

NOTICE OF MEETING

FULL COUNCIL

Monday, 16th November, 2020, 7.30 pm – MS Teams meeting
(**View it [Here](#)**) This web link will go live when the meeting starts.

Members: Councillors Sheila Peacock, Dana Carlin, Gina Adamou, Charles Adje, Peray Ahmet, Kaushika Amin, Dawn Barnes, Dhiren Basu, Patrick Berryman, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Gideon Bull, Vincent Carroll, Nick da Costa, Luke Cawley-Harrison, Seema Chandwani, Sakina Chenot, James Chiriyankandath, Pippa Connor, Eldridge Culverwell, Julie Davies, Mahir Demir, Paul Dennison, Isidoros Diakides, Josh Dixon, Erdal Dogan, Joseph Ejiofor, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Bob Hare, Kirsten Hearn, Justin Hinchcliffe, Emine Ibrahim, Sarah James, Adam Jogee (Mayor), Peter Mitchell, Liz Morris, Khaled Moyeed, Lucia das Neves, Felicia Opoku, Julia Ogiehor, Tammy Palmer, Reg Rice, Viv Ross, Alessandra Rossetti, Yvonne Say, Anne Stennett, Daniel Stone, Preston Tabois, Elin Weston, Noah Tucker, Sarah Williams and Matt White

Quorum: 15

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. **TO RECEIVE APOLOGIES FOR ABSENCE**

3. **TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972**

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. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 1 OCTOBER 2020 (PAGES 1 - 8)

6. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

Verbal update

7. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE

8. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES

9. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 9 - 190)

- a) The Regulatory Committee
- b) Corporate Committee

10. TO CONSIDER REQUESTS TO RECEIVE DEPUTATIONS AND/OR PETITIONS AND, IF APPROVED, TO RECEIVE THEM

11. HARINGEY DEBATE: MENTAL HEALTH DURING AND AFTER THE COVID-19 PANDEMIC

12. TO ANSWER QUESTIONS, IF ANY, IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NOS. 9 & 10

1. Cllr Cawley-Harrison to the Leader of the Council

Does the Leader of the Council accept the findings of the recent EHRC report on anti-Semitism in the Labour Party, as the Labour Leader Keir Starmer does, and as a result what does he have to say to Haringey's Jewish Community?

2. Cllr Makbule Gunes to the Leader of the Council

A motion was passed in July by full Council entitled "Black Lives Matter and the Impact of Covid-19 on BAME Communities", which made a number of requests on the Council for action. Can the Leader of the Council update Councillors on progress made since?

3. Cllr Rossetti to the Cabinet Member for Climate Change, Equalities and Leisure

The Council is introducing charges to tennis courts that were historically free for all. Given the new charges risk disproportionately affecting the poorest in our borough, who are already more likely to have limited outdoor and play space of their own; and our youngest residents, who are at school or studying during the day when "off-peak" court access will be made available; will the Cabinet Member honour the commitment made in the 2018 Labour manifesto to 'promote our parks and the activities available in them so ever more residents can enjoy them', and reverse this decision so that access to council tennis courts remains free for all residents, all of the time?

4. Cllr Yvonne Say to ask the Cabinet Member for Transformation and Public Realm

How is the Council ensuring that those with No Recourse to Public Funds are able to access the Test and Trace Support Fund?

5. Cllr Barnes to the Leader of the Council

I wrote to the Cabinet member for Housing on the 8th October asking to immediately halt any proceedings relating to the maintenance work on the leasehold properties in Noel Park, which has seen some properties receiving advance notice of bills for over £100k. As I have not received a reply to this letter, I ask again: will the Cabinet member initiate an immediate halt to these works and any associated proceedings to allow adequate time for all parties to seek advice and properly engage with one another through a full consultation period?

6. Cllr Khaled Moyeed to the Cabinet Member for Adults and Health

An estimated 4.5 million people in the UK have become unpaid carers as a result of the Covid-19 pandemic. This is on top of the 9.1 million unpaid carers who were already caring before the outbreak, bringing the total to 13.6 million. What is the council doing to support the increasing number of Haringey residents who spend a large part of their lives providing unpaid support to family or friends?

13. TO CONSIDER THE FOLLOWING MOTIONS IN ACCORDANCE WITH COUNCIL RULES OF PROCEDURE NO. 13

Motion A

Proposer: Cllr Ejiofor

Secunder: Cllr Amin

The government's response to the Covid-19 crisis has been characterised by incompetence and a lack of leadership.

The government's response to the Covid-19 crisis has been characterised by incompetence and a lack of leadership.

Boris Johnson's government has overseen a catalogue of errors. From going against the advice of their own scientific advisors and refusing to implement an urgent circuit breaker lockdown, to their failure to deliver effective testing and tracing and refusing to extend Free School Meals, the government endangered the lives and livelihoods of every Haringey resident.

People in Haringey and across the country have played their part in helping to control the spread of Covid-19 and gone to extraordinary lengths to help those in need their communities. It's unacceptable that residents have made such tremendous sacrifices while the government has been willing to do so little – not even ensuring that the lockdown restrictions apply to its own advisers.

National government's inaction, their failure to learn from the first wave, and their failure to listen to the needs of citizens has forced less well equipped and less well funded organisations, institutions, and individuals to step up. We've all been let down badly, and the time for the government to step up and take responsibility is well overdue.

In order to mitigate the effects of a second wave, this council endorses the Leader of the Council writing a letter to the Prime Minister and Secretary of State to demand that they take the following actions:

- 1. Extra support for the most vulnerable.**

- A winter support package to address immediate need including food poverty, mental health services, and extra support for communities disproportionately impacted in the first wave.
- A shielding support package to allow local authorities to support those most in need.
- A £20 increase to Universal Credit and other legacy benefits to combat fuel poverty, and an extension of Free School Meals to cover the Christmas, February half term and Easter holidays.
- An immediate suspension of benefit sanctions to prevent the punitive removal of benefits which are essential to keeping families and children out of poverty.

2. Financial certainty for local authorities in 2020/21 and 2021/22.

Many Councils are going into this second wave with large budget deficits from first wave. Johnson, Sunak and Jenrick must keep to their word, and the government must deliver **full** funding for Haringey and, indeed, all local authorities, including reimbursement of lost income, so we can fully fund all of these essential requests, continue to support our residents and confidently deliver the key and vital services that our residents rely on. Furthermore, the government should ensure full and fair funding of Transport for London, so that the implications of lower fair income due to this pandemic are not passed on to Haringey's Council Tax payers.

3. Safe and secure housing.

- Extension of the ban on evictions, and a return to 'Everyone In' rough sleeping policy to at least the end of March 2021.
- Suspend No Recourse to Public Funds so all those facing hardship have the support they need.

4. Protect incomes and employment.

- Ensure that, with the recent extension of the furlough scheme until March 2021, no-one's income will fall below the national minimum wage.
- Introduce a new duty on employers to ensure they can't prevent employees from following the advice to self-isolate: no worker should have to choose between their job and their health.
- Provide clear and unambiguous guidance for those at risk of contracting Coronavirus about their employment rights.

5. Take urgent and immediate action to improve and localise Test and Trace. There should be a staged transfer of Test and Trace funding and responsibility to local government, with local councils able to direct testing in their area including rapid expansion of testing for key workers.

6. Fully fund an emergency support package for hardest hit sectors including culture, leisure, arts, sport and hospitality, with a particular consideration of the Small business sector. Furthermore, the

government must provide the funds to fully reimburse employers for the full pay of any worker who must self-isolate due to covid-19.

7. **A commitment to work with all Councils as leaders in our communities.**
 - Regular and open communication with all Council leaders and local Council Associations like London Councils.
 - Transparency on the criteria by which future decisions on restrictions will be made, including how we de-escalate from these restrictions and determine the Tiers into which Local Authorities are placed at the end of this lockdown period, and who will make that decision.

8. **Greater support for local authorities' enforcement role**, with stronger and easier to use powers to tackle premises that do not operate safely. Fund more police capacity to support local authorities with enforcement action.

Motion B

Proposer: Cllr Hare
Seconder: Cllr Ross

Widening participation in cycling

Council notes:

1. That [the Walking and Cycling Commissioner for London](#) has stated that *"More people cycling frees up space on overcrowded buses and trains. It makes our air cleaner. It gives everyone the chance to get around London quickly and affordably. It improves our mental and physical health. It makes our high streets and public places more vibrant. Making it easier to cycle means our city will be a better place to live, to work, to invest in, to raise children in."*
2. That [data from TfL](#) shows that, prior to the spring lockdown, there were an average 4.6 million daily car trips in London, and of these, 35% (1.6 million) were journeys of under 2km (1.2 miles)
3. That a survey of 16,923 residents across 12 UK cities by [NatCen](#) found that 28% "do not cycle but would like to". [This number rose](#) to 55% amongst people from ethnic minority groups, 38% for people at risk of deprivation, 36% for women, and 31% for people with disabilities and that safety concerns were particularly acute amongst these groups.
4. That between February and June of this year, the [distance travelled by Lime electric bikes](#) increased by 129% across London, and by 253% on roads where new bike lines were constructed during the COVID-19 pandemic.
5. That [TfL records](#) show that in 2019 there were 126 cyclist casualties on roads in Haringey, a 17% increase on the previous year, and the second highest number across all Outer London boroughs.

6. That the Council's LIP concedes that *"the borough lacks a coherent cycle network, reducing the ability for people to partake in active travel."*
7. That [DfT guidance on Cycle Infrastructure design](#) says that *"light segregation adds some protection to a mandatory cycle lane. It can be installed relatively cheaply, for example when routine maintenance and general highway improvements are being carried out."*
8. That since April 2020, the Council has utilised funding from the Department for Transport to install a number of supposedly segregated cycle lanes, which are in fact only divided from motor traffic by "mini orcas" which can be easily driven over, and [DfT guidance](#) states *"can present a tripping hazard to pedestrians and should not therefore be used on pedestrian desire lines."*
9. That [the vehicle miles travelled on Haringey's roads](#) has increased by a third since 2010.

Council believes:

1. That a modal shift towards cycling, along with other forms of active travel, has enormous potential to improve the wellbeing of Haringey residents, improve the borough's air quality, and reduce the number of vehicles on the borough's roads.
2. That these benefits not only accrue to cyclists but to the community as a whole.
3. That as a local authority Haringey should do all it can to promote walking and cycling for the following reasons:
 - a. There is "clear evidence" that segregated routes lead to significant reductions in deaths and serious injuries.
 - b. The impact of obesity and inactivity leads to its own epidemic of disease.
 - c. The fact that road pollution is the "principle source" in the capital of toxic air that causes the early deaths of thousands of Londoners every year.
 - d. The impact on reducing climate change.
 - e. The negative impact of people being unwilling to spend time outside in heavily trafficked neighbourhoods
4. That Haringey has failed to deliver adequate safe, segregated cycling infrastructure to date.
5. That this failure has likely prevented many of the Borough's residents from cycling despite their wish to do so. It seems likely that this will be especially so for people from the groups mentioned in Council notes #3.
6. That there must be a fresh focus on ensuring that any Haringey resident who want to cycle feel, and are, safe doing so.

Council resolves:

1. To immediately roll out temporary cycle lanes on main roads in accordance with the priority routes as set out in Haringey's draft walking and cycling action plan, so as to ensure the safe movement of people during the current Covid-19 pandemic
2. To increase the provision of segregated cycle lane in the borough by 30% year on year for the next three years, measured in kilometres across the borough, at which point a new target will be set by Council.

3. That all future cycle routes in the Borough should abide by the key design principals set out in the DfT's "[Gear Change: A Bold Vision for Cycling and Walking](#)" that:
 - a. Cyclists must be separated from volume traffic, both at junctions and on the stretches of road between them.
 - b. Cyclists must be separated from pedestrians.
 - c. Cyclists must be treated as vehicles, not pedestrians.
 - d. Routes must join together; isolated stretches of good provision are of little value
 - e. Routes must feel direct, logical and be intuitively understandable by all road users;
 - f. Routes and schemes must take account of how users actually behave;
 - g. Purely cosmetic alterations should be avoided.
 - h. Routes should be designed only by those who have experienced the road on a cycle.
4. That all future cycle routes in the Borough must be properly segregated from motor traffic and that neither visual markings nor 'orcas/mini-orcas' provide this. Henceforth, a form of segregation at least as robust as flexible "wands" should be considered a baseline requirement.
5. To create a new all-party working group of councillors and officers to push forward the delivery of cycling infrastructure across the borough, and ensure that any future schemes abide by the key principles as set out above.
6. To create a Quality Review Panel for Cycling involving cycling professionals and organisations that would be consulted in an official capacity on all future cycling infrastructure, with any recommendations of the panel incorporated into infrastructure designs.
7. To create a new outreach group to engage groups that have traditionally cycled less to ensure the Council is making effective efforts to increase their access to cycling through training, access to equipment/facilities, sign posting to safe routes etc, so that behavioural change is encouraged with all residents, not just those predisposed to cycling.
8. To work with bike hire providers, other boroughs and/or the Mayor of London, to bring a publicly accessible trial electric-bike hire provision to Haringey by November 2021.
9. That by May 2021, reports should be brought to Cabinet:
 - a) Assessing existing cycle routes to see if they fulfil the standards set out in the resolutions #1 and #2 and detailing an action plan for resolving these deficiencies.
 - b) Detailing an action plan to reallocate enough road space, currently used for motor vehicle parking, so that it is repurposed for 'cycle corrals' or bike hangars to ensure that it is as easy to securely park as a car.
 - c) Set out how Haringey can move towards a '15-minute city' model where everyone can reach the bulk of the facilities they use on a regular basis within a quarter of an hour's safe travel by active transport.

