

**Report for:** Licensing Committee

**Item number:** 7

**Title:** Consultation on draft Statement of Licensing Policy

**Report**

**authorised by :** Eubert Malcolm Director of Environment

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**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key decision

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

- 1.1 The Licensing Act 2003 (the Act) came into effect on 25<sup>th</sup> November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshments, to be administered by the local licensing authority within Haringey, this council.
- 1.2 Section 5 of the Act requires each licensing authority to prepare, consult and publish a statement of licensing policy every five years. The policy statement is expected to set out, how the authority intends to approach its licensing responsibilities. Each Authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary. The purpose of this report is to seek approval for consultation to be undertaken on the draft Statement of Licensing Policy 2026/2031 at Appendix 1.
- 1.3 The current statement Licensing Policy is due for review and to be Published by Jan 2026. This report seeks permission to consult on a revised statement.

## **2 Recommendations**

This report recommends that the Committee:

- 2.1 Approve consultation on the draft Haringey Statement of Licensing Policy 2026-2031 attached as Appendix 1 to this report.
- 2.2 Note and agree the arrangements for public consultation as set out within this report at section 6.
- 2.3 Note that following the consultation the responses will be brought back to the Licensing Committee who will then make recommendations to Full Council for adoption of the policy.

## **3 Alternative Options Considered**

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

#### **4 Reasons for decision**

- 4.1 The Council's current Statement of Licensing Policy expires in January 2026 and the Council has to comply with its statutory duty to prepare, consult and publish a statement of licensing policy every five years.
- 4.2 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.
- 4.3 Members should note that the statement of licensing policy must not be inconsistent with the provisions of the 2003 Act and must not override the right/s of any individual as provided for in that Act. Nor must the statement of licensing policy be inconsistent with obligations placed on the council under any other legislation, including human rights legislation. The council for example has a duty under Section 17 of the Crime and Disorder Act 1998, when carrying out its functions to set out what it can reasonably do to prevent crime and disorder within the borough.

#### **5 Background information**

- 5.1 Central to the statement of licensing policy is the promotion of the four licensing objectives established under the Act. These are:
- **The prevention of crime and disorder**
  - **Public Safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 5.2 Since the commencement of the current statement of licensing policy, there have been a number of matters that have been raised at licensing sub-committee meetings where members, responsible authorities and applicants have requested clarification. The amendments in this revision seek to clarify Haringey's position and are believed to be appropriate and necessary.
- 5.3 The Licensing Policy provides transparency for everyone including local residents and businesses, who will be able to refer to the policy when making representations, and applicants when preparing their premises licence applications. The policy also describes how the Licensing Authority's approach to licensing will be integrated with local council planning, crime prevention, child safeguarding and cultural strategies and any action plan or strategy for the management of the evening economy. The statements also avoids duplicating other requirements such as health and safety regulations which already place a range of general duties on employers and licence holders.

- 5.4 The draft Policy introduces various policies and measures that promotes the four licensing objectives; namely prevention of crime & disorder, prevention of public nuisance, public safety and protection of children from harm. The policies will inform decision making in a meaningful way as well as provide useful and practical guidance to applicants, local residents, responsible authorities and magistrates (who decide cases on appeal).
- 5.5 There has been some changes to the Section 182 Guidance issued for licensing authorities (the current version was issued by the Home Office in February 2025).
- 5.6 One change is to set out a way in which business can be supported in relation to Minor variations. It advises Licensing Authorities to treat applications for amendments for an on-sales licence holder to also be able to make-off sales, in the first instance, as a minor variation to the licence. This is a quicker and cheaper process than a full licence variation. Paragraph 8.65 of the Guidance now states: "For other licensable activities, licensing authorities will need to consider each application on a case-by-case basis and in light of any licence conditions put forward by the applicant. If an on-sales only licence holder wishes to add off sales to their licence, licensing authorities may in the first instance wish to treat applications as a minor variation, in particular when the holder took advantage of the Business and Planning Act 2020 provision\* and there has been no adverse impact on licensing objectives. \*Section 11 (2)
- 5.7 The guidance includes an annex on counter-terrorism measures and their relevance to the licensing objectives in anticipation of Martyn's Law coming into effect late in the year. The draft Haringey Policy has also considered this expected new law.
- 5.8 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 5.9 below.

#### **5.9 Summary of the main amendments**

- Removal of guidance relating to Coronavirus.
  - Updated Alcohol Harm data
  - Updated wording around Pavement licensing
  - Revised wording on Corporate Plan and links with other strategies- including risk and harms to women and the vulnerable in the late night economy.
  - Responding to the proposed Martyn's Law by outlining event and large venue safety and risk assessment; the dispersal of patrons from premises.
  - The impact in certain areas of low cost, high strength alcohol sales- street drinking.
  - Updated wording on Framework Hours
  - New section on Responsible management for licensed premises relating to match and event days in a given area.
  - New section showing examples of Model Conditions.
  - Responsible Authorities information updated.
- 5.10 The Policy sets out the council's standards that operators are expected to achieve and address issues that licensable activities may cause in relation to location of premises, hours of operation etc.
- 5.11 We have sought the views from responsible authorities such as the Police, Noise Team, Public Health, the business community and residents etc. prior to

formulating the Policy. All stakeholders will be able to engage formally during the forthcoming public consultation period.

