Government initiative to try and bolster housing supply. Housing supply refers to all housing built in the borough, not just Council housing, whether affordable or for purchase.
- 2.2 We are undertaking work on a new Local Plan to frame our housing ambitions, including a commitment to build 1,000 new Council Homes. The number of permissions we agree are what counts as the numbers of housing supplied within a given period

- 2.3 We will continue to grant permissions in line with our planning policies, manifesto commitments and in accordance with statutory timeframes, to ensure Haringey has the homes it needs. We will continue to work with developers to remove obstacles to delivery. I expect the house building industry to also take action, as the under delivery of homes cannot be solved by, or blamed, on the Council alone.

### **3 Recommendations**

- 3.1 That Regulatory Committee endorse Cabinet to:

Adopt the Housing Delivery Test Action Plan 2020 (attached at **Appendix**)

### **4 Reasons for decision**

- 4.1 To comply with requirements in the NPPF to produce an Action Plan, given delivery in Haringey of new homes was recorded as 55% of the Council's housing target.

### **5 Alternative options considered**

- 5.1 The alternative option would be not to publish an Action Plan. However this is not recommended as it would be contrary to Government Policy, and could jeopardise the Council's position at any future appeals where housing delivery was contested, as it could be seen that the Council is not actively trying to address the housing shortfall against the adopted target.

### **6 Background information**

- 6.1 The Government introduced a new Housing Delivery Test in its updated NPPF (February 2019). However, the Housing Delivery Test was first announced in the Housing White Paper in 2017 with the aim of "holding local authorities to account" in respect of the delivery of new homes.
- 6.2 Housing delivery is measured by how many homes have been built out, over the preceding three financial year periods, and whether this meets the housing target in the adopted Development Plan.
- 6.3 If a local Planning Authority's delivery of housing falls below its housing requirement, the following policies in the NPPF will apply to that authority:
- The publication of an action plan if housing delivery falls below 95% of a local planning authority's adopted housing requirement over the previous three years;
  - A 20% buffer on a local planning authority's five-year land supply if housing delivery falls below 85% of the adopted housing requirement (this in effect would require the Council to find additional sites for an additional 20% of the housing requirement); and
  - The application of the 'presumption in favour of sustainable development' in the NPPF if housing delivery falls below 45% of the adopted housing

requirement until the end of November 2020 and 75% in future years. (this would mean that relevant policies for the provision of housing were out of date and planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.)

- 6.4 For London Borough's, the adopted housing target is the one set out in the London Plan (adopted 2016). Haringey's current housing target is 1,502 new homes per annum. This target is due to increase to 1,592 when the new 2020 London Plan has been adopted.
- 6.5 The Housing Delivery Test results are published by Government each year. The date is expected to be November each year, however, the results for the current period were only published in February 2020. The results covered the period 2016 – 2019. For the period of 2016-2019, the Council only delivered 55% or 2,488 new homes, against its 3-year requirement for 4,506. Therefore, as delivery is below the 95% threshold set out above, this Action Plan must be prepared, and a 20% buffer added to the Council's 5 year housing land supply.
- 6.6 The Annual Monitoring Report for 2018/18 set out that the Council has had 4,635 units with planning permission and started on-site and 3,466 with planning permission but not started.
- 6.7 The Housing Delivery Test Action Plan is seen as a tool by the Government to consider what actions a Council can take to stimulate the delivery of homes to best prevent the sanctions set out above. Additionally the Action Plan has been developed to be flexible, adaptive and be able to reflect emerging opportunities for additional housing delivery to help in an economic recovery post Covid 19.

### **Housing Delivery Test Action Plan**

- 6.8 The Housing Delivery Test Action Plan sets out potential barriers to delivery and actions with the aim 'to increase the delivery of new homes across the Borough'. The actions contained within the Housing Delivery Test Action Plan include:
- Delivering additional housing by way of the Council's house building programme, and effective monitoring of this through the Borough Plan Delivery Plan objectives
  - Delivering the Council's regeneration programme to unlock complex sites and support site assembly, including through the Council's emerging accommodation strategy
  - Delivering a new Local Plan for the Borough underpinned by new evidence about housing land supply, and robust positive policies to plan for and manage the delivery of new housing alongside other development and growth aspirations
  - Ensuring the Council's brownfield land register is kept up to date to enable developers to clearly see where suitable development opportunities lie

- Maintaining the Council's excellent Development Management performance through ongoing training and development, and further engagement with developers and agents.
- 6.9 Progress on delivering the aim, objectives and the actions of the Housing Delivery Test Action Plan will be noted in the Authority Monitoring Report and in subsequent iterations to the Action Plan.
- 6.10 The development of the appended Housing Delivery Test Action Plan is the result of internal engagement and consultation. There is no legal requirement to carry out public consultation on the Housing Delivery Test Action Plan.

### **Contribution to Strategic Outcomes**

- 7.1 The actions within the Housing Delivery Test Action Plan will particularly contribute to Borough Plan Priority 1 – Housing, in delivering upon the commitment to ensure there are enough homes in Haringey that people can afford through having a proactive plan to help speed up, and deliver more homes, which will include a proportion of affordable homes. Additionally, through increased supply it will help ensure that people in the Borough can find a suitable, secure and appropriate home.

### **8 Statutory Officer comments (Comments of Chief Financial Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

#### **Finance**

- 8.1 Upon adoption of the Housing Delivery Test Action Plan officer's time will be required to implement the document, including delivery and monitoring of the actions as well as the publication of the document on the website. Associated staff time and costs will be managed within existing service budgets.

#### **Procurement**

- 8.2 There are no procurement implications arising from this report.

#### **Legal**

- 8.3 The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.
- 8.4 Paragraph 75 of the National Planning Policy Framework (2019) provides that *"where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years"*.
- 8.5 The Housing Delivery Test Action Plan is not a policy framework development document and so the approval of the Plan is a decision that can be taken by Cabinet in accordance with the Council's Constitution. The PPG does state that

local authorities are expected to produce one and this should be produced with input from relevant stakeholders.

- 8.6 There is no legal obligation to publicly consult on the Housing Delivery Test Action Plan. The National Planning Practice Guidance states that this is a decision for each local planning authority being *“mindful of the need to both produce and implement the document’s proposals in a timely fashion”*. The Guidance also encourages the involvement of relevant stakeholders in the process stating that *“it is for the local planning authority to decide which stakeholders to involve, although representatives of those with an impact on the rate of delivery should be included, such as: small and large developers; land promoters; private and public land owners; infrastructure providers (such as utility providers, highways, etc); ... neighbouring authorities with adjoining or cross-boundary sites”*.
- 8.7 To ensure that the Housing Delivery Test Action Plan is as useful as possible the Council should publish the Action Plan.

## Equality

- 8.7 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.
- 8.8 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.
- 8.9 Delivery of new housing, including affordable housing, which may be bolstered by the actions within the HTDAP, will likely have a positive impact on protected groups through increased housing supply. Most notably, households with disabled members, those from BAME communities, and those with children are most likely to experience overcrowding and may therefore benefit most from increased housing supply. However, it is also notable that these households are among the most likely to live on low incomes and so the delivery of affordable housing is vital in order to make progress towards an equitable housing market for all.
- 8.10 The HDTAP signposts other existing and emerging Council policies and plans which have been or will be subject to their own EqIA.

## 9 Use of Appendices

- Appendix A – Housing Delivery Test Action Plan 2020

**10 Background Papers**

None

**11 Local Government (Access to Information) Act 1985**

Housing Delivery Test Action Plan 2019 - <https://www.haringey.gov.uk/housing-delivery-test-action-plan>

# Housing Delivery Test Action Plan

August 2020

**INSERT PHOTO HERE**

# Table of Contents

<b>1.0 Introduction</b>	<b>3</b>
<b>2.0 Housing Delivery in Haringey</b>	<b>4</b>
<b>3.0 Sites Monitoring</b>	<b>6</b>
<b>4.0 Key Issues and Challenges</b>	<b>8</b>
Post Covid 19 Recovery	8
General Barriers	8
Availability of Land/Sites	8
Infrastructure Improvements	8
Viability and Deliverability	9
Site-Specific Barriers	9
<b>5.0 Current and Future Actions</b>	<b>10</b>
The Borough Plan: Corporate Prioritisation of Housing	10
The Borough Plan: Yearly Delivery Plans	10
Council Homebuilding	11
Regeneration	13
New Local Plan	13
Wood Green Area Action Plan	14
Supporting Neighbourhood Forums	15
Brownfield Land Register Update	15
Development Management Improvements	15
Partial Review of Community Infrastructure Levy (CIL) Charging Schedule	16
Annual Authority Monitoring Report (AMR)	16
Monitoring of Development Pipeline	16
<b>6.0 Implementation and Monitoring</b>	<b>17</b>