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Friday, 06 November 2020

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MINUTES OF MEETING Full Council HELD ON Thursday, 1st October, 2020, 7.30pm

PRESENT:

Councillors: Sheila Peacock, Dana Carlin, Gina Adamou, Charles Adje, Peray Ahmet, Dawn Barnes, Dhiren Basu, Patrick Berryman, John Bevan, Barbara Blake, Mark Blake, Zena Brabazon, Gideon Bull, Vincent Carroll, Nick da Costa, Luke Cawley-Harrison, Seema Chandwani, Sakina Chenot, Pippa Connor, Eldridge Culverwell, Julie Davies, Mahir Demir, Paul Dennison, Isidoros Diakides, Josh Dixon, Erdal Dogan, Joseph Ejiofor, Scott Emery, Ruth Gordon, Makbule Gunes, Mike Hakata, Bob Hare, Kirsten Hearn, Emine Ibrahim, Adam Jogee, Peter Mitchell, Liz Morris, Khaled Moyeed, Lucia das Neves, Felicia Opoku, Tammy Palmer, Reg Rice, Viv Ross, Alessandra Rossetti, Yvonne Say, Anne Stennett, Daniel Stone, Elin Weston, Noah Tucker, Sarah Williams, Matt White and Julia Ogiehor

16. FILMING AT MEETINGS

The Mayor welcomed Members to the first virtual Annual Meeting of Full Council and notified everyone that it was being streamed live to the public on the Council's website.

17. TO ELECT THE MAYOR FOR THE ENSUING YEAR 2020/21

The Mayor invited nominations for the office of the Mayor of Haringey for the Municipal Year 2020-21.

Councillor Weston nominated, and Councillor Ahmet seconded that Councillor Adam Jogee be elected Mayor for the forthcoming municipal year.

There being no other nominations, the Mayor duly announced Councillor Jogee as Mayor for the forthcoming municipal year.

The Mayor then addressed the Council, reflected on his experiences in Haringey, gave thanks for his election and outlined his objectives for his year of office.

The Mayor's Consorts would be Alison Lawther and Haroon Jogee and they would be invested with a Badge of Office outside of the virtual meeting.

RESOLVED

1. That Councillor Adam Jogee be elected Mayor for the Municipal Year 2020/21.
2. The Mayor made and signed the Declaration of Acceptance of Office.

18. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Chiriyankandath, Hinchcliffe and James.

There were later apologies noted from Cllr Amin.

19. TO ASK THE MAYOR TO CONSIDER THE ADMISSION OF ANY LATE ITEMS OF BUSINESS IN ACCORDANCE WITH SECTION 100B OF THE LOCAL GOVERNMENT ACT 1972

The Chief Executive asked the Mayor to agree the admission of the following late items of business that could not be available earlier and needed to be dealt with at this meeting:

- Item 10 - Appointments made by the political groups
- Item 11 - Appointments of Committees for the Municipal Year 2020/21; and
- Item 12 - Appointments to outside bodies 2020/21:

The three reports outlined were not available at the time of dispatch, as they included recent changes following party group meetings.

20. DECLARATIONS OF INTEREST

There were no declarations of interest.

21. RECEIVE WRITTEN NOTIFICATION OF THE APPOINTMENT OF DEPUTY MAYOR

The Chief Executive reported that the Mayor had signified in writing the appointment of Councillor Eldridge Culverwell as Deputy Mayor for the Municipal Year 2020/21. Councillor Culverwell would be given his Badge of Office outside of the meeting.

The Chief Executive announced that the Deputy Mayor's Consorts would be Debbie Brown and Maya Culverwell.

22. TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 13 JULY 2020

RESOLVED

To agree the minutes of the meeting held on the 13 July 2020 as a true record.

23. TO PASS A VOTE OF THANKS TO THE RETIRING MAYOR AND MAYOR'S CONSORTS ,AND THE RETIRING DEPUTY MAYOR AND DEPUTY MAYOR'S CONSORTS

A vote of thanks to the retiring Mayor and Consort was moved by Councillor Ejiofor and seconded by Councillor Cawley-Harrison.

The retiring Mayor was presented with a badge and a framed collage in honour of her year of office. She thanked all that had supported her during her time as Mayor, including the outgoing Deputy Mayor, her Consorts and officers. She also thanked all of those people that had helped with her fundraising events, in which she had set a target of £40,000 and had successfully raised £30,000 for her chosen charities, despite the challenges faced by the coronavirus pandemic. She believed that without these challenges, she would have exceeded her target.

RESOLVED

That the Council extend its thanks and appreciation to the retiring Mayor, Sheila Peacock, and her consort Mark Grosskopf and Rabbi Liss for the services they had rendered to the Borough during the past municipal year.

24. TO RECEIVE SUCH COMMUNICATIONS AS THE MAYOR MAY LAY BEFORE THE COUNCIL

The Mayor announced his charities and chosen causes for the coming year, which were:

- Pram Depot
- Accumulate
- The Friends of Hornsey Church Tower

This information was included on the Mayor's webpages, along with information about forthcoming events.

25. TO RECEIVE THE REPORT OF THE CHIEF EXECUTIVE, NOTING THE APPOINTMENTS MADE BY POLITICAL GROUPS, AND TO TAKE SUCH ACTION AS MAY BE APPROPRIATE

The Mayor agreed to the admittance of this item as a late report, given that it set out decisions that had been made recently at party meetings.

Councillor Rice, as Chief Whip, introduced the paper that outlined appointments made by Political Groups in their recent annual meetings.

RESOLVED

That the constitution of the political groups be noted:

The Labour Group

Leader:	Councillor Ejiofor
Deputy Leader:	Councillor Carlin
Chief Whip:	Councillor Rice

Chair: Councillor Williams
Vice Chair: Councillor Weston
Secretary: Councillor Mitchell
Assistant Whips: Councillors Gunes, Say, Stone
Group Treasurer: Councillor Gordon
Non-Executive members: Councillors Brabazon, Stennett

Councillors:

Adamou
Adje
Ahmet
Amin
Basu
Berryman
Bevan
M Blake
Bull
Carroll
Chandwani
Chiriyankandath
Culverwell
das Neves
Davies
Demir
Diakides
Dogan
Hakata
Hearn
Ibrahim
James
Jogee
Moyeed
Opoku
Peacock
Tabois
Tucker
White

The Liberal Democrat Group

Leader: Councillor Cawley-Harrison
Deputy Leader: Councillor Dixon
Chief Whip: Councillor Ogiehor
Deputy Whip: Councillor Emery
Group Chair: Councillor Dennison
Deputy Group Chair: Councillor Ross

Councillors:

Barnes
Chenot

Connor
Da Costa
Hare
Hinchcliffe
Morris
Ogiehor
Rossetti

Opposition Spokespeople:

Cllr Luke Cawley-Harrison – Leader
Cllr Josh Dixon - Youth, Human Rights & Civil Society
Cllr Paul Dennison - Spokesperson for Finance, Business & Local Investment
Cllr Dawn Barnes - Spokesperson for Housing, Regeneration and Estate Renewal
Cllr Julia Ogiehor - Spokesperson for Crime, Communities & Equalities
Cllr Alessandra Rossetti - Spokesperson for Arts, Leisure & Culture
Cllr Justin Hinchcliffe - Spokesperson for Customer & Civic Services
Cllr Tammy Palmer - Spokesperson for Children & Families
Cllr Sakina Chenot - Spokesperson for Education
Cllr Scott Emery - Spokesperson for Environment
Cllr Nick da Costa - Spokesperson for Mental Health & Wellbeing
Cllr Viv Ross - Spokesperson for Borough Heritage and Regulations
Cllr Bob Hare – Spokesperson for Planning, Parks & Green spaces
Cllr Pippa Connor - Spokesperson for Health, Social Care & Adults
Cllr Liz Morris - Transport & Neighbourhoods

Independent

Councillor Barbara Blake

26. TO AGREE THE APPOINTMENTS PROCEDURE AND TO APPOINT COMMITTEES AND OTHER BODIES FOR THE MUNICIPAL YEAR 2020/21, INCLUDING THE SELECTION OF THE CHAIRS AND VICE CHAIRS

The Mayor agreed to the admittance of this item as a late report, given that it set out decisions that had been made recently at party meetings.

The Chief Whip moved recommendation 1, as detailed in the circulated report.

The Chief Whip moved recommendation 2, as detailed in the circulated report, with the addition of Councillor Emery to the membership of the Corporate Committee.

Councillor Dixon moved an amendment to Recommendation 2, seconded by Councillor da Costa, as follows:-

“Agree the membership of Committees and the appointment of Chairs as detailed at Appendix 1 subject to Cllr Connor being made the Chair of Overview and Scrutiny Committee.”

Councillor Rice responded to the amendment.

A roll call vote was taken on the amendment to Recommendation 2, as follows:

14 in FAVOUR (Councillors Barnes, Cawley-Harrison, Chenot, Connor, da Costa, Dennison, Dixon, Emery, Hare, Morris, Ogiehor, Palmer, Ross and Rossetti).

38 AGAINST (Adamou, Adje, Ahmet, Basu, Berryman, Bevan, Blake B, Blake M, Brabazon, Bull, Carlin, Carroll, Chandwani, Culverwell, Das Neves, Davies, Demir, Diakides, Dogan, Ejiofor, Gordon, Gunes, Hakata, Hearn, Ibrahim, Jogee, Mitchell, Moyeed, Opoku, Peacock, Rice, Say, Stennett, Stone, Tucker, Weston, White, Williams).

NO abstentions

On a vote, the amendment was lost. On a vote on the original motion, the motion was agreed.

The Chief Whip moved recommendation 3, as detailed in the circulated report.

RESOLVED

1. To appoint to the Committees on the "slate" basis.
2. To agree the membership of Committees and the appointment of Chairs as detailed at Appendix 1, with the addition of Councillor Emery to the membership of the Corporate Committee.
3. To note the proposed membership of the Cabinet as detailed at Appendix 2.

27. TO MAKE APPOINTMENTS TO OUTSIDE BODIES

The Mayor agreed to the admittance of this item as tabled, given that it set out decisions that had been made recently at party meetings.

The Chief Whip moved the report, as tabled.

RESOLVED

That the appointments to outside bodies be approved, as detailed in the schedule attached to the report.

28. TO RECEIVE THE REPORT OF THE MONITORING OFFICER AND HEAD OF LEGAL SERVICES

The Monitoring Officer had no matters to report.

29. TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER , AND /OR HEAD OF PAID SERVICE

The Leader of the Council addressed the Council, outlining the two main challenges faced this year, Covid-19 and Black Lives Matter. He highlighted the work undertaken by the Council to celebrate and memorialise black lives within the borough.

The Leader also highlighted the challenges faced by the Coronavirus pandemic and the measures taken by the Council to keep its residents safe. He took the opportunity to thank staff for their sterling work during these difficult times, who had found innovative ways to ensure that services were still being provided.

Councillor Cawley-Harrison responded to the Leader. Councillor Cawley-Harrison also recognised the challenges faced by the Coronavirus pandemic and took the opportunity to thank staff, as well as the community for coming together in dealing with this pandemic in such testing times. He passed on his deepest condolences to those that had lost loved ones.

CHAIR:

Signed by Chair

Date

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**REPORT OF THE REGULATORY COMMITTEE TO FULL COUNCIL ON 16
NOVEMBER 2020**

Chair:
Councillor Sarah Williams

Vice Chair:
Councillor Gina Adamou

1. INTRODUCTION

1.1 This report to Full Council arises from consideration of the following report by the Regulatory Committee on the 29 October 2020:

- Licensing Act 2003 Review of Licensing Policy 2021-2026

2. SUMMARY OF CONSIDERATIONS

2.1 We received the report on the Licensing Act 2003 Review of Licensing Policy 2021-2026. The Regulatory Committee at its meeting on 6 July 2020 had agreed that amendments to the Statement of Licensing Policy (SOLP) should be consulted on. The consultation took place for an six-week period, which ended on 21 August 2020. Responses had been received from a local resident, a Responsible Authority and the O&S Committee. The report considered the responses to the consultation and their effects on the draft SOLP.

2.2 We asked the following questions of officers in consideration of the report attached marked as appendix 1:

- In response to a request for the Police to provide a short report to Licensing Sub-Committee meetings, responding to representations made, the Licensing Officer confirmed that regular meetings took place with Police colleagues and this matter would be raised with them.
- Page 3 – In response to a question regarding alcohol related data, it was explained that the way in which data was gathered had changed and the Council's analyst now gathered this data.
- Page 14 – the introduction from the Cabinet Member should be amended to reflect a more general Covid-19 update, given the changing circumstances surrounding the pandemic.
- Page 18 – the wording for schools ratings should be consistent.
- Page 19 – it was questioned whether the figures surrounding domestic abuse were correct. It was noted that these figures would be checked with Public Health.
- Page 21 – New pavement licence, it was questioned whether there was a statutory appeal process. In response, it was stated that Government guidance suggested that an appeal could be carried out.
- Page 22, paragraph 3.32, it was suggested that the first sentence be deleted.
- Page 25, paragraph 5.11, in response to a question regarding the 'Ask for Angela' campaign, it was explained that this was a campaign added to all licences. The wording would be looked at in the policy.

