

MINUTES OF THE LICENSING COMMITTEE HELD ON THURSDAY, 4 JANUARY 2024, 7:00PM – 8:03PM

PRESENT: Councillors Anna Abela (Chair), Sheila Peacock (Vice-Chair), Barbara Blake, Reg Rice, Elin Weston, Nick da Costa, Kaushika Amin and Nicola Bartlett

1. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

2. APOLOGIES

Apologies had been received from Councillor Makbule Gunes, Councillor Reg Rice and Councillor Mark Blake.

3. URGENT BUSINESS

There was no urgent business.

4. DECLARATIONS OF INTEREST

Councillor da Costa stated that he was a trustee of Alexandra Palace and Park Charitable Trust and a Director of Alexandra Palace Trading Limited which was mentioned within the report.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

Mr Francis Wilkinson, Secretary of the Highgate Society and a member of the Highgate Forum had submitted a deputation for the consideration of the Licensing Committee. In addressing the Committee, he stated that:

- He was aware of a number of occasions when local residents had found out about licensing applications too late to make representations. This was because the current arrangements for notifying applications were ineffective. This was contrary to Haringey's Constitution and the Licensing policy. The Constitution had been updated in May 2022 and stated that one of its principal purposes was to support the active involvement of citizens in the process of local authority decision making and that the Council considered it important that the local community was fully aware of local licensing applications being made within its area. However, the current process was not working. This was because the notification was only by an A4 notice on the premises which was very easy to miss, an advertisement in the local paper which was very old fashioned as few people ever read them and if they did, they would not read the small print notices and by being put on the Council's website. At paragraph 23.4 of the Licensing policy, residents were advised to regularly check the Council's register of Licensing applications. As most people would be affected by an application only occasionally,

perhaps every few years, this was quite unrealistic advice. No resident was likely to do a weekly check which was what would be required just on the off chance of discovering a licensing application that was relevant to them.

- He would make two alternative proposals. Firstly, that local residents be notified of Licensing applications as they were for planning applications - a long established process – or, secondly, that residents and businesses be able to sign up for licensing alerts in their ward. This approach had been taken by the London Borough of Camden following a deputation to them and worked well.
- The Licensing Team Leader had stated that she had asked for the second alternative, but she could not say if or when it would happen. She had further stated that the Licensing Committee had no say in whether or when this would happen. This could not be right.
- He asked that the Committee, as the responsible committee for the Licensing policy, ensured that the arrangements were consistent with the Council's constitution and its Licensing policy and asked for one or both of the proposed solutions be implemented with a date for the implementation which provided a commitment to the Committee.

In response to questions, Mr Wilkinson informed the Committee that:

- He understood that there was a weekly email to councillors about licensing matters which was not submitted to any community organisations or individuals. The Neighbourhood Forum was a statutory organisation and the Highgate Society was quite a large and long-established organisation, but it was possible that there would be people who would be affected by licensing applications who did not know about the organisations. It would be an improvement if the organisations were included in the weekly email circulation, it would not fully address the problem.
- A recent application in Haringey was in Archway Road where there was a premises that had applied for late night refreshment so that they could serve food all night. This was in an area that was largely residential apart from the shops on Archway Road. Residents were concerned that provision of late-night refreshment nearby a club would result in an increase to disorder. Residents were not aware about the application and the only way it was picked up was by him checking on the Haringey website and discovering that the application had been made. Another application was located in Camden, although part of it was in Haringey. The premises had applied to extend its premises to take over an adjacent premises, but only found out about the application very late. A further application to another premises, also not in Haringey was made to greatly extend operating hours and in fact were too late to submit a representation. These were all recent examples in the last year.
- The solution taken up by Camden which allowed for applications in a certain area to notify subscribers, once set up, was free to operate because it would be done automatically. However, physically circulating applications to local residents was a permanent recurring cost that the Council would have to meet. Until the alert system was set up, there should be notification by paper to residents.

In response to questions, Ms Daliah Barrett, Licensing Team Leader, informed the Committee that:

- The requirements that were set out in the Licensing Act was for the applicant to place a blue notice on their premises that provided an indication of what had been applied for and for the same notice to be advertised in a local newspaper. This was outside of the Council's discretion and was a national requirement. Licensing had, in the past, sent out letters to addresses in a given radius of a premises. This resulted in the Licensing

department needing to spend time including on weekends responding back to the complaints that generated from the residents who had complained that they had not been included in the select radius. It also proved to be counterproductive as it did not yield any further representations on licensing applications at the time. This had been attempted during the 2007-2008 period. Regulatory Services was having to move from the current IT platform and there was a project group that was currently looking at finding a new platform. A request had been made to obtain software which had the automatic generation of the notification Mr Wilkinson had requested. Anybody that was wishing to be notified of applications in their area was able to send an email to the Licensing inbox and the relevant link could be clicked on by residents could be sent to them. This link did not change so this could be used over and over again.

- It was difficult for the small Licensing team at Haringey to be involved in continuous sending out of notifications to different groups and organisations over and above the statutory stakeholders that Licensing was required to ensure had sight of the applications. This was something that was particularly difficult to do with limited resources.
- The link was also shared with the Citizens Panel. There was also a Ladder Safety Community Partnership in Green Lanes who also had the link and would check on the link every so often for any application in the Green Lanes area.

