



**Haringey** Council

Agenda item:

[No.]

GENERAL PURPOSES COMMITTEE

On 23<sup>rd</sup> September 2010

Report Title. Feedback following consultation on the revised draft Statement of Licensing Policy for the Licensing Act 2003

Report of Niall Bolger – Director of Urban Environment

Signed :

*Niall Bolger* . 14<sup>th</sup> Sept. 2010

Contact Officer :Daliah Barrett – Lead Officer for Licensing (Tel 020 8489 8232)  
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Wards(s) affected: All

Report for: Key Decision

**1. Purpose of the report**

- 1.1. To report back to Members on the consultation responses received and to show where proposed changes have been made to the draft policy.
- 1.2. To seek agreement for the draft policy to be passed to Full Council for adoption.

**2. Link with Council Plan Priorities and actions and /or other Strategies:**

The Statement of Licensing policy links into the overall Council priorities for a 'Safer Haringey', by working with local communities to reduce crime and antisocial behaviour that can be associated with alcohol consumption..

**3. Recommendations**

- 3.1. That members note the outcomes of the consultation and proposed changes to the draft statement of Licensing Policy. The list of responses and guidance if they affect the policy are contained in Appendix 1.
- 3.2. That members agree to the policy as detailed in Appendix 2 being reported to Full Council for adoption.

#### **4. Reason for recommendation(s)**

4.1. We are obliged to review the Statement of Licensing Policy every three years and to reflect changes to statutory guidance and relevant legislation.

#### **5. Other options considered**

5.1. None appropriate

#### **6. Summary**

6.1. The consultation was undertaken for a period of 12 weeks which ended on 8<sup>th</sup> September 2010. The comments and requests submitted are detailed at Appendix 1, with comments as to whether or not they warrant changes to the draft policy. Some minor changes have been made to the draft.

#### **7. Chief Financial Officer Comments**

There will be financial implication arising from the recommendation in this report, as it is a statutory requirement to publish a notice for two weeks in a local newspaper once the Full Council has passed the resolution to adopt. Any costs associated with this will be met from the budget for Enforcement Services.

#### **8. Head of Legal Services Comments**

8.1. The legal implications are fully set out in the body of the Report. Under the Councils' Constitution, the General Purposes Committee has to recommend the Statement of Licensing Policy for adoption to Full Council. This does not prevent informal consultation with the Licensing Committee and CAB.

#### **9. Equalities & Community Cohesion Comments**

9.1 Consultation in respect of this policy has included those organisations and bodies who have responsibilities to protect the young, the elderly, and other groups within our authority. A revised Equalities Impact Assessment will be undertaken.

#### **10. Consultation**

10.1 The revised draft statement was placed on the Council's website together with supporting explanation and guidance. Comments received will be fed back to those taking part, and will be published on our Licensing webpage.

## **11. Service Financial Comments**

11.1 There will be financial implication arising from the recommendation in this report, as it is a statutory requirement to publish a notice for two weeks in a local newspaper once the Full Council has passed the resolution to adopt. Any costs associated with this will be met from the budget for Enforcement Services.

## **12. Background**

12.1 The Licensing Act 2003 (the '2003 Act') introduced the 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.

12.2 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 7<sup>th</sup> 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.

12.3 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

12.4 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.

## **13. Policy Statement changes**

13.1 The main areas of the policy which have been revised reflect changes to legislation and service improvements. The key changes to the Policy are as follows:

- Clarification on Minor Variations- this is a simplified application for licences to allow them to make minor changes to their licences that will not impact on the community. It can not be used to increase the sale of alcohol beyond midnight as we know that the late availability of alcohol increases the possibility of crime and disorder in the late night economy.

- Members as Interested Parties – Councillors are now able to make representation and request review in their own right. They are not restricted to only matters in their wards.
- Specific guidance and suggested conditions that could be included in operating schedules. We have offered further possible conditions for applicants to consider and asked them to fully consider the knock on effect of their intended business may have on the immediate vicinity.
- Clarity of the role of the Designated Premises Supervisor.
- The introduction of Licensing Panels and the use of yellow Card Red Cards as means of managing problem premises in partnership with other Responsible Authorities.
- The introduction of a Responsible Licensee Scheme for new and existing premises. This would be a voluntary scheme and would seek to promote positive behaviours and celebrate premises that demonstrate that are good neighbours.
- More supportive information in relation to the Protection of Children from Harm Objective.
- The Policing and Crime Act 2009 introduces 5 new mandatory codes into the Act which apply to all licensed premises. We have given guidance as to what constitutes an irresponsible drinks promotions.
- Clarity on the Licensing Authority view of garages needing to give supporting evidence that their primary use is that of a grocery shop rather than a petrol station, which would be exempt premises.
- Adult entertainment has now been re-classified but premises are able to offer adult entertainment 11 times a year without permissions, we could as the Licensing Authority condition new licences to state 'no adult entertainment' this will give a clear message that not even the slip rule permitted could be used to offer this entertainment and licensees would therefore have to make an application for a new Sex Entertainment venue under the Local Government Miscellaneous Provision act 82 as amended by the Policing and Crime Act. 2009.
- The Greater London Authority have approached all local authorities requesting that we sign up through our policy that we will work with them for the duration of the Olympic Games in 2012. They have requested that boroughs liaise with them in terms of any large events taking place during