- Page 25, paragraph 3.13, Ms Barrett would check with Public Health what the second leading substance being referred to was.
- Page 30, paragraph 10.4 – in response to a question regarding a ‘relevant’ offence, it was confirmed that this was included in the information provided to personal licence holders.
- Page 38, paragraph 16.8 – in response to a question regarding what happens when an annual fee was not paid, it was confirmed that the licence would be suspended.
- Page 39, paragraph 16.9, the sentence was incomplete.
- Page 39, paragraph 16.10 – It was questioned whether reference could be added for adherence to the Challenge 25 scheme. In response, it was confirmed that a challenge 25 condition was added to every licence where alcohol was being supplied.
- Page 40, paragraph 16.13, it was felt that the wording of this paragraph was inconsistent with the message surrounding licensing conditions.
- Page 41, paragraph 17.7, it was suggested that this should be amended to refer to premises within a defined area during match days. Ms Barrett confirmed that she would look at this to ensure that it was clear.
- Page 41, paragraph 17.2, clarification was sought whether the idea of a cumulative impact policy would be considered.
- In response to a question regarding proxy buying of alcohol, it was explained that the Police used cadets for this operation, however this was currently stopped during the Covid-19 pandemic. Trading standards officers were aware of this issue.
- In response to concerns raised regarding alcohol and school children, it was explained that Public Health did carry out an alcohol campaign and provided talks in schools.
- Page 43, paragraph 18.7 – MS Barrett to look at whether the last bullet point regarding DVDs was now needed.
- Page 44, paragraph 18.11 – Ensure that GDPR was also referred to.
- Page 47 – more guidance was sought regarding how cheap, strong alcohol was defined. The Licensing Officer confirmed that this was a mandatory condition and that trading standards officers did carry out checks on this.
- Page 47, paragraph 9.15, it was suggested that persons who were alcohol-dependent may be drawn to particular premises if they were licensed to sell alcohol at earlier times than other premises. It was also felt that this could be the case for later opening times also.
- Page 48 – In response to a question regarding CCTV, it was confirmed that some premises kept the recordings for a period of 28 days also.
- Page 50, paragraph 20.4, it was confirmed that the code of practice was still under review.
- Page 69 – Ms Barrett would look at the list of addresses for the location of various teams within the council and ensure that they were correct.
- Page 75 – In response to a question regarding alcohol deliveries, given the changing environment, it was explained that the sale of alcohol was what was covered in the policy and that was what was being conditioned.
- In response to a request for clarification regarding the licensing and planning regimes, it was explained that although these were separate, there were

instances where the hours of operation within the planning permission were considered, to ensure these were aligned with the licensing conditions.

2.3 The Licensing Officer noted the comments made by the committee and would make the minor amendments to the policy, where necessary.

2.4 The Chair added that this was a live document which would be operational for the next 5 years and therefore there would be items added or amended during this time, where appropriate.

2.5 **the Committee RESOLVED**

1. **To accept the changes and proposed further amendments following the public consultation.**
2. **To refer the latest revision of the policy to Full Council for ratification.**

3. WE RECOMMEND

3.1 **Full Council adopt the attached Statement of Licensing Policy marked as Appendix 4. This incorporates the minor amendments outlined above at section 2.2 and responds to the Regulatory Committee resolution at 2.5.**

3.2 **Full Council delegate authority to the Director for Environment and Neighbourhoods in consultation with the Chair of Regulatory Committee to take forward required amendments as set out at paragraph 2.4.**

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Report for: Regulatory Committee 29th October 2020

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

Report authorised by : Eubert Malcolm Assistant Director Stronger & Safer Communities

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 25th November 2005. The Act introduced changes to the licensing of alcohol, regulated entertainment and late night refreshments, to be administered by the local Licensing Authority within the London Borough of Haringey, this Council.
- 1.2** Section 5 of the Act requires each Licensing Authority to prepare, consult and publish a Statement of Licensing Policy (SOLP) every five years. The SOLP is expected to set out, how the authority intends to approach its licensing responsibilities. Each Authority is also required to keep the SOLP under review throughout its term and make appropriate revisions as necessary.
- 1.3** On 4 July 2020 the Regulatory Committee agreed that amendments to the SOLP should be consulted on. The consultation took place for an eight week period, ending on 21 August 2020. Responses were received from a local resident, a Responsible Authority and the O&S Committee. This report is to consider the responses to the consultation and their effects on the draft SOLP.
- 1.4** Generally, all the proposed amendments have been agreed, however, some parties have asked for additional changes. None of the requests made have impacted on the drafted policy and are considered not to be appropriate so have not been applied to the policy. In addition, the consultation and resulting policy has not been impacted by the COVID-19 pandemic, which became a national emergency at the end of March 2020. Details of the responses for public consultation on this revision are set out in this report in Appendix B.

2 Recommendations

This report recommends that the Committee:

- 2.1** Consider whether to accept the changes or propose any further amendments following the public consultation.

2.2 The Committee is asked to consider the latest revision of the policy with a view of referring the matter to Full Council for ratification.

3 **Alternative Options Considered**

3.1 The SOLP is a statutory requirement and the Council has no discretion but to have a policy.

3.2 Consideration was given to extending the existing policy due to the COVID -19 pandemic situation making the ability to consult challenging. This was ruled out following legal advice as effective consultation could be carried out on line. The Local Government Association (LGA) have also advised Authorities to use online methods of engaging with residents and licence holders on licensing matters as an acceptable method on consultation. In addition the policy expires as set out on 4.1.

4 **Reasons for decision**

4.1 The Council's current Statement of Licenising Policy expires in January 2021 and the Council has to comply with its statutory duty to prepare, consult and publish a SOLP every five years.

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 Members should note that the SOLP 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.

5.3 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, such as on multiple licences held on Finsbury Park being permitted under the legislation. The amendments in this revision seek to clarify Haringey's position and are believed to be appropriate and necessary.

5.4 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 5.5

below.

5.5 Summary of the main amendments – Table 1

Section of policy	Reason for change /update	Page ref
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	Wording updated on expectations of management of large events.	21

for simultaneous 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	
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

6 Consultation for 2021-2026 statement of licensing policy

The consultee responses for the 2021-26 policy were considered and as a result no amendments have been made to the Policy itself however a number of operational changes which are not Policy have been suggested and taken account of. These can be found in Appendix 2. The policy is available in Appendix 1.

- 6.1** The consultee responses and officer comments are available in Appendix 2. Overview and Scrutiny Committee have requested that specific work is undertaken to look at the possibility of bringing in a Cumulative Impact Policy relating to off licences across the borough.
- 6.2** Impact of Covid 19
- 6.3** 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 continues to deal with the pandemic we have encouraged operators and businesses to think about possible changes to be made to their licences to ensure they can operate and adapt in line with any changes made by Government. Matters that 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 their licensed hours to adapt to a new way of trading

6.4 It should be noted that primary and secondary legislation around alcohol sales has been amended, to support the industry and the government's response to the emergency, but this is for a limited period only. This Policy will surpass that period and a change of policy is not required as the governments response relates to restrictions and operating procedures that have been made in secondary legislation. It is only when the legislation conflicts with the SOLP that further changes to the SOLP is required.

6.5 Government guidance is evolving at such a pace and the situation so changable that at this time it is unlikely that anything of long term significance will result and therefore would not be suitable for the policy. We encourage all applicants to ensure that they are aware and follow all relevant and current guidance. Should evidence emerge and international and national approaches evolve and change, the authority can always update its policy to reflect the more permanent changes. Haringey will aim to support business wishing to make these changes by way of a variation application where possible.

7. Contribution to strategic outcomes

7.1 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.

7.2 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.

7.3 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 liceces of the kind of best practice and responsible management expected for well run premises in the borough.

7.4 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.

7.5 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.

7.6 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.

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

8.1 Finance

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

The consultation exercise was 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.

Procurement

N/A

9 Legal - Principal Lawyer Litigation

9.1 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 responses must therefore be carefully considered when recommending the draft policy to Full Council for adoption.

9.2 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 3). 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 included an equalities questionnaire. However, no responses that affect the groups that share the protected characteristics have been made during the consultation period. Following the consultation period, the principal conclusion of the EQIA is that there is no negative impact on any protected characteristic.

11 Use of Appendices

Appendix 1 Draft Statement of Licensing Policy (SOLP)
Appendix 2 Consultation responses and impact on policy.
Appendix 3 EQiA

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

APPENDIX ONE

Draft Statement of Licensing Policy (SOLP)

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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

**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

**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 or by calling 020 8489 8232.*

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Legal Background to this document

The Licensing Act 2003 (the Act) 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 White (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 as we move forward. 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.

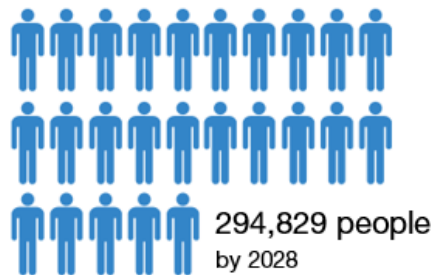
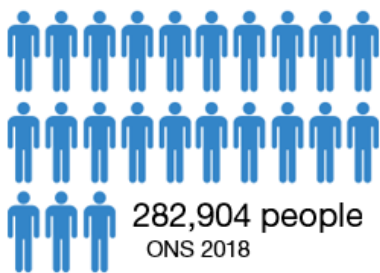
Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time economy, while ensuring that the quality of life of those who live and work in the borough is protected 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 Act seeks 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 licence 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 to the developing and growth in Tottenham – 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.

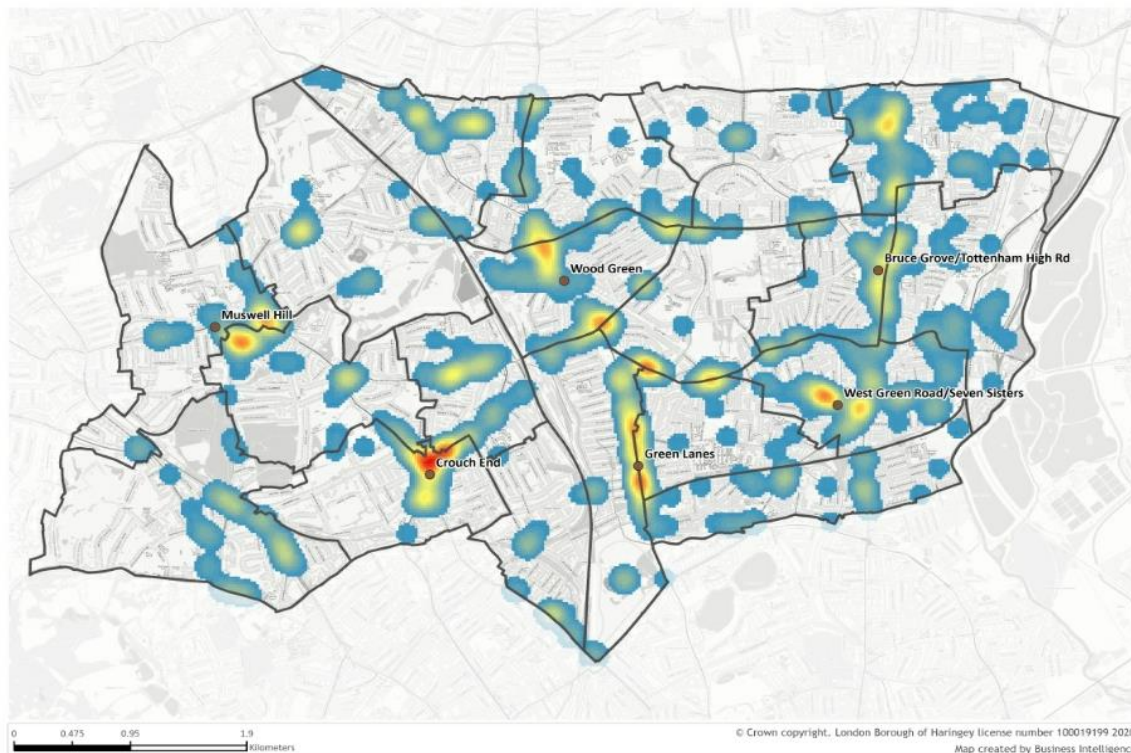
2.5 Haringey and the leisure and entertainment industry

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 centre of many cultural events and activities. The new Tottenham Hotspur Stadium in High Road Tottenham has come about through 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 artists. It is an iconic venue where artists want to appear on stage at some point in their career.

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. 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.

Map showing density of alcohol licensed premises across the borough



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 700 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 4th 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 7.6 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 and 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 (14 units a week for men and 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 sell above the London average for litres of alcohol. 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. Of all contacts to Children and Young People Services in Haringey, 70-80% involve domestic abuse. More than 1 in 5 women have been subject to stalking or harassment at some point in their lives. This means that 5,000 women in **Haringey** will have been stalked/harassed at some point in their lives.

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) below.

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 –Local Area Profiles for England). Alcohol was the second leading substance cited as the substance that brought the young person into treatment in 2017/8.

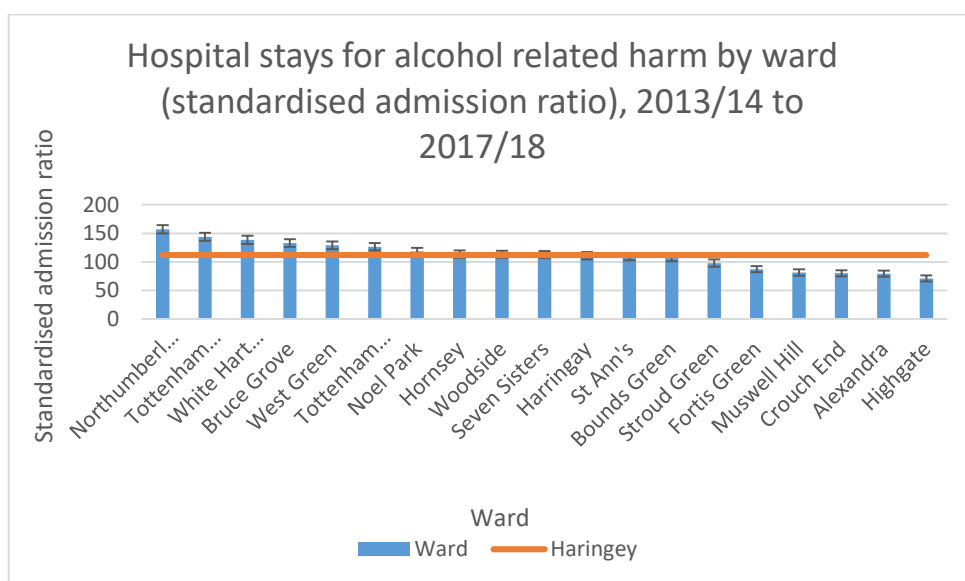


Figure 1. Hospital stays for alcohol related harm by ward (2013-18)

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 with regard to availability and consumption of alcohol is a concern..