## 1.0 Introduction

- 1.1 The delivery of new homes is a key national issue. In recent years, the Government has implemented numerous measures in an attempt to help stimulate and support home building, including ongoing reform of the planning system.
- 1.2 Delivering new homes is also a key local issue, with Housing being a top Priority of the Council's Borough Plan. Stimulating and supporting home building is particularly important in light of the Covid-19 crisis which has had a negative impact on development activity. Whilst the health and wellbeing of the most vulnerable residents will always be the Council's prime concern for action, supporting and stimulating the public and private home building sectors to recover from this crisis is important, particularly in delivering homes for local Haringey residents.
- 1.3 In 2018, the Government published a revised version of the National Planning Policy Framework (NPPF). As part of the changes a new 'Housing Delivery Test' (HDT) was introduced to be implemented on a phased basis. During the transitional phase the HDT has the following consequences for this years HDT:
- The publication of an action plan if housing delivery falls below 95% of a local planning authority's adopted housing requirement over the previous three years;
  - A 20% buffer on a local planning authority's five-year land supply if housing delivery falls below 85% of the adopted housing requirement (this in effect would require the Council to find additional sites for an additional 20% of the housing requirement); and
  - The 'presumption in favour of sustainable development' in the NPPF would apply automatically if housing delivery falls below 45% of the adopted housing requirement.
  - Once transitional arrangements have ended in November 2020 the 'presumption in favour of sustainable development will apply if housing delivery falls below 75% in future years.
- 1.4 The Government published its 2019 HDT Measurement in February 2020 (delayed from November 2019). This indicated that the borough had delivered only 55% of its housing requirement in the preceding three years. Therefore, an Action Plan is required to be published but the presumption in favour of sustainable development does not apply, as the target for this year under the transitional arrangements stated above is 45%.
- 1.5 This Action Plan has been prepared to show how the Council is responding to the challenge of ensuring that more homes are built in Haringey and faster. In line with National Planning Practice Guidance<sup>1</sup>, it:

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<sup>1</sup> <https://www.gov.uk/guidance/housing-supply-and-delivery>

- identifies the reasons for under-delivery,
- explores ways to reduce the risk of further under-delivery; and
- sets out measures the Council intends to take to improve levels of delivery.

1.6 This document is intended to be a practical document focussed on effective measures aimed at improving delivery within the borough underpinned by local evidence and research of key issues.

## 2.0 Housing Delivery in Haringey

- 2.1 The Council's housing targets are set by the London Plan and are derived from an assessment of the capacity within the borough to deliver additional housing. **The Borough's current target is set out in the 2016 London Plan and is 1,502 homes per year.** This was increased from the 2011 London Plan, which was set at 820 new homes. This represented an 83% rise and a step change in the required level of housing delivery required in recent years.
- 2.2 In 2019, the Mayor issued to the Secretary of State his intention to publish a new London Plan, which includes a range of interventions to help meet the need for housing. The Draft version increases Haringey's annual housing target from 1,502 to 1,958. However following examination, the Panel Inspectors recommended that the target be reduced to 1,592 homes and this has been accepted by the Mayor.
- 2.3 The Council's adopted Local Plan covers the period 2011 to 2026. In line with the relevant targets within the London Plan 2016 and its predecessor document, the Strategic Policies Development Plan Document (DPD) identifies a minimum strategic housing requirement of 19,802 homes over the plan period from 2011-2026. The Council is now in the early stages of preparing a new Local Plan, in part to take into account the likely higher housing target in the 2020 version of the London Plan, and to enable policies to be drafted that support increased delivery of new homes. The timeframe for this is set out in section 5.
- 2.4 The Ministry of Housing, Communities and Local Government (MHCLG) published its latest HDT Measurement in February 2020 measuring delivery in the years 2016/17, 2017/18 and 2018/19. Table 1 below sets out the Government's published measurement together with the Council's own assessment of delivery measurement as reported in the Council's Authority Monitoring Report (AMR) 2018/19<sup>2</sup>.

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<sup>2</sup> <https://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/authority-monitoring-report>

**Table 1 – Housing Delivery Test Measurement**

	Number of Homes Required	Number of Homes Delivered – MHCLG Figures	Number of Homes Delivered – Council's own Figures
2016/17	1,502	719	774
2017/18	1,502	1,191	1,210
2018/19	1,502	578	644
Total	4,506	2,488	2,628
<b>Housing Delivery Test Measurement</b>		<b>55%</b>	<b>58%</b>

2.5 There are discrepancies between the Government's published figures and the Council's own assessment of delivery over the three monitoring years. This has been raised with MHCLG in the Council's response to the Government's consultation on Housing Supply statistics<sup>3</sup>. However, notwithstanding these discrepancies, it remains the case that delivery fell considerably short of the required levels across the three-year period. It is not the case however that Haringey is a persistent under-performer in housing delivery terms. This is illustrated in the table below which shows delivery achieved so far against the cumulative target.

**Table 2 – Haringey's annual housing delivery performance since 2011**

	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
<b>Overall Completions (net)</b>	1,410	1,290	501	640	660	774	1,210	644
<b>Cumulative Completions</b>	1,410	2,700	3,201	3,841	4,501	5,275	6,485	7,129
<b>Cumulative Target</b>	820 (820)	820 (1,640)	820 (2,460)	820 (3,280)	1,502 (4,782)	1,502 (6,284)	1,502 (7,786)	1,502 (9,288)
<b>Performance Against Target</b>	590	1,060	741	561	-281	-1,009	-1,301	-2,159

<sup>3</sup> [www.gov.uk/government/consultations/housing-supply-net-additional-dwellings-statistics-proposed-changes-to-revisions-policy](http://www.gov.uk/government/consultations/housing-supply-net-additional-dwellings-statistics-proposed-changes-to-revisions-policy)

- 2.6 In the first four years of the plan period the borough over-delivered against the London Plan target, which at that time was 820 net dwellings per annum. As of the 31<sup>st</sup> March 2015, there had been surplus delivery of 561 homes in Haringey.
- 2.7 In response to the 2016 London Plan and the requirement to significantly boost the delivery of homes, the Council took the proactive step of updating its Local Plan. The Council adopted alterations to its Local Plan Strategic Policies DPD in 2017 and adopted a suite on other DPDs in the same year comprising Site Allocations, Development Management Policies and Tottenham Area Action Plan documents.
- 2.8 The Local Plan sets out a comprehensive growth strategy for the borough including allocating sufficient land to achieve housing and other targets. However, despite this, actual delivery rates of housing have not matched those set out in the plan.

## 3.0 Sites Monitoring

- 3.1 To understand the current and future position in respect to housing delivery in the borough information was gathered in relation to the pipeline of development sites. This process focussed on larger sites but with consideration also given to the pipeline of small sites in the borough.
- 3.2 As at February 2020 the Council's housing land supply comprised the following, as set out in the AMR 2018/19<sup>4</sup>:

**Table 3 – Haringey housing land supply at February 2020**

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<sup>4</sup> <https://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/authority-monitoring-report>

Haringey supply of deliverable housing sites (2019/20 – 2023/24)	
<b>Sites with Planning Permission (Started)</b>	
Large Sites	4,337
Small Sites	298
<b>Sites with Planning Permission / Subject to S106 (Not Started)</b>	
Large Sites	2,915
Small Sites	551
<b>Deliverable Sites</b>	
Large Sites	2,865
Small Sites	728
<b>Overall Total</b>	<b>11,694</b>

- 3.3 In accordance with paragraph 73 of the NPPF a local planning authority is required to have a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The supply of specific deliverable sites should in addition include a buffer. Due to under-delivery of housing in the borough in the past three years the required buffer for the Council is 20%. Table 4 below shows the calculation of the Council's housing land supply as at February 2020.

**Table 4 – Haringey five-year housing land supply calculation as at February 2020 (for five-year period April 2019 to March 2024)**

	Base Figure	Calculation	Cumulative
Annual Target	1,502	5 x 1,502	= 7,510
+ Shortfall	-2,159	+ 2,159	= 9,669
+ Buffer	1,934 (+20%)	1,934	= 11,603
Total Requirement			= 11,603
Supply			= 11,694

Surplus		11,694 – 11,603	= 91
Years Supply	5.03 years	$5 + 91/(11,603)$	= 5.03 years

## 4.0 Key Issues and Challenges

- 4.1 The new London Plan continues to set ambitious housing targets for boroughs. The amount and rate of housebuilding in Haringey therefore needs to increase significantly if the borough is to meet its housing delivery targets. Whilst the Council's evidence indicates that there are sufficient sites available to achieve the current targets, the achievement of the targets will still be a significant challenge given delivery rates had to increase an initial 83% per year from 2015 levels to meet the 2016 London Plan target, and another slight increase of 90 homes per annum to meet the new London Plan target. It is therefore important to be proactive in terms of thinking about, understanding and managing potential risks to future housing supply.
- 4.2 Issues affecting delivery can broadly be broken down into two categories: general barriers to housing delivery and site-specific barriers to delivery. Responses to these barriers are explored in section 5. Key issues identified as affecting delivery in Haringey include the following:

### Recovery of the home building development industry from Covid-19

- 4.3 The likely problems arising from the crisis will almost inevitably have a detrimental impact on housing delivery, even if only short term. The Action Plan has been developed to be flexible, adaptive and be able to reflect emerging opportunities for additional housing delivery to help in an economic recovery post Covid 19. These will be added to this section as data and studies emerge.
- 4.4 One of the first such studies to be published by Barton Willmore predicts housebuilding will decrease by a third, up until the middle of the decade as a result of the pandemic.