this time so that there can be a co-ordinated approach to the way in which the emergency services are deployed during this time.

#### **14 Rebalancing the Licensing Act**

14.1 A Government recent consultation by the Home Office has proposed options for “empowering individuals, families and local communities to shape and determine local licensing” has been undertaken. It is likely that this will result in changes that will further address concerns raised in this consultation. Specifically this consultation proposes -

- overhauling the Licensing Act to give local authorities and the police much stronger powers to remove licences from, or refuse to grant licences to premises that are causing problems
- allowing councils and the police to permanently shut down any shop or bar that is repeatedly selling alcohol to children
- doubling the maximum fine for those caught selling alcohol to minors to £20,000
- allowing local councils to charge more for late-night licences, which will help pay for additional policing
- banning the sale of alcohol below cost price

14.2 It seems likely that any changes arising from this consultation will require further revision to this policy statement in due course.

#### **15 Timetable for introduction**

15.1 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 :

- 28<sup>th</sup> June 2010 –GPC for permission to consult.
- 23<sup>rd</sup> September 10 – GPC for approval of final draft policy.
- 18<sup>th</sup> October Full Council to adopt
- Public notice to be given for 28 days

#### **16 Use of Appendices**

Appendix 1 – Consultation Feedback Table

Appendix 2 - Proposed Statement of Licensing Policy



Licensing Act 2003 Policy Statement Consultation Responses

Name of person	Organisation	matters raised Asked for wording the policy to be changed in relation to:	affect Policy or not
<p>Mr Peter Thompson – Haringey Federation of Residents Associations</p> <p>Peter Thompson –Muswell Hill and Fortis Green Association</p>	<p>Residents Association</p>	<p>Street drinking- say the council only consults with the police and not residents</p> <p>Saturation- the Council should not act on the police wishes alone but in the views of residents also.</p> <p>Operating schedules – no requirement at present for the applicant to consult those living within the vicinity.</p> <p>Management of hearings – residents should be advised prior to hearing that late documents will not be accepted and that time limits may apply .</p> <p>Provision of information – request that details of licences are available to view online..</p> <p>Requiring applicant licensees to commit to regular and meaningful consultations with</p>	<p>This is not the case the Street Enforcement Team carry out Consultation with residents and businesses in the areas affected. Street Drinking regulations does not fall under the Licensing Act 2003. – <b>no changes required to policy</b></p> <p>The Act requires that evidence of the requirement is submitted this needs to be evidenced through police records. The Government have raised this matter in the new consultation document and has asked the question, if the test is too evidential at the moment. We are not able to alter the criteria until the Government makes changes to the primary legislation. – <b>no changes required to the policy</b></p> <p>This is not the case, the applicants put up a blue notice and a notice in a local newspaper that is what the Act currently requires. This is also being re-evaluated by the Government in the proposals currently being consulted on. As a Council we put the list of current applications on the Licensing web pages.- <b>no changes required to policy</b></p> <p>Letters advising of committee hearings notify residents of these matters. The limitation on time to speak only comes in if there are many people wishing to address the panel on a particular matter. These rules form part of the Council Constitution on hearing regulations- <b>no changes required to policy</b></p> <p>We are working towards having a document on line to show the list of premises and personal licences. We have had it available in the past but it goes out of date the next day and there was a cost for IT to keep on updating the information, as there is always a constant stream of changes being applied for to licences. – <b>no changes required to the policy</b></p> <p>This is a condition that has to be requested and then considered if it is relevant and proportionate to what is being applied for – <b>no changes required to the</b></p>
<p>Peter Thompson- Hillfield and St James residents Association</p>			