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 premises 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 re 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 it is Covid-secure and 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 may 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. Your risk assessment should 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.
- 3.23 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 11.3.

3.24 Pavement Licence

- 3.25 The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021 unless extended by the Secretary of State.
- 3.26 The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from The Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.
- 3.27 Currently, tables and chairs permissions are granted as Tables and Chairs licences under the London Local Authorities Act 1990 or in some cases, the Highways Authority, under section 115E of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28 day consultation period. The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding to their recovery. If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.
- 3.28 There is no statutory appeal process against a decision to refuse an application but the Council may introduce its own appeals process.
- 3.29 Licences will be subject to the Council's published conditions and any national conditions set by the Government. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis. Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it. Obtaining a pavement licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to operating.
- 3.30 If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so.

- 3.31 The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2021 as stated in the legislation
- 3.32 There will likely be an increase in public nuisance complaints as a result of these new measures. Whilst they will be a positive for businesses, residents who live nearby and find themselves disturbed by the activities taking place outside of venues will feel disadvantaged by this process. It is therefore important that the standard conditions adopted by the Council provide some safeguards for residents and they are made aware of how they can engage in the process.

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 the 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 granted

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 department such as Highways, Commercial Estates, Parks or from Homes for Haringey, who need to grant permission 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 behavior - 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 impacts 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 such as using energy efficient LED lighting,

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.

7.3 The Act removes the licensing requirements for:

- Amplified live music taking place between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment);
- Unamplified music between 8am and 11pm in all venues.

7.4 The Live Music Act 2012 also removes the licensing requirements for the following licensable activities:

- Making Music;
- Dancing;
- Entertainment of a similar description to making music or dancing.

7.5 Where licensable activities (such as the sale of alcohol) continue to take place on the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect. It is possible however to impose new conditions or re-instate existing licence conditions upon a formal review of the licence. The licensing authority can also impose a statement whereby the provisions of the Live Music Act 2012 will no longer apply.

7.8 LICENSING HOURS

7.9 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

7.10 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control

7.11 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. A licence holder's responsibility does not end at the door of their premises. Violence and disorder, on and immediately outside, licensed premises are often closely linked with customers who have consumed alcohol and the licence holder can be held accountable.

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 PSPOs 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.

10. ADMINISTRATION: EXERCISE AND DELGATION OF FUNCTION

General

10.1 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.

10.2 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.

10.3 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 has 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.

10.4 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.

10.5 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.

10.6 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.

10.7 Licensing Authority powers to revoke or suspended Personal Licences

The Licensing Act 2003 as amended gives licensing authorities the power to revoke or suspend personal licences. 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. 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.

10.8 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.

11. 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.

11.1 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.

11.2 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.

11.3 Minor Variations

11.4 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'.

11.5 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.

11.6 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.

11.7 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.

11.8 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

11.9 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.

11.10 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 .

11.11 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.

- 11.12** 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.
- 11.13** 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.
- 11.14** 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.
- 11.15** 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.
- 11.16** 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
- 11.17** 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.
- 11.18** 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.
- 11.19 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:

- 11.20** *"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."*
- 11.21 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.
- 11.22 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.
- 11.23 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.
- 11.24 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 be exceeded. This will be balanced against evidence provided by the Police and/or Environmental Health Officers.

12 Major art and pop festivals

- 12.1** 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.
- 12.2** 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.
- 12.3** 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.
- 12.4** 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.

13 Application Consultation arrangements

- 13.1** 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.

- 13.2 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.
- 13.3 The licensing service supports the consultation process by maintaining a public register at:https://www.haringey.gov.uk/sites/haringeygovuk/files/licences_premise_to_display_on_web.pdf
- 13.4 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.
- 13.5 The licensing service will also notify local Ward Councillors of all new applications in their area.

14. Responsible Authorities

- 14.1 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.
- 14.2 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.
- 14.3 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. Relevant offences have also been updated to include the offence of employing a person who is not entitled to work in the UK.

14.4 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.

- 14.5 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.
- 14.6 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.

14.7 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.

- 14.8 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.
- 14.9 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.

15 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.

- 15.1 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.

15.2 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 Licensing Sub Committees of three members to be drawn from the overall pool of the main Committee membership.

- 15.3 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.
- 15.4 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.
- 15.5 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	

Matter to be dealt with		
Application for provisional statement	Where representations have been received and not withdrawn	Where representations were not received or 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	

16 Licence reviews

- 16.1 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.
- 16.2 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.
- 16.3 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 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.

- 16.4 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.
- 16.5 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.
- 16.6 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.
- 16.7 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.
- 16.8 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.
- 16.9 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 emphasised 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);
- Not 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 Policy -considerations outside local CIPs

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. 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.

17.6 SELLING ALCOHOL ON EVENT DAYS AND MATCH DAYS

17.7 The Licensing Authority require all applicants and premises licence or certificate holders to promote public safety and minimise alcohol related crime and disorder when large scale events and match days are taking place by putting forward the following measures in their operating schedules:

- Premises not to be open for the sale of alcohol before 11.00 Saturday and Sunday.
- All drinks dispensed from the bar are poured into plastic containers 4 hours before kick off time until one hour after the end of the match.
- No glass bottles are served over the bar 4 hours before kick off time until one hour after the end of the match.

- A minimum of two Door Staff who have been approved by the Security Industry Authority to be employed on the premises to control the entry and exit of customers 4 hours before kick off time until one hour after the end of the match.
- Patrons will not be permitted to stand on the pavement consuming alcohol other than in designated areas with registered door supervisors managing and controlling the area.

17.8 The Licensing Authority has concerns about the consumption of alcohol in public places when these events take place and the impact that these events have on residents as well as Council Services and other agencies such as Police and Ambulance in terms of alcohol fuelled disorder, anti-social behaviour, increased litter as well as noise nuisance.

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

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 minimise 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; Government issued photographic ID
- **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 prior to 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 event.

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 nil 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. 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 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 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 barbecues 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 should be discouraged as it encouraged patrons to stand outside longer giving rise to public nuisance.
- 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 licences 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

- **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
- 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 .

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.
- reports of harassment and sexual intimidation should be taken 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 child safeguarding officer 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 UK has one of the highest rates amongst European countries 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 child sexual exploitation (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 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) 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 '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 Sub committee 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

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

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

Responsible Authorities –APPENDIX 1A

<p>Licensing Authority London Borough of Haringey Licensing Team Level 1 River Park House 225 High Road Wood Green London N22 8HQ</p> <p>Tel: 0208 489 8232 Fax: 0208 489 5528 Email licensing@haringey.gov.uk</p>	<p>Police 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>Fire LFEP 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>Children's and Young Peoples Service. River Park House 225 High Road , Wood Green London N22</p>
<p>Planning & Regeneration Service Group Level 2 River Park House 225 High Road Wood Green London N22 8HQ</p> <p>Tel: 0208 489 1000 Fax: 0208 489 5220 Email: development.control@haringey.gov.uk</p>	<p>Health, Safety & Food Protection Group Level 6 Alexandra House 10 Station Road London N22 7TR</p> <p>Tel: 0208 489 8229 Fax 020 8489 5528 Email frontline@haringey.gov.uk</p>
<p>Trading Standards Level 1 River Park House 225 High Road London N22 8HQ</p> <p>Tel 020 8489 5134 Fax 020 8489 5554 Email tradingstandards@haringey.gov.uk</p>	<p>Building Control Level 6 River Park House 225 High Road Wood Green N22 8HQ</p> <p>Tel 020 8489 5504 Fax 020 8489 5229 Email building.control@haringey.gov.uk</p>
<p>Director of Public Health London Borough of Haringey Level 4 River Park House 225 High Road London N22 8HQ</p>	<p>The Enforcement Response Service (Noise) Level 6 Alexandra House 10 Station Road Wood Green N22 7TR</p> <p>Tel: 020 8489 1000 Email: enforcement.response@haringey.gov.uk</p>

APPENDIX TWO

Consultation responses and impact on policy

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Statement of licensing Policy consultation responses

Subject/Page	Recommendations	Response /Impact on policy	Impact on policy
Public Health Recommendations			
SOLP Layout	<p>For easier read and clarity on licensing functions in the council</p> <ul style="list-style-type: none"> Table suggesting closing times of licensed premises – restaurants and cafes, public houses, hotel bars, nightclubs, off-licenses, takeaways, cinemas and theatres, events in Town centres, local centres and residential areas. Example: Southwark Licensing Policy (page 38) Table of delegations of licensing functions to licensing committee, sub-committees and officers. Example: Southwark statement of Licensing Policy (page 25), City of Westminster statement of licensing policy (page 87) 	<p>Both Southwark and Westminster have Cumulative Impact areas or stress area within their Licensing policy due to their high volume of licensed premises in given areas. Suggested closing times is there as part of their CIP.</p> <p>Haringey do not have the same infrastructure in this regard. Haringey had also set out ‘suggested’ operating times in an earlier SOLP but has since removed the table some years ago. The policy wording relation to hours can be found at 7.8</p> <p>Suggested closing times may also be seen as a predetermination to an application.</p> <p>The table of delegations remains in the SOLP and has been updated.</p>	No change in policy
Partnership working with Responsible Authorities	Clear section on partnership working with responsible authorities included in the Statement of Licensing Policy. There needs to be a visible mention of our partnership	Alcohol consumption is not a licensable activity. The Haringey Licensing Partnership Meeting was previously active but did not meet the needs of the other	No Change in policy.

	<p>approach in our council for the community to be aware that we are actively looking at license premises. Following on from Schools Superzones focus groups, parents and teachers have raised their concerns on the alcohol consumption levels in the borough and would like to see the council is working to strengthen our licensing and improving community safety.</p> <p>As a recommendation, we should hold Haringey Licensing Partnership meetings, there are examples of this happening in other boroughs of London such as Greenwich and Southwark. This is a great way to promote our partnership working with licensing, health, trading standards, planning, and policing. Partners can work better together to respond to vulnerability, complex social need and rebalance our approach towards more prevention and early intervention to reduce the need for crisis response.</p> <p>The Haringey Licensing Partnership Meetings should be held regularly as agreed with all members and outline clear roles of each responsible authority.</p> <p>These meetings will:</p> <ul style="list-style-type: none"> • Agree a list of priority premises 	<p>RAs. The Police. EHO Noise, Trading Standards and Licensing Authority RA are all well versed on matters to consider in relation to licensing applications.</p> <p>The Responsible Authorities must consider an application from their own perspective and make relevant representation if they consider it necessary and be able to support and defend the representations they make.</p> <p>The meetings can be supported again going forward but do not need to be included in the policy as they would be seen as an operational tool.</p> <p>The LA will not pre- determine applications</p>	<p>Will resume quarterly meetings with RAs</p>
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	<ul style="list-style-type: none"> • Decides partnership response to promote the licensing objectives in relation to the priority premises • Considers and agrees actions on applications currently being consulted on • Considers and agrees actions on all applications to be decided at forthcoming licensing committee hearings • Considers licensing training needs for safer neighbourhood team officers and communications with safer neighbourhood panels • Considers and agrees on appropriate communications in relation to current activity. 		
Alcohol delivery-online businesses	<p>We have seen alcohol businesses becoming online and this is likely to increase. There needs to be conditions for consideration by any potential applicant which may include (but are not exhaustive):</p> <ul style="list-style-type: none"> • age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. • CCTV system in place • The premises shall operate as a delivery-only business. The premises shall not be 	This does not belong in the policy, this list of model conditions can be kept by the RAs and can be considered adding where appropriate on any relevant premises licence application form.	No Changes required to policy

	<p>open to the general public and shall be used for the dispatch of alcohol only. There is to be no collection by the public of their orders from either the premises or the building(s) containing the premises.</p> <ul style="list-style-type: none"> • Alcohol must only be sold for consumption off the premises and shall only be supplied in sealed containers. • All sales of alcohol to individuals (rather than businesses) must be paid for at the time of ordering: debit or credit card, electronic payment such as PayPal, etc. • A record of orders shall be kept which shall include the customer's name & address. In accordance with data protection regulations, a record of sales and deliveries will be kept and made available for inspection by the Police, Licensing Authority or officers from the Trading Standards team for 6 months from the date of delivery or refusal of alcohol. • The delivery of alcohol shall be made only to a residential or business address, which the customer uses in a residential or official capacity. The delivery of alcohol shall not be made or completed to a person in a public place (street corner, park, bus stop, etc.) • Online sales of alcohol shall be made via the CallValidate age verification system provided by CallCredit, or any similar 	<p>We would not support conditioning a direct company for the applicant to have to sign up to (CallValidate)</p>	
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	<p>system that can verify a customer's age to the same degree as the CallValidate system. Similar systems shall include, but not be restricted to, Experian ProveID, Capita Identity Solutions, GB Group ID3Global LV, and LexisNexis TraceSmart.</p> <ul style="list-style-type: none">• All customers shall be contacted in writing (e.g. e-mail or text) to notify them that an order has been placed, with the date, and if possible approximate time, of the expected delivery.• Couriers delivering orders shall require a signature from the recipient upon delivery in a form that can be captured and fed back to the licence holder in a way that follows social distancing government guidelines. The only exception to this requirement is when prior delivery arrangements to a safe place have been made in writing by the customer.• No spirits shall be sold with an ABV greater than sixty-five per-cent (65%).• Alcoholic beverages shall not be delivered less than twenty-four (24) hours after the order has been placed.• Delivery riders must be instructed to abort delivery where that sale is believed to be a "street sale" or to an open space. All such instances will be recorded in the refusals/incidents log.		
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	<p>For restaurants/takeaways:</p> <ul style="list-style-type: none"> • The alcohol delivery service will be ancillary to the provision of takeaway food. All alcohol deliveries must be accompanied by an order for food, the food contingent of the delivery being a minimum of [£X]. • All forms of advertising and promotional literature dealing with the delivery service (including internet sites and flyers/leaflets) will clearly and prominently state that alcohol will only be delivered together with an order for food, the food contingent of the total delivery being a minimum of [£X]. It will also advise of the premises 'Challenge 25' policy, which forms of approved ID will be accepted and that failure to show the required form of ID will result in non-delivery of the alcohol. This will be reiterated at the point of sale e.g. through an online ordering website/platform 		
Responsible Retailers scheme	Promote RRS especially where premises are in 200m of schools/colleges.	This is an activity that officers from PH and Trading Standards are able to undertake. The Responsible Retailer scheme is mentioned in the policy but is not mandatory.	No changes required to policy
Early Morning Restriction Orders	We should strongly consider incorporating this in our policy	No reason provided to explain why this should be incorporated.	No changes required to policy