### General Barriers

- 4.5 **Availability of Land/Sites**
- 4.6 Due to the built-up nature of the borough the supply of development land to deliver additional housing is limited.
- 4.7 The number of sites with scope to deliver significant amounts of additional housing is also limited. Large parts of the borough are suburban in character and have a Public Transport Accessibility (PTAL) rating of 1-2 meaning that they are unlikely to be suitable locations for major housing proposals.

4.8 The Council's scope to alter the mix of sites allocated or increase the amount of land earmarked for development where delivery falls below the target level is also currently constrained due to competing land use requirements and other important considerations such as the protection of Heritage and Metropolitan Open Land.

#### 4.9 **Infrastructure Improvements**

4.10 The borough benefits from several areas of high public transport accessibility. These have been identified as having high potential to accommodate future growth. It is proposed that the accessibility of these areas will be enhanced further as a result of improvements to the Piccadilly underground line service and the delivery of Crossrail 2. These improvements will help support increased housing densities and are a key opportunity for the borough meeting its growth targets. However, for infrastructure funding and other programming reasons, it is currently unclear when these improvements will take place. The uncertainty in this regard has potential to affect the speed at which key allocations get built out.

#### 4.11 **Viability and Deliverability**

4.12 The Council's evidence indicates that viability of residential development is currently challenging in certain locations and on certain types of development. This is primarily a function of development values and the market rather than being a result of policy burdens or contributions required by the Council.

### **Site Specific Barriers**

4.13 There are a variety of issues which affect specific sites causing slower rates of homebuilding. These include:

- Legal issues (e.g. lease arrangements, covenants, rights to light)
- Complex landownership with multiple land parcels
- Infrastructure safeguarding (e.g. Crossrail 2)
- Reliance on other developments to come forward
- Infrastructure requirements
- Viability and planning obligations
- Land contamination
- Access to/from the site

4.14 A key barrier to the timely delivery of many of the borough's larger development sites is the presence of multiple landowners.

## 5.0 Current and Future Actions

### The Borough Plan: Corporate Prioritisation of Housing

- 5.1 The Council has committed to significantly boosting housing delivery in the borough. The Borough Plan 2019-2023<sup>5</sup> adopted by the Council in March 2019 identifies Housing as Priority 1 for the borough. It includes a specific objective (1a) to deliver as many new, good quality homes of all kinds as we can, in good quality neighbourhoods, getting as close as possible to the Mayor's new housing target for Haringey.
- 5.2 Actions in the Borough Plan specifically for this objective commit the Council to:
- Monitor the supply of new homes through the planning system;
  - Work in close partnership with housing associations and developers to secure investment in the new homes Haringey needs
  - Negotiate planning applications and enforce planning policy to ensure the right quality and mix of homes
  - Deliver a wide range of high quality homes through our Tottenham and Wood Green programmes
- 5.3 The Council is taking on a leadership role in relation to housing delivery. This involves taking a variety of actions to directly and indirectly improve housing delivery. However, the Council recognises that a step change in delivery will require a partnership approach and is therefore committed to working together with key partners to secure investment in the new homes that Haringey needs.

### The Borough Plan: Yearly Delivery Plans

- 5.4 In order to ensure that the Borough Plan is delivered the Council has produced yearly delivery plans for each priority. A Year Two Housing Delivery Plan<sup>6</sup> was approved by the Council in February 2020 building on the Year One<sup>7</sup> Plan to ensure the Council is on target with its housing objectives. Table 5 sets out a selection of key milestones and actions under objective 1a of the adopted Delivery Plan.

**Table 5 – Housing Delivery Plan milestones and actions for Objective 1a**

Delivery Priorities	High Level Milestone(s)	Years 3-4
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<sup>5</sup> [www.haringey.gov.uk/local-democracy/policies-and-strategies/borough-plan](http://www.haringey.gov.uk/local-democracy/policies-and-strategies/borough-plan)

<sup>6</sup> [www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=118&Mid=9157&Ver=4](http://www.minutes.haringey.gov.uk/ieListDocuments.aspx?CId=118&Mid=9157&Ver=4)

<sup>7</sup>

[www.minutes.haringey.gov.uk/documents/s110232/Appenidx%203\\_Borough%20Plan%20Housing%20Priority.pdf](http://www.minutes.haringey.gov.uk/documents/s110232/Appenidx%203_Borough%20Plan%20Housing%20Priority.pdf)



Deliver New Local Plan	Commence Local Plan Review including Issues and Options Consultation	Submission of Local Plan for examination post consultation and subsequent adoption
Make Haringey an attractive place to invest	On-going engagement with HA sector on a quarterly basis.	TBC
	Monitor the supply of new homes and publish Annual Monitoring Report (AMR)	TBC
Deliver new housing through area-based interventions	Consult on Wood Green area action plan (AAP) following on from a decision on Council-owned sites	Publish Wood Green AAP for submission in 2020-21
	Deliver new homes at High Road West, securing substantial community benefits through the process (contained in the Economy Priority).	TBC

## Council Homebuilding

- 5.5 Delivering new Council homes is one of the Council's highest priorities. The Council has committed, through Borough Plan objective 1c, to deliver 1,000 new Council homes at Council rent by 2022. Table 6 below sets out a range of milestones and actions for objective 1c of the Year Two Housing Delivery Plan approved by the Council in February 2020.
- 5.6 The Council is acquiring and building a range of new homes on its own land to address housing need across the borough and it has been able to secure substantial funding (over £60m) from the Mayor of London to assist the programme. A new Housing Delivery Team has been established to identify development opportunities, secure planning consents and procure direct delivery. In January 2020 Cabinet agreed to add a further nine sites to the Council's programme which could provisionally deliver 380 homes, joining the 47 sites agreed in July 2019. The Council will have enabled 350 new Council homes to have started on site by May 2020, including s106 acquisitions and in the same period it will have obtained planning permission for 450 new homes as part of its target of delivering the 1,000.
- 5.7 The Council continues to identify more sites for its pipeline of sites to ensure it has a sustainable programme and is able to deliver beyond 2022. More information on the Council Housing Delivery Programme is available on the Council's website<sup>8</sup>.
- 5.8 In order to help achieve the Council's corporate housing priority, including to achieve a step change in the number of new homes being built, the Council will be preparing a new Housing Strategy in 2020.

<sup>8</sup> [www.haringey.gov.uk/news/haringey-announce-exciting-plans-council-housing-delivery-programme](http://www.haringey.gov.uk/news/haringey-announce-exciting-plans-council-housing-delivery-programme)

Table 6 – Housing Delivery Plan milestones and actions for Objective 1c

Delivery Priorities	High Level Milestone(s)	Comments and Budget Considerations	Years 3-4
Identify the land for new council housing	Ongoing programme to identify new sites for housing delivery, with new sites presented at least quarterly to Cabinet dependent on opportunities presented.		Further grant applications subject to confirmation from GLA of affordable housing grant programmes. Annual update to HRA Business Plan.
Ensure that finance is available to deliver the programme	Sustainable financial compensation level to be agreed for HRA land transfer to General Fund by September 2020.	Programme delivery is dependent on GLA grant funding and HRA funding, including borrowing.	Further grant applications
	MoL grant to be drawn down as each scheme achieves Start on Site (SoS). 542 SoS expected to be achieved by December 2020.		Annual update to HRA Business Plan
Develop the capacity within the Council to deliver the new homes	Internal partnership protocols put in place/fully established with Finance, Legal, Property, Regeneration, Planning and Procurement Teams, and with Homes for Haringey (HfH) by September 2020.	MoL Housing Delivery Capacity Building Fund extends into Year 2.	Continued recruitment in line with need to deliver housing targets  Development of additional specialist capacity (people and processes) as more complex sites are taken on
Deliver new Council homes via acquisitions and direct delivery	500 new council homes to have planning permission and 350 homes to have started on site by May 2020.	Significant capital expenditure, already budgeted for, will take place.	Annual targets to be set for permissions, starts and completions