Appendix 1

		local residents.	<b>policy</b>
Linda Somerville PH Strategist in Addictions Haringey DAAT		Request that health matters be considered, and that a Health representative be part of a licensing panel.  Is a responsible drinking promotion defined?  The list of sensitive areas could have drug and alcohol services added if we were to ever open an inpatient alcohol detox unit?	The Government has picked up on the health issue during the current consultation on proposed changes to the primary legislation. We are advised by LGG to not incorporate any of the new proposals into our current revision of policy until the Government has given clear instructions on new regulations going forward. – <b>no changes required to the policy</b>  The Government guidance states: 2 for 1 offers, Happy Hours, drinking competitions as irresponsible drinks promotions. <b>This is stated in the policy</b>  This can be addressed if and when that happens. – <b>no changes required to policy</b>
Ingrid Honderich	Resident	The Act is too restrictive and does not allow any differentiation to be made between an application for a pub in the High Street or a nature reserve with residential housing nearby	<b>No changes required to policy.</b> The 4 objectives underpin the Act and they are what is used to determine each application.
Geoff & Enid Hunt	Connaught Gardens and Area Residents Assoc.	Lack of information , unsatisfactory management of hearings, insufficient time to register an appeal, protracted proposed monitoring	The requirement to advertise the applications are stipulated in the Act, this covers the size and the format the applicant must adhere to. A list of all current applications are available on the website at any given time.  Representations are made available at the end of a consultation period once the report is signed off. There is no requirement to share letters with other residents only with the applicant.  If there are large numbers of speakers the Chair of the Licensing Sub Committee is at liberty to manage the process.

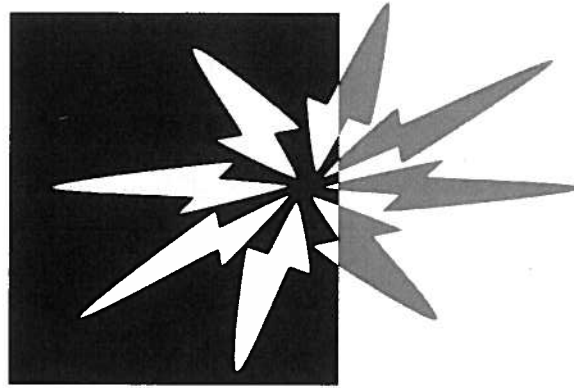


# Appendix 1

			<p>The 21 days to lodge an appeal is stipulated in the Act.</p> <p>The Red card Yellow Card approach is to enable and assist licensees to better manage their establishments. There are already provisions in the Act to carry out an emergency closure of any licensed premises if there is serious disorder.</p> <p>The Government is currently looking at proposals to redress some of the concerns in terms of the notification given to residents, the fact that licence holders can continue to trade for a period of time pending appeals following a review. We are advised to not make any changes to our policy until the proposals are made law, at which time we will need to review our policy.</p> <p><b>No changes required to policy</b></p>
David Dell	Resident –Muswell Hill	Reduce anti social behaviour from the late night economy	The policy has been strengthened in this regard – we have inserted further considerations as a guide to would be applicants and asked that consideration is given to the impact of their proposed business on the vicinity- <b>this is already in the policy.</b>
Robert Faux	Greater London Authority	Request to insert a paragraph about the Olympic games to say that we will consult with the GLA and police within a given period in relation to large events taking place in out borough that may impact on policing and other blue light agencies during this time	<b>This is included in the policy</b>
Jane and Kevin Price	Residents	<p>It is wrong that a handful of shops be allowed to override the wishes of a large number of local residents.</p> <p>That the SNT Officers be made to give a local perspective on applications.</p> <p>Inadequate means of notifying residents</p>	<p>Provision is there for residents to attend hearings and have matters decided by the Sub committee.</p> <p>We cannot impose this in the policy, our understanding is the Police licensing officer request the views of the SNT sergeants for applications in their respective wards.</p> <p>The process of notifying residents is set in the legislation, we have offered in the policy to write to residents, but we will need to withdraw this as there is a substantial financial impact on resources if we started to do this for each application. – <b>changes to be made to policy to remove this</b></p> <p>There is no requirement under the act to show need or demand, so we are unable to include this in the policy. – <b>no changes to policy</b></p>
Sandjea Green	Resident	Request that we limit the access to alcohol by not allowing so many shops	

Appendix 1

<p>Ian Sygrave -LCSP</p>	<p>Residents association</p>	<p>to sell alcohol That we list what constitutes irresponsible drinks promotions</p> <p>Remove the specific reference to Green Lanes.</p> <p>Clarify date policy will come into effect</p> <p>Clarity on trading standards role with the new mandatory conditions</p> <p>Request for objectors to be consulted on dates for hearing and not just the applicants</p> <p>Numbering and various phrasing</p>	<p>This is stated at</p> <p>We have removed the reference to Green Lanes from the document</p> <p>It will come into effect on 7<sup>th</sup> Jan 2011</p> <p>We have added in some explanation at</p> <p>The reason for this is that we are held to time constraints prescribed in the legislation, if we do not the applicant will have the right to appeal. <b>There will be no change to policy in this regard</b></p> <p>We will make any corrections deemed necessary</p>
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**Haringey** Council