		An EMRO restricts the time after which alcohol may be sold or supplied, with the time being set by the Licensing Authority being between midnight and 6am.	
Public Nuisance (page 32)	Licence holders and applicants are encouraged to consider whether early morning alcohol deliveries and collections at their premises could potentially result in public nuisance and to introduce measures to minimise the impact where appropriate.	This is already a matter considered by the EHO Noise and Licensing Authority RA	No changes required to policy
Closing hours of premises in relation to existing off-licenses or premises	In an area where there are already several existing off-licences or where the premises is situated within a parade with another off licence and where representations are received about negative impact on the licensing objectives of a further premises, the application may be refused on these grounds or restrictions placed on the terminal hour to reflect opening hours of other shops	No cumulative impact policy in place to support this stance.	No change in policy
Community Involvement	Consider how community can be involved in the representations and petitions	Already included in the process	No change to policy
The prevention of Crime and disorder (page 22) – Tottenham Hotspurs stadium	It should be noted that the area around the Tottenham Hotspurs stadium during match days may suffer the most crime and disorder issues. This is an area with several number of schools surrounding and furthermore this is located in an area of deprivation. It is crucial that the police and Tottenham Hotspur work in partnership to reduce the scale of alcohol consumption prior to kick off. There is a strong indication in other boroughs that the police have experienced a high percentage of	The Stadium already holds a Premises Licence and PH like all the other RAs could have made relevant representation during the application stage. All the pubs in the Stadium footprint have specific conditions about the times of alcohol sales on a match day and the use of SIA. The no street drinking zone is also invoked on match days to a higher level to ensure patrons are not out on the street drinking at the pubs.	No change to policy

	<p>those arrested or ejected have consumed alcohol in or near to the ground. Given the high profile nature of matched at Tottenham Hotspurs and the possible spike in crime and disorder and alcohol consumption, the licencing policy should reflect the unique circumstances. The applicants are expected to identify issues that may rise to crime and disorder problems on match days and where appropriate and relevant to include measures to deal with such issues in their operating schedule.</p> <p>In the Schools Superzones focus groups, we had a number of parents raising concerns on alcohol consumption, particularly on match days. In the evaluation report, it is stated that the problem of ASB appears to be exacerbated following football matches at Tottenham Hotspur stadium. The majority of parents that mention match days noted that there were multiple stewards patrolling the high street following matches, however, there seems to be a particular issue with ASB and lack of stewards on the side streets.</p> <p style="padding-left: 40px;">[“There is a lot of visibility of people in hi-vis on the high road on match days, but slightly off the high road,... you don’t get that much visibility”- Parent, Holy Trinity primary</p> <p>Notably, there was also an excess of litter on the streets including cans and bottles. There appeared to be a lack of civic pride, with many</p>	<p>Conditions are applied by the Police and Licensing Authority on premises in the immediate football footprint.</p>	
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	<p>people fly tipping and throwing litter on the streets without care. Many Parents also mentioned they would frequently hear people swearing on the streets and they did not want to expose their children to this.</p> <p>[“it was a surprise to me... seeing this carton outside your house filled with empty bottles, somebody passing might be thinking that I’ve been drinking... because it’s just outside my house, it’s embarrassing as well, after these matches they need to control this... on the High St and our street also, there are lots of cans and bottles” -Parent, Welbourne primary</p> <p>More stewarding on side streets need to be included.</p> <p><u>Applicant should consider the following conditions:</u></p> <p>Restricting alcohol sales in relation to designated special events, eg. football matches</p> <p>Prior to any ‘designated sporting event’ (as defined in the Sporting Events Control of Alcohol Act 1985)] the premises licence holder shall ensure that:</p>		
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	<ul style="list-style-type: none">• Alcohol sales in respect of cans of beer or cider are limited to no more than four cans per person for a minimum of four hours before the commencement of the relevant designated [special] [sporting] event• No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated [special] [sporting] event• Alcohol sales cease for a period of one hour immediately before the commencement of the relevant designated [special] [sporting] event• On any day where there is a relevant designated [special] [sporting] event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated [special] [sporting] event or in the vicinity of the premises as a result of the designated [special] [sporting] event• All members of staff working at the premises are informed of this condition prior to taking up employment• On the day of the relevant designated [special] [sporting] event, upon the direction of a police officer/stewards, using the grounds of the prevention of		
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	<p>crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed.</p> <ul style="list-style-type: none"> • Drinks shall only be supplied in polypropylene or similar plastic made of recyclable materials and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. • Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s). 		
<p>Restaurants and takeaways (alcohol)</p>	<p>The premises must only operate as a restaurant:</p> <ul style="list-style-type: none"> • in which customers are seated at a table • which provides food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery • which do not provide any takeaway service of food or drink for immediate consumption, and • where alcohol must not be sold, supplied, or consumed on the premises, otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 	<p>These are model conditions and it is for the RAs to consider if and when they are used or appropriate to be submitted for a given application.</p>	<p>No change to policy</p>

	<ul style="list-style-type: none"> Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a takeaway meal. 		
The Protection of Children from Harm (pg 48)	The applicant may consider restricting licensing hours in the early morning during school run for premises in close proximity to schools to protect children from harm	<p>We would ask for evidence of children being harmed before imposing this.</p> <p>The Section 182 Guidance advises of the following: 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 directly with alcohol consumption 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.</p>	No change to policy
Ladder Community Safety Partnership			
	<p><u>Map of the Wards in the borough</u></p> <p>It might be worth pointing out that for the bulk of the period covered by this document a new configuration of Wards/names will be applicable,</p>	Policy can be updated to reflect these changes a later date	No change to policy

	having been determined by the Boundary Commission. This could comprise a simple statement to that effect, or a map of the new divisions/names or both.		
Overview & Scrutiny	Request for a piece of work to be undertaken to look at bring in a cumulative impact policy relating off licences in the borough	The current policy is not seeking to do this but can look to gather information and report back to Regulatory and O&S in Summer 2021.	No change to policy

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APPENDIX THREE
Equality Impact Assessment

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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 protect 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	Chris Brent
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 December 2015. 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 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

All of the Policy and its implementation must be consistent with these four objectives and nothing in the Licensing Policy should undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, and/or override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

The main aims of the policy are to achieve a safe welcoming and clean environment for all to enjoy by improving opportunities to business and leisure activities whilst respecting the needs of residents to be able to go about their normal lives without undue interference or disturbance from licensable activities.

The Licensing Policy is a universal statement and has the ability to affect all parts of the community. The Policy sets out the Council's suggested approach to the administration and regulation of licensable activity.

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.

Protected group	Service users	Staff
-----------------	---------------	-------

Sex	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf The Local Alcohol Profile for England	
Gender Reassignment	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	
Age	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf The Local Alcohol Profile for England	
Disability	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	
Race & Ethnicity	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf The Local Alcohol Profile for England	
Sexual Orientation	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	
Religion or Belief (or No Belief)	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	
Pregnancy & Maternity	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	
Marriage and Civil Partnership	Haringey Equalities Profile http://www.haringey.gov.uk/sites/haringeygovuk/files/equalities_profile_of_haringey.pdf	

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.

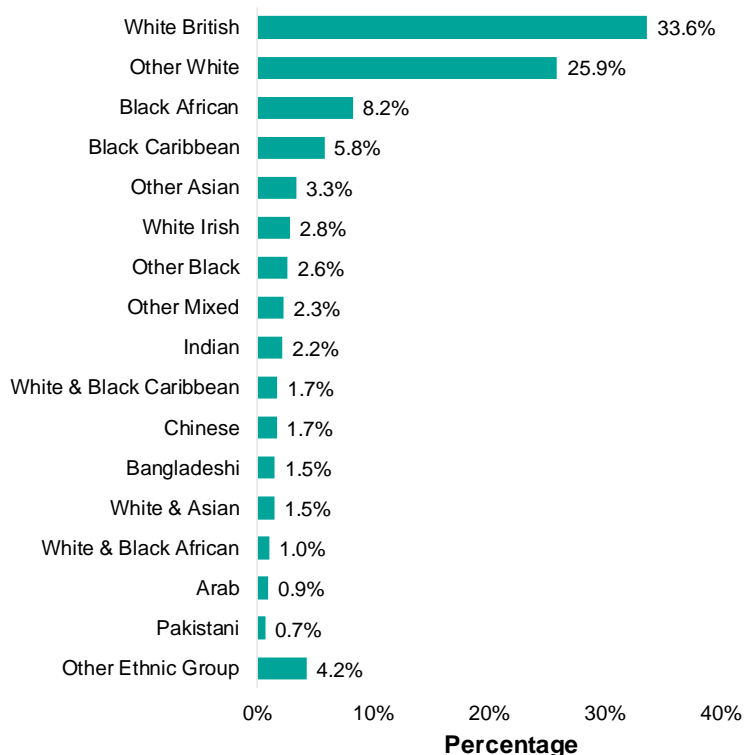
General

We currently collect no data about applicants for licences. This could be addressed by the inclusion of a questionnaire/survey form with application packs but this would only work for those who apply using paper applications. Applications are increasingly being submitted through an E-Gov portal which we have no control over and which does not facilitate collection of such data.

Population of Haringey:

Haringey has a young, ethnically diverse population. The total resident population in Haringey is 282,904 and BME or Other White ethnic groups account for 63% of the resident population.

Distribution of population by ethnic group, Haringey, 2018



Applicants for licences have to fill in a prescribed form, and the Act is clear that each application must be treated on its individual merit, and be judged against the four licensing objectives. The Act cannot be used to impose conditions or address matters that are covered by any other existing legislation.

Sex

The impact of alcohol on health is not a licensing objective neither is the consumption of alcohol a licensing objective. However Public Health studies advise that

- More alcohol is consumed by men than women in the borough.
- Men are more likely to be the victims of crime
- Women are more likely to be victims of domestic violence which is high in Haringey.
- Levels of feelings of safety between the sexes

There is no data held on the sex of those making the applications due to limitations on amending the information applications are required to submit.'

Age

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. The protection of children from harm is a licensing objective. 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 action following such sales, with those responsible now facing action after just one failure, as opposed to three currently. A significant proportion of new licences now 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.

No other age related issues have been identified.

There is no data held on the age of those making the applications due to limitations on amending the information applications are required to submit.

Race and Ethnicity

There is no data held on the race or ethnicity of those making the applications due to limitations on amending the information applications are required to submit.

Health

Local Health Bodies are now responsible authorities; this gives them the ability to make representations about applications for licences and to initiate reviews of licences, however health is not itself a licensing objective which inhibits them. They are working towards providing data that would be meaningful at a local level (i.e. smaller than a borough wide profile) which will prove useful.

The Local Alcohol Profile for England compiled by Public Health England shows Haringey as

significantly worse than average for the following:

Alcohol specific hospital admission male;

Alcohol attributable hospital admission male.

And slightly better than average for:

Alcohol specific hospital admission under 18.

The Policy feeds into corporate policies and outcomes. One of the licensing objectives is the reduction of crime and disorder, this will be achieved by the imposition of appropriate conditions to licences and where necessary enforcement, review of licences

and revocation.

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

The consultation was emailed out to:

- Local Residents and Tenants associations
- Responsible Authorities
- Local Businesses
- Religious bodies and organisations
- Relevant and associated business organisations
- Regeneration Team
- 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?

No responses that affect the groups that share the protected characteristics have been made during the consultation period.

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 EqlA 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"/>
----------	-------------------------------------	----------	--------------------------	----------------	--------------------------	----------------	--------------------------

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 new policy. Moving forward taking a long term view the input from Public Health and the increasing work being carried out is anticipated to have a significant positive impact.

The policy references schemes such as Ask for Angela as a means of providing safe access for women and the vulnerable who may be in difficulty situations in the night time economy.

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	<input type="checkbox"/>	Negative	<input type="checkbox"/>	Neutral impact	<input type="checkbox"/>	Unknown Impact	<input checked="" type="checkbox"/>
----------	--------------------------	----------	--------------------------	----------------	--------------------------	----------------	-------------------------------------

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	<input checked="" type="checkbox"/>	Negative	<input type="checkbox"/>	Neutral impact	<input type="checkbox"/>	Unknown Impact	<input type="checkbox"/>
----------	-------------------------------------	----------	--------------------------	----------------	--------------------------	----------------	--------------------------

Legislation requires alcohol can only be sold to those over the age of 18, thereby setting in place safeguards to ensure necessary checks are carried out if in doubt to protect any who may look underage.