## Regeneration

- 5.9 The Council is committed to making Haringey a great place for all. To support this, it is investing in making the borough's places better. Improvements being delivered by the Council are focused on Tottenham and Wood Green, two areas with high potential to accommodate new homes.
- 5.10 To date, the Council's regeneration programme has helped unlock thousands of new homes in Tottenham. The Council has been very effective at leveraging public sector and private sector investment and will continue to monitor and bid for infrastructure and other development funding as and when opportunities arise. The Council's interventions have helped support an uplift in development values in Tottenham and are contributing to improved viability across the area which is enabling development to start to come forward which might not otherwise have been deliverable.
- 5.11 In March 2017 the Council entered into a Strategic Development Partnership (SDP) with Argent Related. This partnership combines the land holdings of both Argent Related and the Council and is helping ensure the Council delivers its promise to create 5,000 homes, 4,000 jobs as well new commercial, retail, residential, leisure and entertainment spaces in Tottenham Hale. In 2018/19 the Council granted permissions for a number of major sites in the partnership's ownership which have begun to deliver on site.
- 5.12 The Council is committed to ensuring sites can come forward. This can be seen at the Wards Corner site in Seven Sisters, where Compulsory Purchase powers have been used to enable the Council and its development partner Grainger PLC to bring forward a comprehensive mixed-use development scheme including nearly 200 new homes.
- 5.13 The Council is currently preparing an Accommodation Strategy which will set out a strategy for the future use and development of Council owned sites in Wood Green including the delivery of a new civic hub. Flowing from the strategy will be the identification of a range of opportunities to deliver new homes.

## **New Local Plan**

- 5.14 The Council's current Local Plan sets out a framework for growth and development in the borough to 2026. In response to the likely adoption of the new London Plan in 2020, the likelihood of an increased strategic housing target within that plan, and also the need to have an up-to-date planning framework to support a step change in housing delivery, the Council commenced work on a new Local Plan in 2020.
- 5.15 Table 7 below sets out the timetable for the review as confirmed by the new Local Development Scheme (LDS)<sup>9</sup> approved by the Council in November 2019. The commencement of consultation on an Issues and Options consultation will be delayed.

**Table 7 – Timetable for the Local Plan review**

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<sup>9</sup> [www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-development-scheme-lds](http://www.haringey.gov.uk/planning-and-building-control/planning/planning-policy/local-plan/local-development-scheme-lds)

Key Dates	Action	Regulation
2019-2020	Local Plan scoping and evidence base commissioning	
March-May 2020	Local Plan Issues and Options consultation	Pre-Regulation 18
October-December 2020	Draft Local Plan consultation	Regulation 18
April-June 2021	Proposed Submission Local Plan consultation	Regulation 19
July-December 2021	Submission to Secretary of State and Examination, consultation on modifications, and Examiner's Report	Regulations 22-25
February 2020	Adoption	Regulation 26

- 5.16 Through the production of a new Local Plan, and taking into account new evidence including about design, density and land needed for other uses, the Council will be able to increase the amount of land available for housing. A key part of this will be by undertaking a 'call for sites' exercise to ask landowners and utilities companies, as well as the Council to put forward sites that they consider suitable for housing and other growth needs. These will be assessed by Council officers and those deemed suitable can then inform an updated Strategic Housing Land Availability Assessment which will feed into the preparation of a new Local Plan and should therefore boost supply and delivery in time.
- 5.17 To support the review there will also be an update to the Council's Infrastructure Delivery Plan to ensure that infrastructure is available to support planned growth and to identify any improvements that are needed to support/unlock new development. In association with this, the Council will prepare an Infrastructure Funding Statement to be published in December 2020 which will help support site delivery.
- 5.18 The new London Plan proposes an increase in the delivery of small sites, and there are emerging Government proposals to allow upwards extensions on existing residential blocks. Partly in response to this, the Council will undertake a 'Small Sites Study' to understand the potential within the Borough to accommodate an uplift in residential development within more suburban areas, and smaller developments such as upwards extensions to existing buildings and within town centres. This will further aid in delivery of additional housing through the production of clear policy and guidance for these sites. The Council overall will continue to maintain a strong housing and viability evidence base.

## Wood Green Area Action Plan

- 5.19 In advance of the new Local Plan the Council is advancing the preparation of the Wood Green Area Action Plan. Wood Green is identified in the Local Plan as a Growth Area with potential to support a significant number of new homes and jobs. It is proposed that a Regulation 19 consultation on the Draft Area Action Plan will take place in 2020 with submission in 2020-2021.
- 5.20 The next steps for the Wood Green Area Action Plan are dependent on the final confirmation of the proposals for the Council's own sites which are awaiting a final decision on the Council's emerging Accommodation Strategy, for which further detailed feasibility work on two preferred sites for a new Civic Hub are being explored prior to a recommendation to Cabinet in summer 2020. The adoption of this Area Action Plan will give planning certainty on those sites identified within it, and it sets a proactive and positive framework for the delivery of additional housing, much of it at higher densities in accessible locations.

### **Supporting Neighbourhood Forums**

- 5.21 The Council notes the potential for Neighbourhood Plans to contribute to increased housing supply within the borough. At present only one Neighbourhood Plan has been 'made' / adopted in the borough which is for the Highgate Neighbourhood Area. Neighbourhood Forums have also been designated for Crouch End and Finsbury Park and Stroud Green with a view to preparing Neighbourhood Plans for these respective areas. The Council will support these Neighbourhood Forums and any others that are subsequently designated to prepare Neighbourhood Plans and encourage a positive Plan for additional housing.

### **Brownfield Land Register**

- 5.22 In order to increase the supply of new homes in the borough it is important that as many potential housing sites have been identified as possible. To support this the Council published a Brownfield Land Register update in December 2019 which gives developers, particularly smaller housebuilders, more certainty and choice in what sites can be delivered for housing. This Register was further updated in March 2020. The next update is due in March 2021.

### **Development Management Improvements**

- 5.23 The Council has a high performing Development Management service and it is not considered that the speed or quality of decisions is a major barrier to delivery. In 2018/19, the Council decided 3,319 planning applications consisting of 28 major applications, 519 minor applications, 1,571 householder, 1,201 other applications and 501 discharge of condition applications. The Development Management service determined 100% of these Major Applications within the statutory time period or an otherwise agreed time period which puts the Council in the top quartile in London for Major Applications. The Council's performance for Minor applications is in the top quartile in London at 97%. Other applications are also top quartile in London at 99% and discharge of conditions is at 90% on time. Performance has improved even further

in the latter part of the year and it is expected to be top quartile in all categories in the next financial year.

- 5.24 In 2018/19, the average time of decision for Major applications increased from 233 to 248 days between these time periods, however all of these have been subject to planning performance agreements/extensions of time which are mutually agreed with applicants and encouraged in national guidance. The average decision time has also slightly increased for Minor applications from 69 days to 76 days, as well as Other applications from 57 days to 60 days. The Council is proactive in seeking to resolve issues with internal and external consultees and has regular liaison with all of them. The Council has also undertaken an exercise of reviewing standard conditions with a view to reducing the numbers added to decision notices, including being pragmatic and flexible regarding trigger dates.
- 5.25 Council officers are continuing to undertake Councillor training to help ensure decisions, particularly on major sites, are determined in accordance with the Development Plan and to ensure the Council is not taken to appeal unnecessarily.

### **Partial Review of Community Infrastructure Levy (CIL) Charging Schedule**

- 5.26 The Council consulted on a partial review of the Haringey Community Infrastructure Levy (CIL) Charging Schedule, which has been in effect since 2014, from Wednesday 18 December 2019 to Tuesday 11 February 2020. The Draft Charging Schedule (DCS) consultation proposed to increase CIL rates for some parts and uses of the borough. This will help fund infrastructure to support development across the borough, whilst not setting the new rates at such a level that would have a negative overall impact on development viability. The DCS will progress to examination in 2020 and take effect from 2021.

### **Annual Authority Monitoring Report (AMR)**

- 5.27 The Council monitors a number of key planning indicators, including the supply of new homes, through its AMR. The AMR for 2018/18 set out that the Council has had 4,635 units with planning permission and started on-site and 3,466 with planning permission but not started. The Council published its 2018/19 AMR in January 2020. Consideration has been given to how the AMR can best be purposed to support future housing delivery in the borough.

### **Monitoring of Development Pipeline**

- 5.28 Since the recent introduction of the Housing Delivery Test, the Council has engaged proactively with developers running sessions specifically to seek views on how development can be speeded up. An Agents Forum was planned to take place in April 2020 but unfortunately due to the Covid-19 crisis, this has been postponed. It is hoped that a new date can be arranged for late summer 2020. This will also allow an

opportunity for agents and developers to highlight to the Council problems experienced by the industry during and following the Covid-19 crisis so that the Council can consider how it can continue to support home building for Haringey residents. Ahead of this, the Council has already started contacting developers and landowners in the borough in order to get a better understanding of the issues that may be precluding development from coming forward, as well as to try to find out how delivery can be accelerated. This may be achieved through the Council helping in site masterplans, or revised site allocations as part of the new Local Plan or using other powers such as Compulsory Purchase Orders where appropriate. Given the Council's ambition to deliver 1,000 new council homes in the borough, the Council may be able to speed delivery by acquiring properties on schemes, which may help speed delivery by providing more certainty to the developer regarding sales.