The London Borough of Haringey

Statement of Licensing Policy

January 2011-14

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## The London Borough of Haringey

### Statement of Licensing Policy

#### 1.0 Introduction

- 1.1 The Licensing Act 2003 (“2003 Act”) sets out the way licensed premises are regulated. Licensing authorities must also have regard to Guidance (“S.182 Guidance”) issued under Section 182 of the 2003 Act by the Department for Culture, Media, and sports (“DCMS”). The London Borough of Haringey (“LBH”) published its first Statement of Licensing Policy (“SoLP”) under the 2003 Act in January 2005. The law prescribes that a new SoLP must be published every three years. This SoLP (subject to consultation) will come into effect on 7th January 2011 and apply until 6th January 2014.
- 1.2 The SoLP satisfies the requirements of Section 5 of the 2003 Act and sets out the framework within which LBH will discharge its duties under the Act in promoting the four licensing objectives, namely:
- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.
- 1.3 LBH will have regard to the SoLP when determining applications under the 2003 Act. LBH is responsible for granting Premises Licenses, Club Premise Certificates, Temporary Event Notices and Personal Licenses in respect of the retail sale and supply of alcohol and the provision of Regulated Entertainment and Late Night Refreshment.
- 1.4 The law prescribes that all policies must be designed to promote the four main licensing objectives. This document provides information and guidance to Applicants, Interested Parties, and Responsible Authorities on the approach LBH will take when determining licensing applications. LBH will apply the standards and policies set out in the SoLP unless there is good reason not to. In such cases, full reasons will be given. The S.182 Guidance recognises that Licensing Authorities may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. Each application will be considered on its own merits and all parties involved will be treated fairly and openly.
- 1.5 The licensing activities covered in the policy include:
- Retail sale of alcohol;
  - The supply of alcohol by or on behalf of a club;

- The provision of late night refreshment i.e. the supply of hot food or drink from premises between 2300 to 0500hrs;
- The provision of regulated entertainment. This includes:
  - A performance of a play;
  - Exhibition of a film;
  - Indoor sporting events;
  - Boxing and wrestling matches;
  - Performance of live music and/or dance and playing of recorded music;
  - Provision of facilities to dance;
  - Provision of facilities for making music.

In determining applications under the Act, the Licensing Authority shall consider:

- The promotion of the four licensing objectives;
- Representations and evidence presented by all parties, together with any relevant supporting documentation;
- Any Guidance issued by the Government;
- The Licensing Authority's own Statement of Licensing Policy.

- 1.6 The licensing policy will not undermine an Applicant's right to apply under the Licensing Act 2003 for a variety of permissions; nor does it override the right of any person to make representations on an application, or seek a review of a licence or certificate.
- 1.7 The licensing process deals with a range of leisure activities in which the Government want to see greater flexibility, but with greater and proper responsibility. The SoLP seeks to encourage responsible licensees with restrictions only relating directly to the four licensing objectives.
- 1.8 In drawing up this SoLP, LBH has had regard to the nature of the Borough and the needs and wishes of the communities it serves and has consulted with all the statutory consultees and other appropriate bodies.
- 1.9 With the introduction of the Policing and Crime Act 2009, the Licensing Authority further acknowledges and supports that this legislation has been introduced against a background of increasing alcohol related anti-social behaviour and subsequent hospital admissions that has led to criticism due to the increased cost to local residents. The Policing and Crime Act 2010 introduced a set of additional mandatory licence conditions, affecting the way that premises and clubs that sell alcohol are allowed to operate. The new

mandatory conditions apply to all premises licences and club premises certificates that authorise the sale or supply of alcohol on the premises. The following three conditions apply to all “on” premises licences and club premises certificates

- Certain “irresponsible” drinks promotions are banned. This includes 2 for 1 promotions, happy hours and drinking games such as ‘Dentist Chair’
- Tap water must be made available free of charge to customers on request.
- Alcohol may not be directly dispensed into another person’s mouth (unless that person is disabled).

From 1<sup>st</sup> October 2010, the following conditions will also apply:

- Require an age verification policy to be in place to prevent underage sales; and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

1.10 There is no obligation for the licensing authority to re-issue licences. As a matter of good practice, however, this Authority has sent notification to the local licensed trade of the new conditions. The introduction of this legislation signals a shift back from deregulation towards offering greater support for communities being adversely affected.