5.12 A survey asking for views on licensed premises in the borough was sought from business and the general public . The data from the responses shows that most respondents are happy with the status quo however some felt that there are too many Off Licences in the borough. This is a view shared by Public Health who raised concerns about the availability of alcohol in the borough.

5.13 The draft Policy has been updated to apply changes to the Section 182 guidance, including the updates of pavement licences, a guidance on immigration status documentation and raise awareness for being prepared for 'Martyn's Law'.

5.15 The Policy sets out the council's standards that operators are expected to achieve and address issues that licensable activities may cause in relation to location of premises, hours of operation etc.

5.13 Before determining the Policy, the Licensing Authority must consult the persons listed in section 5(3) of the Licensing Act 2003. As is good practice, the Licensing Authority has consulted widely and not limiting the consultation to the persons listed in section 5(3) of the Act. The work carried out in developing and improving the council's Policy will continue after this draft Policy has been adopted. The possibility of declaring a cumulative impact zone to limit the growth of Off Licences in certain parts of the borough, is a separate piece of work that be undertaken with key stakeholders and members will be given the opportunity to discuss this option at a later date and to inform any future review of the Policy and its outcomes.

5.14 Martyn's Law overview

Martyn's Law, named after a victim of the Manchester Arena bombings, is a bill that requires those responsible for publicly accessible venues in the UK to take steps to reduce the threat of terrorist attacks. It places a statutory duty on premises and events to implement reasonably practicable public protection procedures and measures.

5.15 Cumulative Impact Policy

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. Both Public Health and Police Licensing Team have expressed a view that a CIPs should be considered for Off Licences only in parts of High Road N17 and West Green Road. This requires a more in depth research and gathering evidence so is not part of this current process. Evidence will be gathered and evaluated to ascertain if the threshold has been met to declare such a policy in 2026 as a separate piece of work..

## **6. Contribution to strategic outcomes**

**6.1 The Corporate Delivery Plan 2024-26** outlines our strategic objectives, priorities, and initiatives aimed at creating a fairer, greener borough. Our plan is set out in eight separate themes:

- Resident experience and enabling success

- Responding to the climate emergency
- Children and young people
- Adults, health and welfare
- Homes for the future
- Safer Haringey
- Culturally rich borough
- Place and economy

6.2 These themes demonstrate how we are focused on working collaboratively, in line with the Haringey Deal, with residents, businesses, and partners to tackle the biggest issues affecting our communities. 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.

## 7 Consultation process

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

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

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

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

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

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

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

7.6 **Consultation timetable** - The following timetable for the public consultation on the draft policy amendments and for final approval of the 2026 – 2031 policy document is proposed:

Action	Timeline
Report taken to Lead Member and Chair of Licensing Committee for discussion	02 <sup>nd</sup> July 2025

Draft taken to Well Being and climate Board	22 <sup>nd</sup> June 2025
Report taken to Licensing Committee for permission to consult on the draft policy revision; and consultation timetable.	July 28th – 6 weeks consultation to start in July.
Licensing	Consultation to be advertised at main Council buildings/placed on website. Statutory and public consultation to run from end July to early September 2025 (6 weeks)
Report taken to Overview & Scrutiny	July/August 2025
Consultation ends. Consideration of consultation responses and further revision of the policy	Early September – responses compiled and preparation of reports to Licensing Committee to report on outcomes.
Outcome report back to Well Being Climate Board	Mid -October
Report back to the Licensing Committee asking the committee to consider the further draft policy revision and make recommendation for adoption of a final policy by Full Council	October TBC
Report prepared for Full Council with recommendation to adopt	November TBC
4 weeks public notice period.	December TBC
New policy takes effect	Jan 2026 TBC

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

### Finance

This report seeks approval for a consultation exercise for the Haringey Licensing Policy 2026-2031, which is a statutory requirement. The existing policy expires in January 2026.

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

The results of this will be brought back to the Licensing Committee, prior to Full Council.

The timelines 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.

## 9 Procurement

N/A

## **10 Legal**

10.1 The Director of Corporate Governance has been consulted in the Preparation of this report and comments as follows.

10.2 The legal implications are set out in the body of the report.

10.3 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.

10.4 The consultation timetable for the SOLP is in accordance with the Mosley principles. Under the Council's Constitution – Licensing Committee - Protocol para 2(b) the Licensing 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.

10.5 There is no legal reason why Committee should not adopt the recommendations of this report.

## **11. Equality**

11.1 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.

11.2 A draft equality impact assessment has been completed and is attached as an appendix to this report. It is anticipated that there will be positive impacts for younger people, older people, disabled people, people from ethnic minority backgrounds, religious minority groups, both males and females and LGBTQ+ people. For other groups, there is no anticipated impact on the basis of their protected characteristics.

11.3 When framing its policy on licensable activities, the Council must work within the statutory parameters of the Licensing Act 2003.

11.4 The Council is required to review its Statement of Licensing Policy every five

years and as part of that review it consults with the public. A draft Equalities Impact Assessment has been produced, and further data will be collected as part of the public consultation with a view to updating the Equality Impact Assessment. Any feedback from consultees, will be incorporated into the final report taken to the Licensing Committee and Full Council post-consultation

## **12 Use of Appendices**

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

#### **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