## 6.0 Implementation and Monitoring

6.1 Table 8 below sets out the key actions the Council is implementing to help boost housing delivery in the borough.

**Table 8 – Key implementation actions in relation to housing delivery in the borough**

Key Actions for Implementing		
Action	Team Responsible	Delivery Date
<b>New Local Plan</b> Work commenced on a new Local Plan in 2020. The new LDS published in November 2019 sets out the timetable for this process. This will plan for the increased housing target.	Planning Policy	Q1 2022
<b>Wood Green Area Action Plan</b> In advance of the new Local Plan the Council is advancing the preparation of the Wood Green Area Action Plan. Wood Green is identified as a Growth Area with potential to support a significant number of new homes and jobs. It is proposed that a Regulation 19 consultation on the Draft Area Action Plan will take place in 2020.	Planning Policy	2020-2021
<b>Supporting Neighbourhood Forums</b> The Council will support existing Neighbourhood Forums and any others that are subsequently designated to prepare Neighbourhood Plans and encourage a positive Plan for additional housing.	Planning Policy	Ongoing
<b>Brownfield Land Register</b> The Council published a Brownfield Land Register update in December 2019 and again in March 2020. The next update is due in March 2020.	Planning Policy	2019-2020
<b>Monitoring of development pipeline</b>	Planning Policy	Q2-4 2020

The Planning Policy Team will continue to engage proactively with applicants, agents and developers who have been granted planning permission on major sites to find out if there are any issues preventing the delivery of housing.		
<b>Build out rates</b> The Council will continue to monitor build out rates and obtain information on barriers to delivering housing. A new London Development Database due to be introduced which should significantly aid in this monitoring, and this will feed directly into the AMR.	Planning Policy	Q2 2020
<b>Call for sites</b> A new 'Call for Sites' as part of the Local Plan will be undertaken to identify suitable and deliverable land for housing that has not already been identified.	Planning Policy	Q2 2020
<b>Evidence Base review</b> The Council will include Employment Land as part of the Local Plan review to enable it to assess its continued suitability, and to explore options for co-locating residential and employment uses, as well as industrial intensification to potentially release land for additional housing. A small sites study is also being considered.	Planning Policy	2020
<b>Duty to Cooperate</b> The Council will continue to fulfil its statutory Duty to Cooperate with neighbouring boroughs and other relevant authorities on strategic and infrastructure matters as part of the initial Local Plan consultation Q2 2020. For future stages, the Council will prepare SOCGs as appropriate.	Planning Policy	Q2 2020
<b>CIL spending</b> The Council will continue to improve local and strategic infrastructure using CIL to support housing growth by providing the necessary infrastructure.	Planning Policy	Ongoing
<b>CIL Partial Review</b> The Council consulted on a Draft Charging Schedule (DCS) as part of a partial review of its existing CIL Charging. The DCS proposes to increase CIL rates for some parts and uses of the borough. This will help fund infrastructure to support development across the borough. The DCS will progress to examination in 2020 and take effect from 2021.	Planning Policy	2020-21
<b>Annual Authority Monitoring Report</b> The Council will publish an AMR for 2019/20 in December 2020	Planning Policy	Q4 2020
<b>Determination times</b> Continue to determine applications in accordance with current National, Regional and Local planning policy and guidance and remain a top performing Council for application determination time.	Development Management	Ongoing
<b>Conditions placed on planning applications</b> Continue to ensure that conditions are necessary and the trigger points are appropriate.	Development Management	Ongoing
<b>Developers</b> Continue to seek opportunities to listen to developers' views as to why development is not being implemented.	Development Management	Ongoing
<b>Member training</b>	Development Management	Ongoing



Ongoing programme of training including Daylight & Sunlight in High Density Areas		
<b>Planning Performance Agreements (PPAs) and Quality Review Panel (QRP)</b> The Council offers PPAs for major development proposals, and has a QRP for design. The uptake of such services will continue to be encouraged to ensure developers receive high quality advice that enables policy compliant schemes to come forward quickly and obtain permission.	Development Management	Ongoing
<b>Council Delivery of Council Housing</b> Target of 1,000 homes, plus delivering small schemes on infill sites and within any estate regeneration, subject to ballot. Monitoring through the Borough Plan and Housing Priority Board that have been set up in 2019.	Housing and Regeneration	Ongoing

- 6.2 It will be extremely challenging for Haringey to deliver a 94% increase in its annual housing target versus the 2015 policy position, especially given that the London Plan does not allow for a stepped housing target. The Council is already undertaking a great deal of work to facilitate development and will continue to do so. However, it is outside the Council's control to determine how long (or if even if) a developer implements a planning permission, and then the timeframes for build out rates. There are no significant incentives or disincentives for developers to build out to a rate needed by the Council, this will always be borne out by market conditions and likely profit levels required by the developer, which in some cases a slow build out rate to 'drip feed the market' may be desirable.
- 6.3 The actions within this plan will go some way to help increase and accelerate housing delivery, particularly through an updated Local Plan with new site allocations, and through the Council's own delivery of sites. However, at this stage, given the Housing Delivery Test steps up to 75% as the target for cumulative three-year delivery in November 2020, the Council highlights that it is unlikely to meet this target immediately given the lag between actions and the implementation of actual permissions as a result.
- 6.4 This Action Plan will be monitored and reviewed by the Planning Policy Team on an annual basis and published online. Monitoring information will continue to be collected from a range of sources such as the AMR, the Haringey Borough Plan, the London Development Database, appeals monitoring along with any other relevant documents. The 'Actions' will be implemented by those services indicated in the 'Team Responsible' column. Actions will be updated where necessary and new actions will be added in response to any changes in legislation, Government policy and practice guidance.

For further information please contact

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**Report for:** Regulatory Committee 2 July 2020

**Title:** Planning Services 2019 – 2020 Annual Update & 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) update

**Report authorised by :** Emma Williamson, Assistant Director, Planning, Building Standards & Sustainability

**Lead Officer:** Dean Hermitage, Rob Krzyszowski, Fortune Gumbo, Bob McIver

**Ward(s) affected:** N/A

**Report for Key/**

**Non Key Decision:** for information

**1. Describe the issue under consideration**

A report on the work of the Planning Service in during 1<sup>st</sup> 2020 – 17<sup>th</sup> June 2020 as well as figures for the application performance in the financial year 2019/20.

**2. Recommendations**

That this report be noted

**3. Reasons for decision**

Not applicable

**4. Alternative options considered**

This report is for noting and as such no alternative options were considered.

**5. 2019 – 2020 & 2020/21 (1<sup>st</sup> April 20– 17<sup>th</sup> June 20) work report**

**Development Management (1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2020)**

- Applications during 2019/20: **3,094** (Applications in same period 2018/19: **3,542**)
- Number of cases on-hand end of May 2020: **513**
- Appeals decided during 2019/20: **96**
- Appeals dismissed (won) during 2019/20: **73**
- Cumulative performance (applications in time) 2019/20:
  - Majors : **100%**
  - Minors : **96%**
  - Others : **99%**
  - PSO : **89%**
  - Validation: **10 working days**

**Development Management (1<sup>st</sup> April 2020 -17<sup>th</sup> June 2020)**

- Applications during 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June): **569**
- Applications in same period 2019/20: **699**
- Number of cases on-hand end of May 2020: **513**
- Appeals decided during 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June): **7**
- Appeals dismissed (won) during 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June): **6**
- Cumulative performance (applications in time) 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June):
  - Majors : **100%**
  - Minors : **95%**
  - Others : **97%**
  - PSO : **88%**
  - Validation: **18 working days**

As requested previously at Regulatory Committee, Appendix One explains the categories of applications.

### Performance overview

5.1 Performance is at 100% for 'Majors' Applications and remains at the top quartile in London. Our performance for 'Minor' applications has remained in the top quartile in London at 95%. 'Other' applications are also maintained at top quartile in London at 97%. Performance has continued to improve and we expect to continue to be top quartile in all categories.

5.2 During the 2019/20 municipal year (April-March) we have decided a total of 19 'Major' applications compared to 28 decided during the same period in 2018/19. The average time of decision has decreased from 248 to 209 days between these time periods, and all of these have been subject to planning performance agreements / extensions of time which are mutually agreed with applicants and encouraged in national guidance. The level of major applications submitted in the latter part of this year has reduced over previous years.