Members commented that:

- It would be useful to consider and explore options further by Cabinet and officers and although it would be useful if there was a mechanism by which people could be alerted to applications, equally, there were many licensing applications all the time and it would not be right to overburden an already stretched team, so any response would need to be proportionate. The Council also had commitments to reducing carbon emissions and posting papers through doors could create additional issues. It also would not necessarily result in more people making representations. If there was an electronic system that could be used that residents could sign up to that would not be too onerous for the team, then a proposal could be taken forward.
- Businesses often changed and evolved how they operated and this would also have to be taken into consideration.

6. MINUTES

RESOLVED:

1. That the minutes of the Licensing Committee meeting held on 22 June 2023 be confirmed and signed as a correct record of the proceedings.
2. That the minutes of the Licensing Sub-Committee and Special Licensing Sub-Committee decisions from January 2023 be noted.

7. REVIEW OF FEES AND CHARGES 2024-25 - LICENCES

Ms Daliah Barrett, Licensing Team Leader, introduced the report.

The meeting heard that:

- Enforcement of markets and enforcement of people legally street trading was a challenge.

- There were issues that had occurred at car boot sales in Scotland Green market and at the car boot sale on White Hart Lane. What happened within the grounds was the responsibility of the operators and what happened outside on the highway was the responsibility of the Council (to take enforcement action). However, the Council needed proper resources to fully utilise its function. If it was to be committed to having markets in the area and seeing a growth in the business sector, then the Council needed to enhance its enforcement sector. This may lead to the Council needing to consider increasing fees.
- Traders wanted to be able to come and trade in Haringey, but they did not want to have to pay a cost to do so. There once was a subsidy which allowed traders to trade for £4.00 a day and now the fee structure put in place was that a trader could apply for three days at a particular location. This was supposed to be set just for newcomers, but as regular traders had become accustomed to it, it would be hard to remove this offer from them. Therefore, traders would be allowed to have three days of trading in a row at a particular popup market location.
- If the fees were increased, then contributors would not be able to trade in the borough and the whole market strategy could not be viable. The offer of the three dates captured traders who felt that they were benefitting from it.
- It would be useful to obtain the demographics of traders that were given licences to trade. It would be useful to know who was benefitting from the offers made by the Council. The borough had a visiting French market that went through Muswell Hill but the Myddleton Road and Tottenham markets often had the same traders that traded in those markets. In some cases, it was unclear how newcomers would establish themselves.
- Street trading was anything that took place on the public highway. If it was in an enclosed area, it would not be covered by the fees and charges regime. The £175.00 initial fee was arrived at as it covered the current cost to Licensing. Road closures would need to be applied for separately, but road closures were often classified as a 'street party' which did not have a fee.
- Some Tottenham markets were never busy and were expensive. If new people did not become involved then the markets would lose popularity. It may be possible to have a phased approach to increase popularity year on year.
- Haringey was the only borough amongst its neighbouring boroughs which was not a market borough. Neighbouring boroughs had lively markets which were already financed because it was part of the corporate spend on markets. This circumstance was not shared by Haringey. The Council only recently started to consider markets in a more significant way and were looking to learn from neighbouring boroughs. The only location that had planning permission as a market in the borough was Tottenham Green. There had been concern that the neighbouring boroughs which had charter rights for their markets would be able to require the Council to pay them if the borough operated a market when another market in a neighbouring borough was operating at the same time, but the National Association of Markets had advised that if the Council continued to operate its markets under the London Local Authorities Act (1990) and license each individual trader, the Council would not then be impinging on the market rights for the neighbouring boroughs. Therefore, other boroughs would not be able to levy a charge against the Council if it decided to run a market concurrently with another neighbouring borough.

- The Council had a Street Trading Policy in place which had been in place for a long time and was being revised. Aspects regarding markets would be included, but the consultation regarding residents' expectations of markets would be taken into consideration whilst the policy was revised.
- Massage and Special Treatment businesses had to be renewed by the 31 September each year so this was when they would pay the increased fee for their next licence which they would have to apply for. Operations in this category were seeing an increase in businesses which determined that they would employ people individually as their own sole trader. The trader would sign up to an affiliated body and in doing so, they would not subsequently pay the fee. Budgets were going down on Massage and Special Treatment premises. Legislation stated that if an individual had signed up to an affiliated body or a recognised body, then a fee could not be assigned to the premises. Bodies that were considered recognised were around 20 in number. There was some concern regarding potential modern slavery or criminal activity when it came to people being employed in such businesses and the Council needed to consider this.
- Section 7.1 of the report stated that guidance would be developed for street traders. Street trading conditions had already been prepared and would be submitted to a future Licensing Committee. Licensed street traders needed to comply with whatever changes came into place, including regulations involving single use plastics.

RESOLVED:

1. That the licencing committee approve fees set out in appendix 1 of the report including:
 - i) An increase of 7% on existing discretionary fees for 2024 - 25
 - ii) The introduction of a new Market operator licence application fee as set out in section 5.7 of the report.
2. Note Licencing Act and Gambling Act premises were already set at statutory maximums and made up a significant proportion of the fees collected.
3. That Pavement licence fees would be presented in a separate report following the Levelling up Act receiving royal assent in October 2023. Fees would be stipulated in the Act. At the time of writing the report, the Government had not released any regulations or guidance on the new regime. The temporary Pavement licence provisions remained in place under the Business and Planning Act 2020 (as amended).

8. NEW ITEMS OF URGENT BUSINESS

There were no new items of urgent business.

CHAIR: Councillor Anna Abela

Signed by Chair

Date

