

4. Reason for recommendation(s)

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

4.2. The S182 Guidance has been revised by the DCMS and other new legislation which impacts on the 2003 Act has been introduced and should be incorporated into the Policy

5. Other options considered

5.1. None necessary

6. Summary

6.1. Haringey in their role as a Licensing Authority are required to publish a policy statement to guide them in their responsibilities and decision making of applications under the 2003 Act. The policy must support the four licensing objectives as detailed at para 16 below, and must be consulted upon widely as detailed at para 10.

6.2. In following the details given in section 17 of this report and the timetable stated, the Licensing Authority will be able to publish its policy statement in compliance with both the Licensing Act 2003. This will enable the authority to be compliant with the law.

7. Chief Financial Officer Comments

8. Head of Legal Services Comments

8.1.

9. Equalities &Community Cohesion Comments

Consultation in respect of this policy will include those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. As such we will amongst other consultees include faith groups, voluntary and community organisations.

10. Consultation

10.1. The 2003Act requires the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- The chief officer of police for the authority's area;
- The fire authority for the area
- Such persons the authority considers to be representative of holders of premises licences issued by the authority.
- Such premises as the licensing authority considers to be representative of holder of club premises certificates issued by that authority.
- Such persons as the licensing authority considers to be representative of holders of personal licences issued by this authority and
- Such persons as the licensing authority considers to be representative of businesses and residents in its area.

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

11. Service Financial Comments

There are no significant financial implications arising from the recommendation in this report. Any costs associated with the consultation process will need be met from the currently approved cash limit for Enforcement Services.

12. Use of appendices /Tables and photographs

12.1. Appendix 1 – Draft revised Statement of Licensing Policy

13. Local Government (Access to Information) Act 1985

13.1. S182 Guidance to Local Authorities under The Licensing Act 2003 issued by the Department of Culture Media and Sports

13.2. The Licensing Act 2003.
Policing and Crime Act 2009

14. Background

The Licensing Act 2003 (the '2003 Act') introduced new regime under which the responsibility for the licensing of the sale of alcohol, regulated entertainment and late night refreshment transferred from the Magistrates Court to the licensing authority, i.e. the local authority.

One of the key requirements under the 2003 Act was to prepare and publish a Statement of Licensing policy which sets out the basis on which the authority will make its license application decisions. This was first published on 7th January 2005. after widespread consultation. The legislation requires that the Statement of Licensing Policy be reviewed at least every three years. The Licensing Authority is required under the Act to consult on their policy (and any subsequent revisions) and the

requirements of this consultation are also detailed in statute.

15. Description of changes to the policy

The areas of the policy which have been revised reflect the revision of the S182 Guidance, the changes brought in by various legislation and the demands being made on the Service. The additions made to the Policy are as follows:

- I. Editing to make the Policy more easily understood and improve its effectiveness.
- II. Clarification on the expectations of the Licensing Authority on applicants wishing to apply for licences.
- III. Following legislative changes, information has been added dealing with Minor Variations, the new Mandatory Codes introduced by the Policing and Crime Bill 2009.
- IV. Additional reference to measures operators would be expected to include in their operating schedule for particular types of premises.
- V. Adult entertainment – guidance on what the Licensing Authority will require to be clarified in premises that choose to use the slip rule allowed by the amendment in the Policing and Crime Bill 2009.
- VI. Updated guidance on carrying out risk assessments to be carried out by applicants in relation to fire safety, crowd control, audience and artists profiling
Fuller guidance to applicants
Further guidance is given to applicants on possible conditions that they should consider when addressing the four licensing objectives in their Operating Schedule.
- VII. The EU Services Directive is now in place and this has required us to ensure that all licensing processes are available to be applied for and determined on line from any where in the EU member states.
- VIII. Tables and Chairs Policy with the introduction of the Health Act 2006 and the smoking ban taking effect . There has been an increase in applications for tables and chairs outside premises, it is advantageous that all applications are consulted on and permitted hours of use are stated on the licences issued.
- IX. Updated in line with the revised 182 Guidance
The main guidance has been revised and our policy reflects the revisions made to s182 Guidance
- X. An overview of the new powers available to Elected Members as Interested Parties in their right with the ability to make representation against an application and call for a review of an application.
- XI. Information is also provided in relation to the New Licensing Panels which will consist of a panel of Officers to deal with premises that are a cause for concern but not yet at a review stage. The Licensing panel will be able to draw up working agreements with badly performing premises to assist them to turn things around before they are reviewed.
- XII. Use of the Yellow Card Red Card proposals will be put into effect by the Licensing Panel in affecting change in a premises that is not being conducted properly.

16. Fundamental Principles

The Act contains four licensing objectives which underpin the functions that both the Commission and Licensing Authorities will perform.

These are

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

The Licensing Authority's Statement of Licensing Policy must show how these licensing objectives will be achieved and must have regard to the S182 guidance published by the Department of Culture Media and Sports.

17. The timescale for the consultation is as detailed below

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

- Consult Licensing Committee to refer to General Purpose to commence Consultation.
- 27th May 2010 Cabinet Advisory Board
- 28th June 2010 – report goes to GP
- 23rd September 10 - Final draft policy completed goes GPC to report back on outcome of consultation
- 18th October Full Council to adopt
- Public notice to be given