1.11 The Licensing Authority also acknowledges the affect of this legislation in expanding the definition of the term ‘Interested Parties’ to now include elected members of the local authority. Elected councillors of the licensing authority may now make representations or seek a review in their own right. Councillors do not sit on Licensing Sub Committees dealing with applications within a Councillor’s own ward.

1.12 The Licensing Authority has put in place a Licensing Panel which is made up of a group of Senior level Officers from Environmental Health, Enforcement Services, the Metropolitan Police, the Fire Officer and Trading Standards who will deal with premises that are a cause for concern but not yet at the point of being reviewed. This Authority will therefore make use of the “Yellow Card Red Card Approach” issued by the DCMS in a Ministerial Statement entitled; “Problem Premises on probation” – Red and Yellow Cards: How it would work”. guidance issued by the home Secretary in relation to Red Card - Yellow Card. The Licence holder will initially be called in for an interview and be given a number of remedial steps by way of written agreement to improve the current situation, this will be viewed as the “Yellow Card”. If after a specified period of time and monitoring if there has been no sign of improvement the premises will be issued with a “Red card” which will mean the matter will be put forward to a Review hearing.

This process does not however stop any Interested Party or Responsible Authority from applying for a review at any time.

The Licensing Authority will continue to recognise its duty under Section 17 of the Crime and Disorder Act 1998 when carrying out its function under the Licensing Act 2003. The Licensing Authority will seek to support strategies where they are allied to the licensing objectives such as Safer Communities Partnership, Alcohol Harm Reduction Strategy and any other relevant strategies and policies.

### **1.13 Sexual Entertainment Venues**

This Authority also recognises the changes set out in the Policing and Crime Act 2009, which includes an amendment to the Local Government (Miscellaneous Provisions) Act 1982 which introduces a new category of sex entertainment called a "sexual entertainment venue. In summary, this will cover lap dancing / pole dancing and similar venues currently regulated less onerously under the Licensing Act 2003. This particular provision must be adopted by LBH to take effect. Further considerations are given at 13.4.

### **1.14 EU Services Directive**

The EU Services Directive is intended to develop a single market for services by breaking down barriers to cross border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In light of the changes to the law regarding the EU Services Directive for online applications the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.

This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

### **1.15 Minor Variations**

Applicants now have the ability to apply for "minor variations" to their licences under a simplified procedure, which would generally fall into four categories:

- Minor changes to the structural layout of the premises



- Small adjustments to licensing hours
- Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
- The addition of certain licensable activities.

In all cases concerning minor variations the overall test is whether the proposed variation would impact adversely on any four licensing objectives. Further information can be found at section 22.3.

#### 1.16 The Olympics and Para- Olympic Games 2012

'The Council is fully committed to a safe and successful Olympic and paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from May 1 2012 until October 31 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activity during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is Haringey's Council's policy, likely that such applications will not be granted.'

## 2.0 Licensing Objectives

- 2.1 The Council's Statement of Policy has been developed to promote the following four objectives:
- prevention of crime and disorder;
  - public safety;
  - prevention of public nuisance
  - protection of children from harm
- 2.2 Each of the licensing objectives is considered to be of equal importance for the purpose of this policy. It is for applicants to decide on the matters relevant to their application and to show within their Operating Schedule the measures they propose to take to promote these objectives. The Licensing Authority will consider each case on its own merits. When considering issues under each of the licensing objectives, applicants may wish to use the examples of possible considerations set out in the Appendix.
- 2.3 **Other Means of Control**  
Licensing is only one of the ways the Council is working to improve community safety. We will continue to work in partnership with

neighbouring authorities, the police, local businesses and people to secure these objectives.

2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The licensing controls do however play a key role in preventing crime and disorder in and around licensed premises and support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include:

- Planning controls;
- Working in partnership with local businesses and transport operators on a number of measures to create a safe and clean environment in these areas, including:
  - provision of extensive CCTV and radio communication systems
  - provision of appropriate street lighting, rubbish collection and street cleaning
  - provision of better late night bus, rail and taxi/minicab services
  - provision of Police Community Support Officers/street and litter wardens
- Police enforcement of the law with regard to disorder and anti-social behaviour;
- Prosecution of those selling alcohol to people who are already drunk
- Powers to designate parts of the borough as places where alcohol may not be consumed publicly, and powers to confiscate alcohol from persons in those areas.
- Acknowledging the powers of the police or other responsible authority, or a local resident or business under the Licensing Act 2003, to seek a review of the licence or certificate