The Government has three measures of performance which the Council must remain within thresholds for. If we breach these thresholds we will be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for Planning permission. This would mean that we don't get the fee income for that application but we are still required to undertake the consultation. In addition we lose the democratic right to determine the application. The first of these measure is our performance on a two year rolling period for determination of major applications. We are at 100% for this measure (the threshold is 50%).

During Q1 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) we have decided a total of 2 'Major' applications compared to 4 decided during the same period in 2019/20. The average time of decision has decreased from 132 to 125 days between these time periods, however all of these have been subject to planning performance agreements / extensions of time which are mutually agreed with applicants and encouraged in national guidance. The level of major applications submitted in the latter part of this year has reduced over previous years.

5.3 During 2019/20 we decided 436 'Minor' applications compared to the 519 'Minor' applications decided during the same period in 2018/19. The average decision

dayslightly increased from 76 to 77. During 2019/20 we decided 1,083 'Other' applications compared to the 1,201 'Other' applications decided during the same period in 2018/19. The cumulative average decision timeslightly increased from 60 days to 63 days.

During 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) we decided 80 'Minor' applications compared to the 92 'Minor' applications decided during the same period in 2019/20. The average decision day has increased from 69 to 78 (a result of lockdown preventing public consultation, and this slowing the process, throughout April).

During 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) we have decided 213 'Other' applications compared to the 281 'Other' applications decided during the same period in 2019/20. The cumulative average decision time has increased from 59 days to 67 days (again due to lockdown). The second of the government thresholds relates to performance on minor and other applications over a two year period. We are at 97% on this measure (the threshold is 70%). The third of the government thresholds relates to overturns of refusals of applications on appeal and relates to minor and other applications. We are at 2% on this measure (the threshold is to remain below 5%).

- 5.4 The length of time taken to validate an application is at an average of 18 days, however this is a product of the Systems thinking approach where there is a delay before validation rather than before decision.
- 5.5 The end to end times and the overall numbers of applications received, approved, and refused over previous years is set out below. Reducing the end to end times further will continue to be a focus for the coming year:

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021 (1 <sup>st</sup> April – 17 <sup>th</sup> June)
<b>Received</b>	2951	3479	3907	4019	3399	3574	3094	569
<b>Approved</b>	2372	2807	2935	3255	2659	2963	2576	452
<b>Refused</b>	338	470	709	506	385	356	314	68
<b>Average day</b>	73	76	69	61	54	62	63	70

- 5.6 Officer caseloads have remained at around 40 throughout the 2019/20 financial year. The number of on hand applications is slightly lower than at this time last year and this is a reflection of our new approach as well as a focus on resolving a backlog of long standing applications. As of the end of May 2020, there are currently 513 on hand applications. The number of applications over 26 weeks is now at around 91. These cases are all complex or awaiting section 106 sign off.

#### Pre-application advice

- 5.7 During 2019/20 there were 139 pre-application meetings generating a total of £374,276 of income compared to £241,267 generated from 167 pre-application

meetings in the previous year within the same period. In 2019/20 there were 105 householder pre-application meetings generating £36,334 of income compared to £36,863 generated from 115 in the previous year.

During 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) there have been 25 pre-application meetings generating a total of £34,600 of income compared to £68,632 generated from 29 pre-application meetings last year within the same period. During 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) there have been 10 householder pre-application meetings generating £3,200 of income compared to £5,448 generated from 17 last year within the same period.

- 5.8 The use of Planning Performance agreements (PPA's) has decreased over previous years and during 2019/20 the service received £370,500 in income from these agreements.

The use of Planning Performance agreements (PPA's) has decreased further and during this Q1 period 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June) the service has received £73,909 in income from these agreements.

- 5.9 Meeting the deadline for providing advice following pre-application meetings is steadily improving and continues to be a focus for the team.

#### Planning Decisions

- 5.10 The Planning Committee met 9 times in 2019/20 and resolved to grant planning permission for 494 residential units in full and 528 at reserved matters stage and approximately 5,000 sq.m. of commercial floorspace and a hotel. It resolved to refuse against officer recommendation 1 residential unit.

In Q1 this year, the Committee has met once, in its first 'virtual' meeting. It resolved to grant planning permission for 10 residential units (all social rent) and 8 industrial units.

- 5.11 The final government threshold relates to overturns of refusals (officer and committee) on major applications on appeal. We are currently at 5.36% on this measure (the threshold is to remain below 10%). It should be noted that because the number of major applications that we determine is relatively low it does not need many appeals to be lost to bring us close to this threshold. Currently it would require 3 more to take us over the threshold. We have 2 major appeals pending.
- 5.12 The measure to be used to measure quality of planning decisions is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.13 The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2019 will

be used for designation decisions in Q1 2020, this allows for applications to be decided between April 2017 and March 2019 and a 9 month lag to December 2018 for appeals to be decided. The average percentage figure for the assessment period as a whole is used. As such for a designation decision in Q1 2021 the period of decisions to be taken into account will be April 2018 to March 2020.

5.14 The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10% of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

5.15 Haringey's performance at present is as follows:

Type of application	Number of apps	Number of appeals	Number of overturns	% (Threshold 10%)
Majors	54	5	3	5.36

5.16 The Service has been successful in defending major appeals. We have 1 live appeal on major applications Westbury Court. It is possible our decision may be overturned. Bearing in mind a fall in the number of applications being submitted, losing a major appeal becomes significant.

5.17 Likely performance figures in January 2021 taking account of the appeals:

Type of application	Likely Number of apps	Number of appeals	Likely Number of overturns	% (Threshold 10%)
Majors	50	6	4	8.0%

5.18 Obviously the Service is doing all it can to defend these appeals and the service is likely to avoid designation. If we were to lose the pending appeal and then one more within the next 6 months, we would very possibly be at the 10% threshold.

5.19 Before any designation is confirmed, local planning authorities whose performance is below one of the thresholds will be given an opportunity to provide clear evidence to justify corrections to any data errors and to set out any exceptional circumstances (supported by evidence) which, in their opinion, would make a designation unreasonable. A period of at least two weeks (as specified by the department) will be allowed for this, and all such arguments will be taken into account before final decisions are made. Requests that exceptional circumstances should be considered are judged against two general tests:

- a. whether the issue affects the reasonableness of the conclusions that can be drawn from the recorded data for the authority, over the assessment period; or
- b. whether the issue had a significant impact on the authority's performance, for reasons that were beyond its control.

- 5.20 If we do breach the threshold we will construct a case against designation with potential mitigating factors.
- 5.21 The Secretary of State will decide once each year whether any designations should be lifted, at around the same time as deciding whether any new designations are to be made. Exceptionally de-designations may be made at other times.
- 5.22 In assessing whether a designation should be lifted, consideration is given to:
- (a) the potential capability of the designated local planning authority to deal effectively with applications for major or non-major development, as appropriate, in the future; and
  - (b) the effectiveness of the designated local planning authority in dealing with the relevant category of applications during the period of its designation.
- 5.23 Soon after a designation is made the local planning authority is expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. In doing so the authority should draw upon sector support, particularly any support that is available through programmes funded by the Ministry of Housing, Communities and Local Government. The authority will need to agree the action plan with the Department.
- 5.24 A designation will be revoked if the Secretary of State is satisfied that:
- (a) the designated local planning authority has provided adequate evidence of sufficient improvement against areas of weakness identified in an initial assessment of its performance; and provided that the designated local planning authority,
  - (b) would not, at the time that decisions about de-designation are made, remain eligible for designation on the basis of the data available at the time;
  - (c) has completed, within the timescale specified, any administrative tasks required of the authority in association with applications made directly to the Secretary of State in the area, in at least 80 per cent of cases during the designation period; and
  - (d) has not, in the view of the Secretary of State, caused unreasonable delay in progressing and signing any section 106 agreements associated with applications submitted directly to him during the designation period.
- 5.25 If, having considered these criteria, the Secretary of State concludes that the designation should remain in place, the local planning authority will be given at least two weeks to set out any exceptional circumstances (supported by evidence) which, in its opinion, would make a continued designation unreasonable.



## Planning Enforcement

- Enforcement complaints received during 2019/20):757
  - Enforcement notices served during 2019/20 : 68
  
  - Enforcement complaints received during 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June):178
  - Enforcement notices served during 2020/21 (1<sup>st</sup> April – 17<sup>th</sup> June): 8
- 5.26 86% of the complaints were acknowledged within one working day of receipt. This is a slight decrease from **92%** last year.
- 5.27 Planning Enforcement have undertaken a number of prosecutions against owners who have failed to comply with existing enforcement notices. In addition to the prosecution proceedings, there has been a concerted effort in securing confiscation sentences under the provisions of Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions which are still going through the courts. A key case was the conviction of a landlord who had converted two of his properties into 16 flats in total. The same landlord had previously been prosecuted for a similar offence. The Council is pursuing confiscation proceedings against the landlord, that could amount to a six-figure sum, which hopefully will serve as a deterrent.
- 5.28 Planning Enforcement successfully challenged the Secretary of State's decision in the High Court to allow an appeal against an enforcement notice based on the legal definition of a building. The decision has been remitted to the Secretary of State for re-determination.
- 5.29 Furthermore, Planning Enforcement have completed the review into whether the Wards Corner s106 agreement has been breached and any attendant issues that arose out of that. The report into their findings has been published on the Council's website.