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	
----------	--	----------	--	----------------	---	----------------	--

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	
----------	---	----------	--	----------------	--	----------------	--

There are no apparent adverse impact on different race groups at the moment. Forms are only provided in English and there is no scope for monitoring on the forms.

Objectors to licence applications come from across the community.

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	X	Negative		Neutral impact		Unknown Impact	
----------	---	----------	--	----------------	--	----------------	--

There is no adverse impact. Anyone affected by the operation of a licensed premises or an application for a premises licence is able to make representation in line with the four licensing objectives.

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	X	Negative		Neutral impact		Unknown Impact	
----------	---	----------	--	----------------	--	----------------	--

There is no adverse impact. Anyone affected by the operation of a licensed premises or an application for a premises licence is able to make representation in line with the four licensing objectives.

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	X	Negative		Neutral impact		Unknown Impact	
----------	---	----------	--	----------------	--	----------------	--

There is no adverse impact. Anyone affected by the operation of a licensed premises or an application for a premises licence is able to make representation in line with the four licensing objectives.

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	X	Negative		Neutral impact		Unknown Impact	
----------	---	----------	--	----------------	--	----------------	--

There is no adverse impact. Anyone affected by the operation of a licensed premises or an application for a premises licence is able to make representation in line with the four licensing objectives.

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 new policy, such as encouraging operators in the late night economy to develop schemes to assist women and the vulnerable to interact with staff if they feel at risk.

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 EqIA 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
The Licensing function suffers from a lack of equalities information, all local authorities have to use prescribed processes and forms produced by Central Government. These forms do not include equalities issues. The Government have not permitted application forms to contain anything except that which is specified in the regulations. This has had implications not just for future equalities impact assessments for	There is an active Responsible Retailers Scheme operating in the borough. This is to enable important messages and support and promote valuable awareness to retailers on retailing age restricted items in a responsible manner. Pub Watch scheme also operate as does face to face engagement with shops/retailers etc.		ongoing

<p>licensing consultation but also monitoring of Council interventions under the act. There is no multi-language material, and the timescale for dealing with applications is so short that no translation can be undertaken once an application has been received.</p> <p>The licensing process has many agencies and solicitors able to undertake the legal process to assist applicants to gain a licence.</p>	<p>Residents association /Traders association meetings and Area meetings /Ward Panel meetings are attended in order to ensure engagement and involvement with the various communities is maintained.</p> <p>The Licensing Policy only very indirectly has an impact on the issue of drinking and health. The promotion of health is not a licensing objective. The Licensing Authority has however, been an active participant in various sensible drinking campaigns. Public Health carried out activity on this topic, and it shows that elderly males can have their health adversely affected by drinking. This issue however is outside the remit of this policy.</p>		

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:

7. Authorisation

EqlA approved by
(Assistant Director/ Director)

Date
.....

8. Publication

Please ensure the completed EqlA is published in accordance with the Council's policy.

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

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Appendix 4

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

**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

**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 or by calling 020 8489 8232.*

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Legal Background to this document

The Licensing Act 2003 (the Act) 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 White (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.

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.

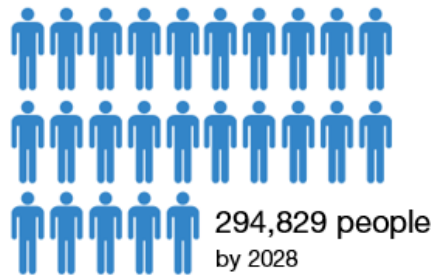
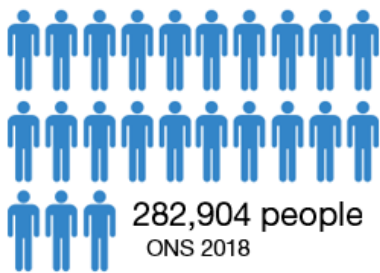
With continuing financial pressure on the council we note our increased partnership approach. The importance of joint working with the metropolitan police and engagement with businesses and residents lies at the heart of our work. The Act seeks to put local communities at the heart of decisions which 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 licence 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 to the developing and growth in Tottenham – 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.

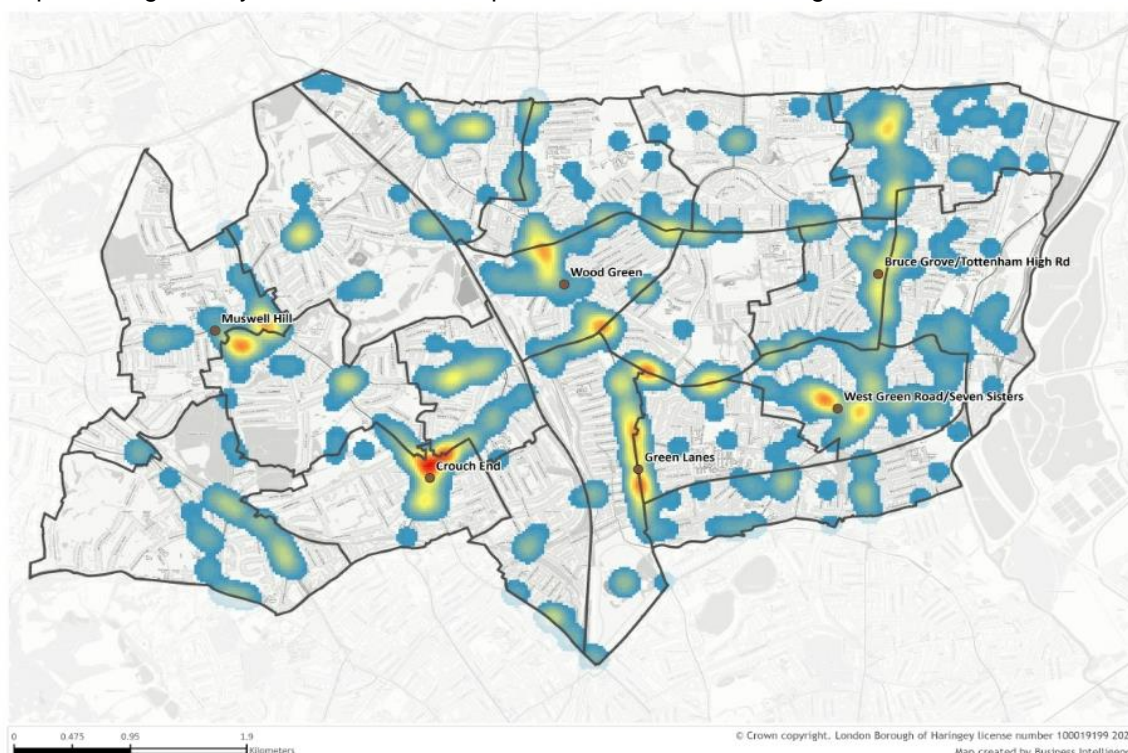
2.5 Haringey and the leisure and entertainment industry

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 centre of many cultural events and activities.

The new Tottenham Hotspur Stadium in High Road Tottenham has come about through 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 artists. It is an iconic venue where artists want to appear on stage at some point in their career.

- 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. 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.

Map showing density of alcohol licensed premises across the borough



- 2.8 The Licensing Policy seeks to 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 700 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 4th 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 7.6 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 good and 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 and 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 (14 units a week for men and 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 sell above the London average for litres of alcohol. 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. Of all contacts to Children and Young People Services in Haringey, 70-80% involve domestic abuse. More than 1 in 5 women have been subject to stalking or harassment at some point in their lives.
- 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) below.
- 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: Haringey has 4.2% of young people at the age of 15 who are known to be regular drinkers (Source LAPE –Local Area Profiles for England). Alcohol was the second leading substance cited as the substance that brought the young person into treatment in 2017/8.

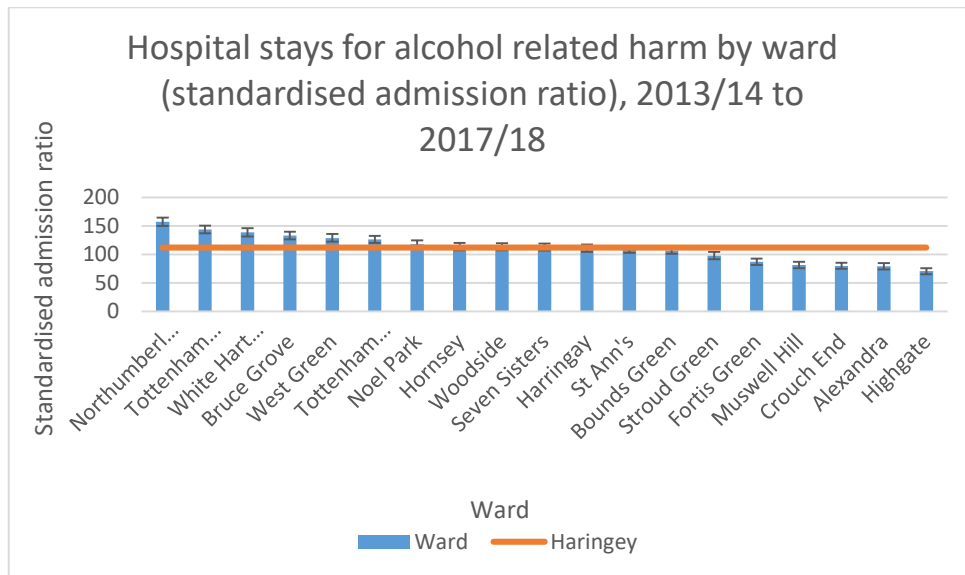


Figure 1. Hospital stays for alcohol related harm by ward (2013-18)

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 with regard to availability and consumption of alcohol is a concern..

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 premises 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 re 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

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 it is Covid-secure and 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 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. Your risk assessment should 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.

3.22 For existing licence holders you are encouraged to review your existing licence conditions to consider whether anything needs amending or updating to allow for some flexibility.

3.24 Pavement Licence

3.25 The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021 unless extended by the Secretary of State.

3.26 The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from The Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

3.29 Licences will be subject to the Council's published conditions and any national conditions set by the Government. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis. Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it. Obtaining a pavement licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to operating.

3.30 If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so.

- 3.31 There will likely be an increase in public nuisance complaints as a result of these new measures. Residents who live nearby and find themselves disturbed by the activities taking place outside of venues will feel disadvantaged by this process. It is therefore important that the standard conditions adopted by the Council provide some safeguards for residents and they are made aware of how they can engage in the process.

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 **Priority 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 **Priority 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 the 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 granted

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

5.5 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 department such as Highways, Commercial Estates, Parks or from Homes for Haringey, who need to grant permission 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 behavior - 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 impacts 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

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 such as using energy efficient LED lighting,

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.

7.3 The Act removes the licensing requirements for:

- Amplified live music taking place between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
- Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the Licensing Act 2003 (or licensed only for the provision of late night refreshment);
- Unamplified music between 8am and 11pm in all venues.

7.4 The Live Music Act 2012 also removes the licensing requirements for the following licensable activities:

- Making Music;
- Dancing;
- Entertainment of a similar description to making music or dancing.

7.5 Where licensable activities (such as the sale of alcohol) continue to take place on the premises, any existing conditions on the licence that are related to live music will be suspended and shall not have effect. It is possible however to impose new conditions or re-instate existing licence conditions upon a formal review of the licence. The licensing authority can also impose a statement whereby the provisions of the Live Music Act 2012 will no longer apply.

7.8 LICENSING HOURS

7.9 The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

7.10 However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control

7.11 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. A licence holder's responsibility does not end at the door of their premises. Violence and disorder, on and immediately outside, licensed premises are often closely linked with customers who have consumed alcohol and the licence holder can be held accountable.

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 PSPOs 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.

10. ADMINISTRATION: EXERCISE AND DELGATION OF FUNCTION

General

- 10.1 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.

10.2 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.

- 10.3 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 has 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.

10.4 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.

10.5 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.

10.6 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.

10.7 Licensing Authority powers to revoke or suspended Personal Licences

The Licensing Act 2003 as amended gives 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. 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.

- 10.8 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.

11. Application for Club premises certificate.

Club premises certificates may be issued to qualifying clubs, formerly registered member's 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.

11.1 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.

11.2 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.

11.3 Minor Variations

11.4 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'.

11.5 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.

11.6 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.

11.7 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.

11.8 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

11.9 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.

11.10 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.

11.11 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.

11.12 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.

11.13 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.

- 11.14** 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.
- 11.15** 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.
- 11.16** 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
- 11.17** 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.
- 11.18** 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.
- 11.19 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:
- 11.20** *"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."*
- 11.21** 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.

- 11.22 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.
- 11.23 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.
- 11.24 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 be exceeded. This will be balanced against evidence provided by the Police and/or Environmental Health Officers.

12 Major art and pop festivals

- 12.1 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.
- 12.2 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.
- 12.3 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.
- 12.4 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.

13 Application Consultation arrangements

- 13.1 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.
- 13.2 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.
- 13.3 The licensing service supports the consultation process by maintaining a public register at:https://www.haringey.gov.uk/sites/haringeygovuk/files/licences_premise_to_display_on_web.pdf
- 13.4 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.

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

14. Responsible Authorities

14.1 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.

14.2 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.

14.3 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. Relevant offences have also been updated to include the offence of employing a person who is not entitled to work in the UK.

14.4 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.

14.5 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.

14.6 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.

14.7 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.

14.8 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.

14.9 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.

15 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.

15.1 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.

15.2 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 Licensing Sub Committees of three members to be drawn from the overall pool of the main Committee membership.

15.3 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.

15.4 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.