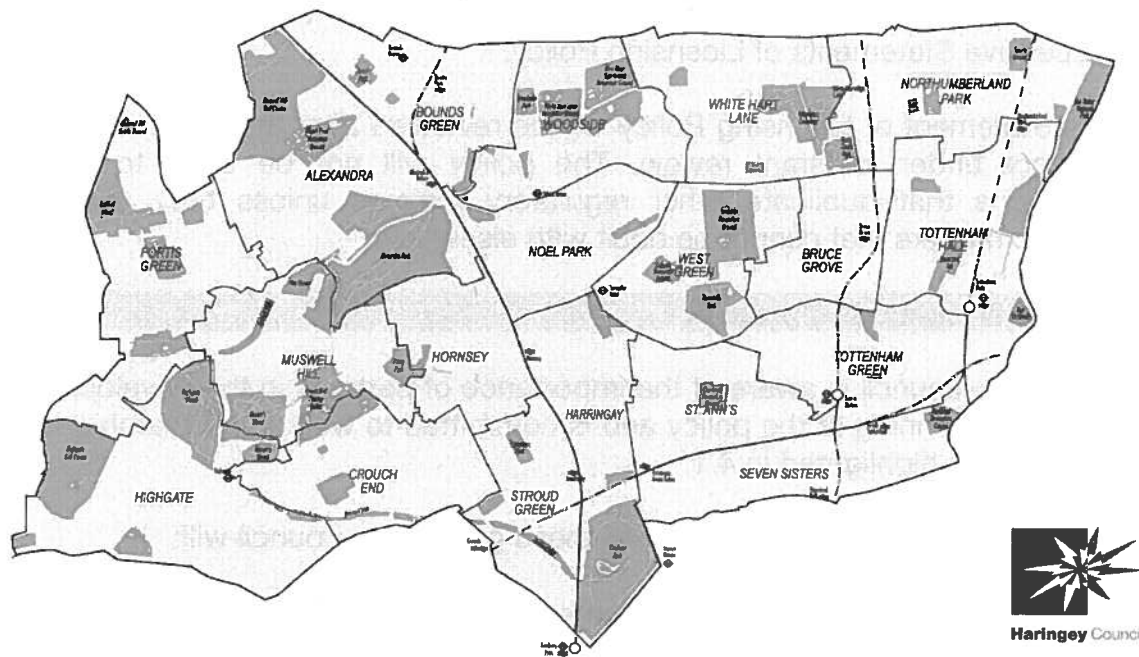
However, the Council nonetheless considers that licensing law plays a key role in both preventing and controlling alcohol related crime and anti-social behaviour by ensuring that the licensing objectives are promoted through well-managed premises and where appropriate by regulating and applying conditions to affect the number (if necessary through a cumulative impact policy), location and hours of premises.

The Council also operates a Responsible Licensee Scheme aimed at encouraging best practice and community pride, by encouraging licensees to 'Show You Care' by providing rubbish bins, sweeping outside their premises and being good neighbours.

### **3.0 The London Borough of Haringey**

This section provides a brief description of the London Borough of Haringey and the various initiatives and strategies that impact on licensed activities in the borough.

- 3.1 Haringey is located in the north of the capital and is more than 11 square miles in area.
- 3.2 The borough is the home of Alexandra Palace, where public television was born and of Tottenham Hotspur Football Club based at White Hart Lane.
- 3.3 It is one of the most culturally diverse areas in the country with over half of its 226,000 people from ethnic minority backgrounds. The food, tobacco and drinks sector makes the second highest contribution to the local economy behind manufacturing.
- 3.4 The borough is well served by public transport with extensive bus and underground coverage
- 3.5 There are numerous parks and open spaces such as Finsbury Park which host major outdoor concerts and events year after year.



#### 4.0 Consultation on the Licensing Policy

- 4.1 The development of this licensing policy has been made in consultation with the following:
  - the chief officer of the Metropolitan Police for Haringey;
  - the fire authority;
  - representatives of those that hold existing licences in Haringey; representatives of clubs registered in Haringey;
  - bodies and individuals that represent businesses and residents in Haringey.
  - Haringey Teaching Primary Care Trust

- Local Safeguarding Children Board
- relevant Council Departments
- Relevant Authorities

4.2 Additional consultation has been carried out with the following parties

- Ward Councillors
- Faith groups
- Community associations and centres
- Neighbouring boroughs
- Alcohol Strategy Group
- Greener Borough Strategy Group
- Primary Care Trust
- Community Safety Team
- Regeneration Team
- Chambers of Commerce

We will further consult these stakeholders prior to determination of successive Statements of Licensing Policy.

This Statement of Licensing Policy will be reviewed after three years but will be kept under constant review. The policy will not be used to attach conditions that duplicate other regulatory regimes unless they relate to specific matters that cannot be dealt with elsewhere.

## **5.0 Partnership Approach.**

5.1 The council is aware of the importance of partners in the development and running of the policy and is committed to work in partnership with those highlighted in 4.1.