## **PLANNING POLICY AND INFRASTRUCTURE**

### Planning Policy

- 5.30 The further progress of the Wood Green Area Action Plan (AAP) is dependent on the final confirmation of the proposals for the Council's own sites following a Cabinet decision on Council Owned Sites in Wood Green in July 2019 with further Cabinet decisions expected later in 2020. In the interim, the Planning Policy Team continues to work with Regeneration colleagues to strengthen the evidence base relating to the Transport Study, Character Study, Design Manual, and support the emerging Wood Green Corner / Station Road design process.
- 5.31 The North London Waste Plan (NLWP) examination hearings took place on 20-21 November 2019. The NLWP team has subsequently drafted 'post-hearing' proposed modifications to the Plan, which, subject to agreement and approval by the Council and the other North London boroughs, will be consulted on in Autumn 2020. These include some points of clarification relating to the Pinkham Way area

regarding flood risk. Following that consultation, the independent inspector's report will be expected in early 2021 with adoption later in 2021.

- 5.32 The Inspector's Panel report on the Draft London Plan was published on 21 October 2019. The Mayor published his responses to the Panel report and his 'Intend to Publish' version of the London Plan on 17 December 2019. The Mayor accepted the recommendation from the Panel that the housing target for Haringey (which is currently 1,502 homes per year) proposed in the original draft London Plan of 1,958 is reduced to 1,592 homes per year. This is as a result of representations from Haringey and other London Boroughs which had similar concerns about the unrealistic draft target. The Mayor has also accepted a recommendation to do a London-wide Gypsy and Traveller accommodation needs assessment and to support boroughs in making provision.
- 5.33 In line with a legal requirement to do so, the Mayor sent his Intend to Publish London Plan to the Secretary of State for his consideration. On 13 March 2020 the Secretary of State responded to the Mayor raising a number of concerns about the Plan particularly around future housing delivery and directing that a series of modifications be made before it is published, including to its employment policies. On 24 April 2020 the Mayor wrote back to the Secretary of State advising that some amendments would be required to his proposed modifications in order to remove policy ambiguities and achieve the necessary outcomes and committing to work positively and constructively to find an acceptable form of wording for all parties. Engagement is still ongoing in this regard and it expected that final wording will be agreed later in 2020. The Plan will then go before the London Assembly before being 'published' as part of the statutory development plan.
- 5.34 Other elements of the work programme for the Planning Policy Team also include:
- The Authority Monitoring Report (AMR) 2018-19 was published in January 2020 and was subsequently reported to Regulatory Committee for information. The Planning Policy Team will shortly start preparing the AMR 2019-20 which will be published in December 2020.
  - A draft Highgate School Supplementary Planning Document (SPD) was agreed for consultation by Cabinet in March 2020. Consultation has been delayed until the Autumn due to the Covid-19 crisis.
  - An [Article 4 Direction](#) to prevent changes of use from office to residential without planning permission was agreed by Cabinet in March 2020 and legally 'made' on 16 April 2020. Consultation on the Direction commenced in late June following a delay due to the Covid-19 crisis, meaning that the Direction could take effect in June 2021.
  - A new Housing Delivery Test Action Plan to replace last year's is on track to be approved by Cabinet in July 2020. In March 2020 the Government published a 'Planning for the future' policy paper setting out its plans for housing and planning following the announcements in the 2020 budget. A follow up 'Planning White Paper' is expected to be published later this year. It is expected that this will propose changes to planning application fees, and further set out the Government's ambition to allow homes to be built

above existing properties or in place of demolished commercial buildings without the need for formal planning permission.

- Consultancy ORS has been appointed to undertake a new Strategic Housing Market Assessment (SHMA) and Gypsy & Traveller Accommodation Assessment (GTAA) for the New Local Plan and for the Council's new Housing Strategy, jointly with the Housing service.
- Consultancy Oxford Archaeology has been appointed to carry out a comprehensive review of Archaeological Priority Areas for the borough in support of the New Local Plan. The work was commissioned with the London Office of Historic England which will manage the commission on behalf of the Council.

### Local Plan

5.35 The Local Development Scheme (LDS) is a document which sets out the timetable for Local Plan documents. The LDS was approved at Cabinet on 12 November 2019. The timescales for the new Local Plan in the LDS are:

- March-May 2020 – Local Plan Issues and Options consultation
- October-December 2020 – Draft Local Plan consultation (Regulation 18)
- April-June 2021 – Proposed Submission Local Plan consultation (Regulation 19)
- July-December 2021 – Submission to Secretary of State and Examination, consultation on modifications, and Examiner's Report (Regulations 22-25)
- February 2022 – Adoption (Regulation 26)

5.36 As a result of a delay in getting a full Planning Policy Team in place and also Covid-19 the timetable has been slightly delayed. It is therefore anticipated that Local Plan 'Issues and Options' consultation will take place in Autumn 2020 (rather than March to May 2020 as initially timetabled). This will have knock on effects for the timings of the subsequent stages.

5.37 The Local Plan 'Issues and Options' consultation document to be called 'New Local Plan: First Steps' will allow residents and businesses to shape the new Local Plan right from the beginning. It will ask open questions, allow people to identify the key planning issues Haringey faces, and express preferences for various possible options. The consultation will be wide-ranging and far-reaching and a Consultation and Engagement Plan is currently being developed to ensure that opportunities for residents, businesses and groups (such as schools / young people, disability and access groups etc) are maximised, having especial regard to the possibility that social distancing measures related to Covid-19 could continue for some time and preclude the Council employing some of its usual consultation and engagement methods.

5.38 The New Local Plan: First Steps document and subsequent draft Local Plan will be structured around the Borough Plan priorities of Housing, People, Place and Economy and also align with the London Plan chapters and policies on Spatial Development Patterns / Opportunity Areas, Design (inclusivity, accessibility, tall buildings), Housing (targets, affordability, tenure, viability, size mix), Social Infrastructure (health, education, play, sport), Economy (offices, workspace, industry, retail), Heritage and Culture (conservation areas, creative industries,

night time economy), Green Infrastructure and Natural Environment (open space, urban greening, biodiversity), Sustainable Infrastructure (air quality, greenhouse gas emissions, digital, waste, flooding) and Transport (healthy streets, cycling, car parking)

- 5.39 The New Local Plan: First Steps document will explore and consult on how the new Local Plan should supersede existing Local Plan documents including the Strategic Policies, Development Management Policies, Site Allocations and the Tottenham Area Action Plan (AAP). The Wood Green AAP will continue on a separate timetable as it is already at an advanced stage.
- 5.40 Work has commenced on an Integrated Impact Assessment (IIA) for the Local Plan which makes sure that emerging policies in the Local Plan have an overall positive impact on sustainability, equalities, health and habitats. This covers the requirements for Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA), Equalities Impact Assessment (EqIA), Health Impact Assessment (HIA) and Habitats Regulations Assessment (HRA).
- 5.41 A Member Working Group comprising members of Regulatory Committee has been set up to act as a 'sounding board' as the New Local Plan is prepared and Local Plan documents are drafted. The first meeting of the Member Working Group took place on 30 June 2020 and further meetings are scheduled during July and August 2020.

#### Neighbourhood Community Infrastructure Levy (NCIL)

- 5.42 15% of Community Infrastructure Levy (CIL) money collected from new development must be spent on projects to address demands that development places on the area in consultation with communities (25% where there is an adopted Neighbourhood Plan, as in Highgate). This is known as Neighbourhood CIL (NCIL).
- 5.43 The Council received around 600 responses to an initial online 'Round 1' NCIL consultation which ran from October to November 2018.
- 5.44 From February to March 2020 the Council consulted on changing the CIL Governance document to allow the Council to spend NCIL in a different area to where it was collected. In total, 86 responses were received to the consultation. 27 responses (31%) supported the proposed amendments, 50 responses (58%) opposed the proposed arrangements and 9 responses (11%) did not indicate a clear for or against position. Having regard to the responses received to the consultation, the Council decided to amend the CIL Governance document and allocate NCIL across the borough via a fairer approach.
- 5.45 The Council also approved a list of 'Round 1' projects for NCIL spend. These projects were based on the Round 1 consultation in 2018 and were selected for delivery in accordance with the CIL Regulations 2010, the criteria in the Council's CIL Governance document and the Borough Plan priorities. Further details of this are available at the Council's dedicated NCIL webpage at [www.haringey.gov.uk/ncil](http://www.haringey.gov.uk/ncil).