15.5 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 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

Matter to be dealt with		
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	

16 Licence reviews

- 16.1 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.
- 16.2 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.
- 16.3 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 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.
- 16.4 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.
- 16.5 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.

16.6 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.

16.7 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.

16.8 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.

16.9 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 emphasised that there is no statutory requirement for this under the Licensing Act 2003.

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);

16.14 Multiple licences on a premises

The Licensing Authority has received applications for premises licences where a licence is already in force. The licenses 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 Policy -considerations outside local CIPs

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. 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.

17.6 SELLING ALCOHOL ON EVENT DAYS AND MATCH DAYS

17.7 The Licensing Authority require all applicants and premises licence or certificate holders to promote public safety and minimise alcohol related crime and disorder when large scale events and match days are taking place by putting forward the following measures in their operating schedules. Applicants seeking licenses within the footprint of Tottenham Hotspur Stadium and Finsbury Park will need consider the following matters:

- Premises not to be open for the sale of alcohol before 11.00 Saturday and Sunday.
- All drinks dispensed from the bar are poured into plastic containers 4 hours before kick off time until one hour after the end of the match.
- No glass bottles are served over the bar 4 hours before kick off time until one hour after the end of the match.
- A minimum of two Door Staff who have been approved by the Security Industry Authority to be employed on the premises to control the entry and exit of customers 4 hours before kick off time until one hour after the end of the match.
- Patrons will not be permitted to stand on the pavement consuming alcohol other than in designated areas with registered door supervisors managing and controlling the area.

17.8 The Licensing Authority has concerns about the consumption of alcohol in public places when these events take place and the impact that these events have on residents as well as Council Services and other agencies such as Police and Ambulance in terms of alcohol fuelled disorder, anti-social behaviour, increased litter as well as noise nuisance.

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

- 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, 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 minimise 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; Government issued photographic ID

- 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 and the need to comply with GDPR 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 prior to 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 event.

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 irresponsible sales of bottles or cans of beer, lager or cider with an alcohol volume of 6.5% or more that is sold cheaply as this appeals to street drinkers, and leads to wider social issues in an area.

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 or later 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 nil 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. 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 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 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 barbecues 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 should be discouraged as it encouraged patrons to stand outside longer giving rise to public nuisance.
- 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 licences 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
- **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
- 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 .

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.
- reports of harassment and sexual intimidation should be taken 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 child safeguarding officer 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 UK has one of the highest rates amongst European countries 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 child sexual exploitation (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 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) 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 Sub committee 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

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

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

Responsible Authorities –APPENDIX 1A

<p>Licensing Authority London Borough of Haringey Licensing Team Level 1 River Park House 225 High Road Wood Green London N22 8HQ</p> <p>Tel: 0208 489 8232 Fax: 0208 489 5528 Email licensing@haringey.gov.uk</p>	<p>Police Metropolitan Police Service Edmonton Police Station</p>
<p>Fire 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>Children's and Young Peoples Service. River Park House 225 High Road , Wood Green London N22</p>
<p>Planning & Regeneration Service Group Level 2 River Park House 225 High Road Wood Green London N22 8HQ</p> <p>Tel: 0208 489 1000 Fax: 0208 489 5220 Email: development.control@haringey.gov.uk</p>	<p>Health, Safety & Food Protection Group Level 1 River Park House 225 High Road Wood Green N22 8HQ</p> <p>Tel: 020 8489 1000 Email frontline@haringey.gov.uk</p>
<p>Trading Standards Level 1 River Park House 225 High Road London N22 8HQ</p> <p>Tel 020 8489 5134 Fax 020 8489 5554 Email tradingstandards@haringey.gov.uk</p>	<p>Building Control Level 6 River Park House 225 High Road Wood Green N22 8HQ</p> <p>Tel 020 8489 5504 Fax 020 8489 5229 Email building.control@haringey.gov.uk</p>
<p>Director of Public Health London Borough of Haringey Level 4 River Park House 225 High Road London N22 8HQ</p>	<p>The Enforcement Response Service (Noise) Level 1 River Park House 225 High Road Wood Green N22 8HQ</p> <p>Tel: 020 8489 1000</p>

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REPORT OF THE CORPORATE COMMITTEE No. 1, 2020/21

COUNCIL 16 November 2020

Chair:
Councillor Isidoros Diakides

Deputy Chair:
Councillor Zena Brabazon

INTRODUCTION

- 1.1 This report to Full Council arises from the report on the Treasury Management 2019/20 Outturn, considered by the Corporate Committee at their meeting on the 30th July 2020. The report provides an update on the Council's treasury management activities and performance in the year to 31st March 2020 in accordance with the CIPFA Treasury Management Code of Practice.
- 1.2 Overall responsibility for the Council's treasury management remains with Full Council and the Council approved the Treasury Management Strategy Statement on 25 February 2019. The Corporate Committee is responsible for monitoring treasury management activity and we monitor this through the receipt of quarterly reports.

SUMMARY

Treasury Management 2019/20 Outturn

- 2.1 We considered a report on the Treasury Management 2019/20 Outturn, which provided an update on the Council's treasury management activities and performance in the year to 31st March 2020, in accordance with the CIPFA Treasury Management Code of Practice. The Treasury Management Outturn report indicated that the Council had not breached any of its treasury management or prudential indicators in 2019/20. The presentation covered the general definition of treasury management, borrowing, investments, roles and responsibilities and the key aspects of the outturn report. We noted that all treasury activities were undertaken in line with the approved Treasury Management Strategy.
- 2.2 At 31st March 2020 the Authority held £531.7m of loans, (an increase of £142.9m from 31st March 2019), we noted that this increase was part of the authorities strategy for funding previous and current years' capital programmes, including the Council's programme for building 1000+ new Council homes.
- 2.3 We were advised that the Chancellor's March 2020 Budget statement included significant changes to Public Works Loan Board (PWLB) policy and a wide-ranging consultation had been launched on the PWLB's future direction. The key announcement was a reduction in the margin on new HRA loans to 0.80% above equivalent gilt yields. This would equate to a discount of 1% below the rate at which the authority usually borrowed from the PWLB.
- 2.4 We sought assurances around contrasting figures in the report on the rate of return on investments. In response, officers clarified that the average rate of return on investments across the year was 0.7% and that other figures may refer to a snapshot at a particular period in time. In response to further questions, the Committee noted

that the average rate of return on investments was lower than the cost of inflation and that this had been the case for a number of years. We were advised that this was the same for most authorities, as well as individual investors during this period

- 2.5 In response to a discussion around the possibility of the Council being able to use additional income from investments to offset pressures on the revenue budget, we were advised that any chance of developing a saving to the Council by increasing the income on investments had effectively been wiped out by decreasing interest rates. In response to further questions, we noted that the Council should meet its income target for the year for investments, but there was very little chance of exceeding it.
- 2.6 We also sought clarification around the nature of loans to third parties including local charities, referred to in this report. In response, we noted that the balances in the report were largely historical and that any loan that was not repaid would become a cost to the General Fund.

WE RECOMMEND

That Full Council note the Treasury Management 2019/20 Outturn as attached.

Report for: Corporate Committee 30 July 2020

Title: Treasury Management Outturn 2019/20

Report authorised by: Jon Warlow, Director of Finance (S151 Officer)

Lead Officer: Thomas Skeen, Assistant Director of Finance (Deputy S151 Officer)
thomas.skeen@haringey.gov.uk 020 8489 1341

Ward(s) affected: N/A

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

1. Describe the issue under consideration

- 1.1. The Chartered Institute of Public Finance and Accountancy's Treasury Management Code (CIPFA's TM Code) requires that Authorities report on the performance of the treasury management function at least twice yearly (mid-year and at year end).
- 1.2. The Council's Treasury Management Strategy for 2019/20 was approved by Full Council on 25 February 2019.
- 1.3. This report updates the Committee on the Council's treasury management activities and performance in the year to 31st March 2020 in accordance with the CIPFA Treasury Management Code of Practice.

2. Cabinet Member Introduction

- 2.1. Not applicable.

3. Recommendations

- 3.1. That members note the Treasury Management activity undertaken during the year to 31st March 2020 and the performance achieved.
- 3.2. That members note that all treasury activities were undertaken in line with the approved Treasury Management Strategy.

4. Reason for Decision

- 4.1. None.

5. Other options considered

5.1. None.

6. Background information

6.1. The Council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management ("the Code"), which requires local authorities to produce annually, Prudential Indicators and a Treasury Management Strategy Statement. CIPFA has defined Treasury management as: "The management of the local Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

6.2. The Code recommends that members are informed of treasury management activities at least twice a year. Formulation of treasury policy, strategy and activity is delegated to the Corporate Committee and this Committee receives reports quarterly.

6.3. However, overall responsibility for treasury management remains with Full Council and the Council approved the Treasury Management Strategy Statement on 25 February 2019. The Corporate Committee is responsible for monitoring treasury management activity and this is achieved through the receipt of quarterly reports.

6.4. Government guidance on local Council treasury management states that local authorities should consider the following factors in the order they are stated:

Security - Liquidity - Yield

6.5. The Treasury Management Strategy reflects these factors and is explicit that the priority for the Council is the security of its funds. However, no treasury activity is without risk and the effective identification and management of risk are integral to the Council's treasury management activities.

7. Contribution to Strategic Outcomes

7.1. None.

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

Finance and Procurement

8.1. Finance Comments are included throughout the attached report.

Legal

8.2. The Assistant Director for Corporate Governance has been consulted on the content of this report which is consistent with legislation governing the financial affairs of the Council. In particular, the Council must comply with the requirements of the Local Government Act 2003, the Local Authorities (Capital Financing & Accounting – England) Regulations 2003 and the Localism Act 2011 and the CIPFA Treasury Management code.

8.3. In considering the report Members must take into account the expert financial advice available to it and any further oral advice given at the meeting of the Committee.

Equalities

8.3. There are no equalities issues arising from this report.

9. Use of Appendices

9.1. Appendix 1 – Treasury Outturn 2019/20

10. Local Government (Access to Information) Act 1985

10.1. Not applicable.

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Appendix 1 - Treasury Management Outturn Report 2019/20

Introduction

The Authority has adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports.

The Authority's treasury management strategy for 2019/20 was approved at a full Council meeting on 25 February 2019. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

Treasury risk management at the Authority is conducted within the framework of the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2017 Edition* (the CIPFA Code) which requires the Authority to approve a treasury management strategy before the start of each financial year and, as a minimum, a semi-annual and annual treasury outturn report. This report fulfils the Authority's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code.

The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 25 February 2019.

External Context (provided by the Council's treasury management advisor, Arlingclose)

Economic background: The UK's exit from the European Union and future trading arrangements, had remained one of major influences on the UK economy and sentiment during 2019/20. The 29th March 2019 Brexit deadline was extended to 12th April, then to 31st October and finally to 31st January 2020. Politics played a major role in financial markets over the period as the UK's tenuous progress negotiating its exit from the European Union together with its future trading arrangements drove volatility, particularly in foreign exchange markets. The outcome of December's General Election removed a lot of the uncertainty and looked set to provide a 'bounce' to confidence and activity.

The headline rate of UK Consumer Price Inflation fell to 1.7% y/y in February, below the Bank of England's target of 2%. Labour market data remained positive. The ILO unemployment rate was 3.9% in the three months to January 2020 while the employment rate hit a record high of 76.5%. The average annual growth rate for pay excluding bonuses was 3.1% in January 2020 and the same when bonuses were included, providing some evidence that a shortage of labour had been supporting wages.

GDP growth in Q4 2019 was reported as flat by the Office for National Statistics and service sector growth slowed and production and construction activity contracted on the back of what at the time were concerns over the impact of global trade tensions on economic activity. The annual rate of GDP growth remained below-trend at 1.1%.

Then coronavirus swiftly changed everything. COVID-19, which had first appeared in China in December 2019, started spreading across the globe causing plummeting sentiment and falls in financial markets not seen since the Global Financial Crisis as part of a flight to quality into sovereign debt and other perceived 'safe' assets.

In response to the spread of the virus and sharp increase in those infected, the government enforced lockdowns, central banks and governments around the world cut interest rates and introduced massive stimulus packages in an attempt to reduce some of the negative economic impact to domestic and global growth.

The Bank of England, which had held policy rates steady at 0.75% through most of 2019/20, moved in March to cut rates to 0.25% from 0.75% and then swiftly thereafter brought them down further to the record low of 0.1%. In conjunction with these cuts, the UK government introduced a number of measures to help businesses and households impacted by a series of ever-tightening social restrictions, culminating in pretty much the entire lockdown of the UK.

The US economy grew at an annualised rate of 2.1% in Q4 2019. After escalating trade wars and a protracted standoff, the signing of Phase 1 of the trade agreement between the US and China in January was initially positive for both economies, but COVID-19 severely impacted sentiment and production in both countries. Against a slowing economic outlook, the US Federal Reserve began cutting rates in August. Following a series of five cuts, the largest of which were in March 2020, the Fed Funds rate fell from of 2.5% to range of 0% - 0.25%. The US government also unleashed a raft of COVID-19 related measures and support for its economy including a \$2 trillion fiscal stimulus package. With interest rates already on (or below) the floor, the European Central Bank held its base rate at 0% and deposit rate at -0.5%.

Financial markets: Financial markets sold off sharply as the impact from the coronavirus worsened. After starting positively in 2020, the FTSE 100 fell over 30% at its worst point with stock markets in other countries seeing similar huge falls. In March sterling touch its lowest level against the dollar since 1985. The measures implemented by central banks and governments helped restore some confidence and financial markets have rebounded in recent weeks but remain extremely volatile. The flight to quality caused gilts yields to fall substantially. The 5-year benchmark falling from 0.75% in April 2019 to 0.26% on 31st March. The 10-year benchmark yield fell from 1% to 0.4%, the 20-year benchmark yield from 1.47% to 0.76% over the same period. 1-month, 3-month and 12-month bid rates averaged 0.61%, 0.72% and 0.88% respectively over the period.