5.2 In working in partnership with these groups the council will:

- consult and communicate on licensing issues with all licensees;
- consult with the community and their representatives on licensing issues;
- work with licensees and others in the community to achieve the licensing objectives;
- undertake pro-active enforcement operations in line with the council's enforcement policy and protocols. The enforcement process will also be linked to the potential risk at the premise of contravening the four licensing objectives.
- actively seek ways to reduce any crime culture that may exist in the close vicinity of licensed premises;
- develop a media strategy to promote our partnership and ensure it is in a position to react effectively to public issues.

## **6.0 Reviewing the Policy**

- 6.1 The Policy will come into effect on **7th January 2011**. It will remain in force for not more than three years, during which time it will be subject to periodic review and further consultation. It is considered that as the new provisions are used, matters may arise that will lead to the consideration of a review of this Statement of Licensing Policy well within the three year term.

## **7.0 Integration of Policies**

- 7.1 The Council has adopted a number of plans, strategies and policies that will interact with its approach to, and statement of licensing policy. The Council recognises the need to avoid as far as possible duplication with other regulatory regimes and will not seek to impose conditions where it can be demonstrated that the licensing objectives can be met by existing legislation.
- 7.2 By consulting widely prior to this policy statement being published, the Council will endeavour to secure proper integration with local crime prevention and reduction, child and youth protection, drug and alcohol abuse/prevention, together with planning, transport, tourism and cultural strategies.

### **Sustainable Community Strategy 2008 - 2016**

- 7.3 The Haringey Community Strategic Partnership brings together the Council, Police, Primary Care Trust (NHS), local businesses, educational organisations community and voluntary organisations, faith communities and other partners. The aim of the Haringey Sustainable Communities Strategy is to make the borough a better place by working together to improve local services.
- 7.4 The Sustainable Communities Strategy 2008-2016 is the shared vision for Haringey and sets out the priorities for the borough over the next ten years. Our overall vision is to measurably improve the quality of life for the people of Haringey by tackling some of our biggest problems and making it a borough we can all be proud of. The Sustainable Communities Strategy identifies six key priorities-that people are at the heart of change, for Haringey to have an environmentally sustainable future, economic vitality and prosperity shared by all, be safer for all, have healthier people with a better quality of life and to be people and customer focused.

### **Greener Borough Strategy**

- 7.5 The Council is investing £5 million to help achieve its ambition of being a top performing London borough. Better Haringey is delivering cleaner and safer streets and enforcement is seen as important in maintaining this. This licensing policy statement is seen as one of the key policies that will support tougher enforcement.

## **Cultural Strategy**

- 7.6 The arts are increasingly important to the economy of Haringey, and are a key driver for economic development and growth. Among the Council's priorities is to ensure that it supports the economic growth, creativity and culture of the borough by providing new workspaces, cultural venues and support.
- 7.7 The Council recognises the value of cultural activities including live music, dancing and theatre, and will take proper account of these needs to encourage and promote them, for the wider cultural benefit of the community.

## **Safer For All - The Safer Communities Partnership Strategy**

- 7.8 Haringey has developed the Safer Communities Strategy to improve the quality of life for its residents, businesses and visitors. Haringey will link with other major plans and funding opportunities in order to make the best use of resources.
- 7.9 The strategy sets out how crime and disorder priorities will be tackled over a three-year period. The key feature of the policy is to concentrate the partnership working on known high crime areas and neighbourhoods. This will include improving services for victims and witnesses of crime, target youth crime, violent crime, street crime together with drug and alcohol related crime.
- 7.10 The strategy is to encourage a local problem solving approach to the causes of crime and reduction of crime and disorder. Involvement of local communities is essential for successful crime and disorder reduction and will be a high priority for those implementing both the Safer Communities Strategy and Crime Reduction Strategy.
- 7.11 The areas of the strategy particularly relevant to licensing are:
- Using data analysis and problem solving approaches to get behind crime figures and understand where and why crime is committed and the possible options to intercede.
  - Focus on the drivers of crime, such as drug and alcohol misuse and supportive interventions to reduce crime and anti social behaviour.
  - Create a sense of safety and community confidence across the borough
  - Reducing alcohol related hospital admission rates
  - Work with businesses and the Police to design out crime
  - Work with licensed premises to reduce underage sales of alcohol

- Share data and intelligence to inform licensing enforcement operation, concentrating on high risk premises.

### **Neighbourhood Renewal Strategy 2002-2012**

- 7.12 Haringey's Neighbourhood Renewal Strategy provides the framework for the renewal of the most deprived parts of the borough. Five priority neighbourhoods have been identified – Wood Green, White Hart Lane, South Tottenham, Mid Tottenham and Northumberland Park.