#### CIL Partial Review: Draft Charging Schedule (DCS)

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- 5.46 An eight week consultation from 18 December 2019 to 11 February 2020 on the CIL Partial Review: Draft Charging Schedule (DCS) proposed increasing the CIL rate for residential development in the eastern zone of the borough from £15 per square metre to £50. The DCS also proposed an increase in the CIL rate for student accommodation from £15 to £85 and to introduce CIL charges for two new specialist housing uses which are Build to Rent at a rate of £100 and warehouse living at £130.
- 5.47 The next stage is for the DCS to be submitted for independent examination and, subject to that examination being successful, will require final approval by the Council to take effect in 2021. A key issue that will be scrutinised as part of the examination will be the financial viability of the increased charges, particularly in the context of the Covid-19 crisis and the consequential economic impact and uncertainty.

## **BUILDING CONTROL**

- Fee earning Applications received 2019/20 (Apr – Mar) – 1352
  - Fee earning Applications received 2018/19 (Apr – Mar) – 960
  - Fee income from applications 2019/20 (Apr – Mar) – £600K
  - Fee income from applications 2018/19 (Apr – Mar) – £604K
  - Site inspections 2019/20 (Apr – Mar) – 6,154
  - Site inspections 2018/19 (Apr – Mar) – 6,785
- 5.48 Fee earning applications over the year show an increase, but this is largely due to a significant number of reroofing schemes from Homes for Haringey, although the fee income is slightly lower (indicative of the low fee earning applications). Building Control continue to be asked to check applications outside of our Borough (a sign that we are considered contactable, approachable and reliable), although we have to be careful in not taking on more applications than we can service, especially as the work on the major sites in the Borough is becoming more surveyor intensive, requiring more and more inspections. Fee income continues to look positive, partly due to larger projects, such as Clarendon Road and THFC being on site as well as works starting on further large schemes within the Borough. The New THFC Stadium has now hosted 7 events (including the NFL matches), work continues at the Stadium and it is hoped that the permanent Safety Certificate will be issued for the new football season. Discussions took place regarding the proposed Summer events and the next phases of work, however due to Covid-19 these were cancelled or put on hold. At present Building Control continue to inspect every event at the Stadium in order to ensure that the Club are complying with the requirements of the Safety Certificate and will continue issuing the interim Safety Certificate until the Stadium is formally completed.
- 5.49 Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team being “called upon” over 242 times so far since 1st April.

- 5.50 BC consult continues to grow in stature providing affordable expert advice to other Council services. This advice ranges from party wall agreements to feasibility studies to structural surveys to structural repairs to bridge inspections and strengthening to highways related works and so on. The consultancy work continues to grow and is widely used by colleagues in Homes for Haringey and continues to be respected throughout the Council. This growth has also been reflected in the fee income for this service, with the gross income for this area of work continuing to be around £400K.
- 5.51 Our restructure process has now bedded in and whilst we are struggling trying to appoint permanent Building Control Surveyors, we have successfully appointed an agency surveyor who has fitted well into the team. We had aimed to carry out a further mini restructure in order to appoint a Building Control Surveyor and try to appoint an apprentice (subject to HR being flexible). The year has continued to be a challenge for the Building Control sector in general, with Building Control remaining in the news, due to the final Hackitt report along with continuing Government consultations. Haringey Building Control provided a full robust response to the Government's consultation in the summer and Government finally published its response to the consultation in April, indicating new legislation and changes to existing legislation. Haringey Building Control along with colleagues across London have already developed an action plan that we are beginning to action that has put us in a very good position to be able to respond to the proposed challenges, this includes implementing ISO Standards that have been developed on our behalf by Local Authority Building Control (LABC), signing up to the LABC fire safety validation process, holding meetings with both the London Fire Brigade (LFB) and the Health and Safety Executive (HSE) and discussing schemes (from a fire safety point of view) with colleagues in Planning at a very early stage in the planning process. Building Control has successfully achieved the ISO accreditation and all the surveyors in Building Control have over the last 5 months passed the Level 6A fire safety competency exams, which makes Haringey Building Control one of the most competent Building Control offices in the Country, being ideally positioned for the challenges ahead. This has also created other problems, in that all our surveyors are highly sought after and unless we can pay them competitive rates, we run the real risk of losing them to other Building Control providers. Problems with private building control bodies continue, with several of them failing to renew/obtain the insurance that they require to operate. This has led to them cancelling their applications with us and reverting to Haringey Building Control – this has had several positives along with a number of negatives and has had a major impact on our workload over the period.
- 5.52 The last three months has been challenging for everyone, due to Covid 19. Building Control moved to working from home immediately with all 16 staff members managing to satisfactorily work home. Some staff had initial problems with lack of broadband but managed to increase their mobile data allowances that enabled them to connect to the systems. The Surveyors have continued to visit sites and inspect when requested subject to a Covid 19 protocol that we put in place. Clearly applications, site visits and fees were down in this period, but are slowly starting to recover

- Fee earning Applications received 2020/21 (Apr – Jun) – 118

- Fee earning Applications received 2019/20 (Apr – Jun) – 211
  - Fee income from applications 2020/21 (Apr – Jun) – £119K
  - Fee income from applications 2019/20 (Apr – Jun) – £195K\*
  - Site inspections 2020/21 (Apr – Jun) – 903
  - Site inspections 2019/20 (Apr – Jun) – 1435
- \* Full month of June

5.53 Procedures and processes have had to be revised and amended in order to facilitate the service working remotely and this has exposed weaknesses in our main database that need to be resolved going forward, with our database that we share with colleagues in Development Management (i-Lap) being replaced.

## MEMBERS

5.53 The last Member visit, to the Thamesmead estate, took place in October 2019 and a daylight/sunlight training session took place in January 2020. Further training sessions are being planned following the next Full Council meeting (inc. a refresher / legislation update and viability), but a site visit is unlikely to take place this year. We welcome member's feedback

## CHANGES TO SERVICE POST-COVID19

5.54 Since the country was placed into lockdown on March 23<sup>rd</sup> 2020, the Service has made a number of changes to how it operates. These include:

### Development Management

- Moving the pre-application meeting and advice service to virtual meetings.
- Posting all consultation mail using an off-site postage tool (some 38,000 letters / year) after a 5 week period of not sending letters.
- All officers working predominantly from home.
- Arranging 'virtual' site visits and site tours.
- Putting in place measures for Virtual Planning sub-Committee meetings.
- Setting up new processes for extended working hours requests on construction sites.
- Reviewing all new legislation and guidance to assist service users.
- We have received 545 applications and determined 542 applications in lockdown so far and have held 33 pre-applications virtually. In terms of applications submitted we are at around 50% less than pre-covid levels but this is rising.

### Enforcement

- Carrying out Enforcement Visits where safe to do so (external non-internal visits resumed on 15/6/2020). Category 1 Visits (concerning damage to TPOs and Listed Buildings) did not stop. Internal visits are yet to resume. Enforcement cases have increased since lockdown.

### Planning Policy & Infrastructure

- Continued to process and collect CIL payments by phone / email.

- Consultation was put on hold but is set to resume shortly. On-line tools are being explored going forward.

#### Building Control

- Continued to inspect sites using Public Health England guidance.
- Assessing deposited plans from home
- Moving the pre-application meeting and advice service to virtual meetings.
- 24 hour 365 day a year dangerous structure service did not stop.

### **6. Contribution to strategic outcomes**

The Planning Service contributes to outcomes in Priority 1, 2, 3 and 4 of the Borough Plan.

### **7. Local Government (Access to Information) Act 1985**

Planning Applications are on the Planning Register on the Council's website and the Local Plan Documents are also on the Council's website.



## **APPENDIX ONE**

### **Definitions of Categories of Development**

#### **Major Development**

- 10+ dwellings / over half a hectare / building(s) exceeds 1000m<sup>2</sup>
- Office / light industrial - 1000+ m<sup>2</sup> / 1+ hectare
- General industrial - 1000+ m<sup>2</sup> / 1+ hectare
- Retail - 1000+ m<sup>2</sup>/ 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

#### **Minor Development**

- 1-9 dwellings (unless floorspace exceeds 1000m<sup>2</sup> / under half a hectare)
- Office / light industrial - up to 999 m<sup>2</sup>/ under 1 hectare
- General industrial - up to 999 m<sup>2</sup>/ under 1 Hectare
- Retail - up to 999 m<sup>2</sup>/ under 1 hectare
- Gypsy/traveller site - 0-9 pitches

#### **Other Development**

- Householder applications
- Change of use (no operational development)
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Application for relevant demolition of an unlisted building within a Conservation Area
- Certificates of Lawfulness (191 and 192)
- Notifications
- Permissions in Principle (PiP) and Technical Detail Consent (TDC)

#### **PS0**

Approval of details, discharge of conditions, non-material amendments

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