Since the start of the calendar 2020, the yield on 2-year US treasuries had fallen from 1.573% to 0.20% and from 1.877% to 0.61% for 10-year treasuries. German bund yields remain negative.

Credit review: In Q4 2019 Fitch affirmed the UK's AA sovereign rating, removed it from Rating Watch Negative (RWN) and assigned a negative outlook. Fitch then affirmed UK banks' long-term ratings, removed the RWN and assigned a stable outlook. Standard & Poor's also affirmed the UK sovereign AA rating and revised the outlook to stable from negative. The Bank of England announced its latest stress tests results for the main seven UK banking groups. All seven passed on both a common equity Tier 1 (CET1) ratio and a leverage ratio basis. Under the test scenario the banks' aggregate level of CET1 capital would remain twice their level before the 2008 financial crisis.

After remaining flat in January and February and between a range of 30-55bps, Credit Default Swap spreads rose sharply in March as the potential impact of the coronavirus on bank balance sheets gave cause for concern. Spreads declined in late March and through to mid-April but remain above their initial 2020 levels. NatWest Markets Plc (non-ringfenced) remains the highest at 128bps and National Westminster Bank Plc (ringfenced) still the lowest at 56bps. The other main UK banks are between 65bps and 123bps, with the latter being the thinly traded and volatile Santander UK CDS.

While the UK and Non-UK banks on the Arlingclose counterparty list remain in a strong and well-capitalised position, the duration advice on all these banks was cut to 35 days in mid-March.

Fitch downgraded the UK sovereign rating to AA- in March which was followed by a number of actions on UK and Non-UK banks. This included revising the outlook on all banks on the counterparty list to negative, with the exception of Barclays Bank, Rabobank, Handelsbanken and Nordea Bank

which were placed on Rating Watch Negative, as well as cutting Close Brothers long-term rating to A-. Having revised their outlooks to negative, Fitch upgraded the long-term ratings on Canadian and German banks but downgraded the long-term ratings for Australian banks. HSBC Bank and HSBC UK Bank, however, had their long-term ratings increased by Fitch to AA-.

Local Context

On 31st March 2019, the Authority had net borrowing of £531.7m and £92.3m of investments. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.19 Actual £m	31.3.20 Actual** £m
General Fund CFR	383.9	449.2
HRA CFR	249.8	274.3
Total CFR	633.7	723.5
Less: *Other debt liabilities	-31.8	-28.2
Borrowing CFR - comprised of:	601.9	695.3
- External borrowing	388.8	531.7
- Internal borrowing	213.1	163.6

* finance leases, PFI liabilities and transferred debt that form part of the Authority's total debt
**subject to audit

The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 31st March 2020 and the change during the year is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.03.19 Balance £m	Movement £m	31.03.20 Balance £m	31.03.20 Rate %
Long-term borrowing	365.8	140.9	506.7	3.76
Short-term borrowing	23.0	2.0	25.0	0.98
Total borrowing	388.8	142.9	531.7	3.23
Long-term investments	0.0	0.0	0.0	0.00
Short-term investments	15.0	0.0	15.0	1.07
Cash and cash equivalents	15.6	61.7	77.3	0.07
Total investments	30.6	61.7	92.3	0.22
Net borrowing	358.1		439.4	

Borrowing Update

On 9th October 2019 the PWLB raised the cost of certainty rate borrowing by 1% to 1.8% above UK gilt yields as HM Treasury was concerned about the overall level of local authority debt, and authorities making commercial debt for yield investments using PWLB funding.

The Chancellor's March 2020 Budget statement included significant changes to Public Works Loan Board (PWLB) policy and launched a wide-ranging consultation on the PWLB's future direction. Announcements included a reduction in the margin on new HRA loans to 0.80% above equivalent gilt yields: the value of this discount is 1% below the rate at which the authority usually borrows from the PWLB.

The consultation titled "Future Lending Terms" represents a frank, open and inclusive invitation, allowing key stakeholders to contribute to developing a system whereby PWLB loans can be made available at improved margins to support qualifying projects. It contains proposals on allowing authorities that are not involved in "debt for yield" activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield without impeding their ability to pursue their core policy objectives of service delivery, housing, and regeneration. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances. Haringey's capital programme does not contain projects of a predominantly 'debt for yield' nature.

The consultation was originally due to close on 4th June 2020, this was later extended to 31st July, with implementation of the new lending terms expected in the latter part of this calendar year or financial year beginning 2021/22. Haringey responded to the consultation individually, and officers were taken part in a working group with London Councils which prepared a joint response on behalf of London Boroughs.

Borrowing strategy

At 31st March 2020 the Authority held £531.7m of loans, (an increase of £142.9m from 31st March 2019), as part of its strategy for funding previous and current years' capital programmes. Outstanding loans on 31st March are summarised in Table 3 below.

Table 3: Borrowing Position

	31.03.19	Net Movement	31.03.20	31.03.20	31.03.20
	Balance	£m	Balance	Weighted Average	Weighted Average
	£m		£m	Rate	Maturity
				%	(years)
Public Works Loan Board	240.8	140.9	381.7	2.89	25.58
Banks (LOBO)	125.0	0.0	125.0	4.72	40.19
Banks (fixed-term)	0.0	0.0	0.0	0.00	0
Local authorities (long-term)	0.0	0.0	0.0	0.00	0
Local authorities (short-term)	23.0	2.0	25.0	0.98	0.93
Total borrowing	388.8	142.9	531.7	3.23	27.86

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

As the Authority has an increasing CFR due to the capital programme and an estimated borrowing requirement, the Authority expected to carry out additional long term borrowing in 2019/20, and raised £150m of long term fixed rate loans from the PWLB in the year, with an average duration of 23 years and at an average rate of 1.72% which will provide longer-term certainty and stability to the debt portfolio. This borrowing was taken to fund the Council's growing underlying need to borrow from the capital programme, in conjunction with considerations around interest rates.

The Authority's borrowing decisions are not predicated on any one outcome for interest rates and therefore a balanced portfolio of short- and long-term borrowing is maintained, as demonstrated in table 3 above.

LOBO loans: The Authority continues to hold £125m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate as set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. No banks exercised their option during the year.

Treasury Investment Activity

The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £24.3 and £101.4 million due to timing differences between income and expenditure. The investment position is shown in table 4 below.

Table 4: Treasury Investment Position

	31.03.19	Net	31.03.20	31.03.20	31.03.20
	Balance	Movement	Balance	Rate of Return	Weighted Average Maturity
	£m	£m	£m	%	days
Banks & building societies (unsecured)	0.0	0.0	0.0	0.00	0.0
Money Market Funds	0.0	0.0	0.0	0.00	0.0
UK Government:					
- Local Authorities	15.0	0.0	15.0	1.07	339.0
- Debt Management Office	15.6	61.7	77.3	0.07	1.0
Total investments	30.6	61.7	92.3	0.23	55.9

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

The table below shows counterparty credit quality as measured by credit ratings on the final day of each quarter during the year. The table also shows the percentage of the in-house investment portfolio exposed to bail-in risk. Bail-in is the response to the government bail-outs in the global financial crisis, when a number of banks failed and received government bail-outs in 2008. Under bail-in, unsecured deposits made with certain financial institutions would be at risk, should the institution fail, and investors would lose a portion of their invested funds. The below table shows a snapshot at a point in time, and movements in the figures do not reflect changes in policy or strategy, but are indicative of the Council's cashflows on that particular date.

The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking - Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2019	3.37	AA	0%	122	0.77
31.03.2020	3.40	AA	0%	56	0.23
Similar LAs	4.16	AA-	57%	108	-0.41%
All LAs	4.03	AA-	56%	48	-0.34%

Scoring:

-AAA = highest credit quality = 1

- D = lowest credit quality = 26

-Aim = A- or higher credit rating, with a score of 7 or lower, to reflect current investment approach with main focus on security

In a relatively short period since the onset of the COVID-19 pandemic, the global economic fallout was sharp and large. Market reaction was extreme with large falls in equities, corporate bond markets and, to some extent, real estate echoing lockdown-induced paralysis and the uncharted challenges for governments, businesses and individuals. Volatility measured by the VIX index was almost as high as during the global financial crisis of 2008/9 and evidenced in plummeting equity prices and the widening of corporate bond spreads, very close to rivalling those twelve years ago. Gilt yields fell but credit spreads widened markedly reflecting the sharp deterioration in economic and credit conditions associated with a sudden stagnation in economies, so corporate bonds yields (comprised of the gilt yield plus the credit spread) rose and prices therefore fell.

Non-Treasury Investments

The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. This is replicated in the Investment Guidance issued by Ministry of Housing, Communities and Local Government's (MHCLG) and Welsh Government, in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Council lends money to third parties such as its subsidiaries, local businesses, local charities, local residents and its employees to support local public services and stimulate local economic growth. These are often treated as capital expenditure and included within the Council's capital programme. The main risk when making service loans is that the borrower will be unable to repay the principal lent and/or the interest due. In order to limit this risk, it will be ensured that any

new loans made will remain proportionate to the size of the Authority. The Council also holds properties which are classified as ‘investment properties’ in the Council’s statement of accounts. These properties are all within the local area, and the revenue stream associated with these (net of the costs of maintaining the properties) forms a modest part of the Council’s annual budget, therefore contributing to the resources available to the Council to spend on local public services.

Balances as at 31.3.20 of non-treasury investments were as follows:

	31.03.20				
	Balance £m	Loss Allowance £m	Balance £m	Weighted Average Rate of return %	Net Total Revenue £m
Subsidiaries	16.9	-0.3	16.6	0.0	0.0
Local Businesses	4.7	-0.7	4.0	5.2	0.2
Local Charities	47.9	-43.5	4.3	3.0	0.1
Local Residents	0.1	0.0	0.1	4.0	0.0
Employees	0.1	0.0	0.1	0.0	0.0
Commercial Properties*	88.6	0.0	88.6	6.2	5.5
Total borrowing	158.3	-44.6	113.7		5.9

*for commercial properties this is the revenue generated from the properties less directly associated costs

The largest balance above relates to Alexandra Palace debts (shown under local charities). There is a large amount of historic debt that a provision was created for, however this has not been written off. The loans to local business include the opportunity investment fund, and a loan to a business who operates some of Haringey’s leisure facilities.

Accounting standards require the Authority to set aside loss allowance for loans, reflecting the likelihood of non-payment. The figures for loans in the Authority’s statement of accounts for 2018/19 onwards are shown net of this loss allowance. However, the Authority makes every reasonable effort to collect the full sum lent and has appropriate credit control arrangements in place to recover overdue repayments.

The Authority assesses the risk of loss before entering into and whilst holding service loans by weighing up the service outcomes any such loan could provide against the creditworthiness of the recipient. This is done on a case by case basis, given the low number of such arrangements. This forms part of the Council’s capital programme, further details of which are in the Council’s annual medium term financial strategy.

Budgeted Income and Outturn

Treasury Investments generated an average rate of return of 0.70% in the year. The Council’s treasury investment income for the year was £400k against a budget of £137k.

Borrowing costs for 2019/20 were £14.8m (£10.7m HRA, £4.1m General Fund) against a budget of £15.3m (£10.6m HRA, £4.7m General Fund).

Compliance

The Director of Finance reports that all treasury management activities undertaken during the year complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	31.3.20 Actual £m	2019/20 Operational Boundary £m	2019/20 Authorised Limit £m	Complied?
Borrowing	531.7	702.4m	752.4m	Yes
PFI and Finance Leases	28.2	36.3m	39.9m	Yes
Total debt	559.9	738.7m	792.3m	Yes

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure, however Haringey's debt remained below this limit at all points in the financial year.

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit score of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	31.03.20 Actual	2019/20 Target	Complied?
Portfolio average credit	3.40 (AA)	7.00 (A-)	Yes

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

	31.03.20 Actual	2019/20 Target	Complied?
Total cash available within 3 months	£77.3m	£10.0m	Yes

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interests was:

Interest rate risk indicator	31.03.20 Actual	2019/20 Limit	Complied?
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	0.3m	£1m	Yes
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	-0.3m	£1m	Yes

The impact of a change in interest rates is calculated on the assumption that maturing loans and investment will be replaced at current rates.

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

Maturity structure of borrowing	Lower Limit	Upper Limit	31.03.20
under 12 months	0	50%	16.2%
12 months & within 2 years	0	40%	7.4%
2 years & within 5 years	0	40%	15.6%
5 years & within 10 years	0	40%	4.6%
10 yrs & within 20 yrs	0	40%	15.3%
20 yrs & within 30 yrs	0	40%	8.5%
30 yrs & within 40 yrs	0	50%	15.4%
40 yrs & within 50 yrs	0	50%	16.9%
50 yrs & above	0	40%	0

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Total short term borrowing: the Council has used short term borrowing (under 1 year in duration) from other local authorities extensively in recent years, as an alternative to longer term borrowing from PWLB, due to the lower interest rates, and corresponding revenue savings. Short term borrowing exposes the Council to refinancing risk: the risk that interest rates rise quickly over a short period of time, and are at significantly higher rates when loans mature and new borrowing has to be raised. With this in mind, the Authority has set a limit on the total amount of short term local authority borrowing, as a proportion of all borrowing.

Short term borrowing	Limit	31.03.20 Actual	Complied?
Upper limit on short term borrowing from other local authorities as a percentage of total borrowing	30%	5%	Yes

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2019/20	2020/21	2021/22
Actual principal invested beyond year end	0.0m	0.0m	0.0m
Limit on principal invested beyond year end	£10.0m	£10.0m	£10.0m
Complied?	Yes	Yes	Yes