### **Antisocial Behaviour Strategy**

- 7.13 The council has published its Antisocial Behaviour Strategy. This strategy outlines the council's intention to tackle the causes and effects of antisocial behaviour. This licensing policy statement is intended to support this strategy by reducing the impact of drink related antisocial behaviour and the environmental crimes and nuisance that can be associated with licensed premises.

### **Alcohol Strategy**

- 7.14 The council has produced an Alcohol Strategy in collaboration with its partners in the Primary Care Trust and others. This Statement of Licensing Policy will aim to be supportive and have a degree of consistency between the two policies.

### **Alcohol Harm Reduction Strategy**

- 7.15 LBH has introduced its local Alcohol Strategy, namely the Haringey Alcohol Harm Reduction Strategy 2008-2011 which will have regard to the sale of alcohol to under 18's, the safe consumption of alcohol and the impact of effective steps in combating anti-social behaviour.
- 7.16 The council will ensure that all operating schedules agreed with licensees are suitable and sufficient to address these issues.

### **"Better Futures" - The Children & Young People's Plan**

- 7.17 The recently formed 'Children's Trust' brings together key agencies including the Police, NHS Services as well as the Council that all provide services for children and young people living in Haringey. Together they have set a long term vision for children and young people and through the Children and Young People's Plan have established the priorities.

The Children and Young People's Strategic Plan 2009 – 2020 includes the Children's Trust vision and the Every Child Matters (ECM) outcomes, together with Haringey's priorities to tackle each outcome.

ECM five outcome areas are:

- Be Healthy
- Stay Safe
- Enjoy and Achieve
- Make a positive contribution
- Achieve economic well-being

Changing Lives' was a three year plan developed by the Children & Young People Strategic Partnership after extensive consultation - to help Haringey children & young people to be happy, healthy and safe with a bright future. The Children and Young Peoples Plan contains the five outcomes identified by the government in its *Every Child Matters* agenda.

- 7.18 Priorities grouped under the outcome 'Be Healthy' are designed to help children and young people to be physically, mentally, emotionally and sexually healthy, to have healthy lifestyles, enjoy sport and recreation and to choose not to take illegal drugs. An effective licensing policy is crucial to the achievement of these goals.
- 7.19 Priorities grouped under outcome 'Stay Safe' are designed to help children and young people to be safe from maltreatment, neglect, violence and sexual exploitation, safe from accidental injury and death, from bullying and discrimination, from crime and anti-social behaviour in and out of school. Again, an effective licensing policy is a key part of the achievement of the majority of these goals.

### **Safer Clubbing**

- 7.20 This initiative was introduced to improve safety for all club goers and particularly in relation to drug use and clubbing, where licensing regimes can impact on factors which increase the risk to safety of those taking drugs. Safety in such premises will also need to consider the threat of carrying weapons. The Council will adopt a leading role in addressing these matters through partnership arrangements with the police, club owners and local drug agencies.

## **8.0 Relevant Legislation**

### **Disability Discrimination Act 1995**

- 8.1 The Disability Discrimination Act 1995 introduces measures to tackle discrimination encountered by disabled people in areas of employment, access to goods, facilities and services, and the management, buying or renting of land or property.
- 8.2 The council will have particular interest in the likely impact of licensing on disability discrimination when considering the operation and



management of premises for licence applications, renewals and variations of conditions. Of particular concern will be the public safety objective in respect of persons with disabilities during the operation of the premises and during emergency situations.

### **Race Relations Act 1976**

- 8.3 The Race Relations Act 1976 as amended by the Race Relations (Amendment Act) 2000 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. Local Authorities are also required under the 1976 Act, as amended, to produce a racial equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for adverse impact on the promotion of race equality and publish the results of such consultation, assessments and monitoring.
- 8.4 Haringey has published its Race Equality Strategy in which it sets out how it aims to address race equality issues in the borough.

### **Crime and Disorder Act 1998**

- 8.5 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area.
- 8.6 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions.

### **Human Rights Act 1998**

- 8.7 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right.
- 8.8 The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:
- Article 6 - that in determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established in law;
  - Article 8 - that everyone has the right to respect their own home and private life; and

- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions including for example the possession of a licence.

### **Anti Social Behaviour Act 2003**

- 8.9 The Anti Social Behaviour Act 2003 is designed to ensure appropriate powers to deal with serious anti social behaviour. Section 40 of the Act provides powers for local authorities and those working with them to tackle antisocial behaviour in local communities by enabling the chief executive officer of the relevant authority to make a closure order in relation to a licensed premises or temporary event if he reasonably believes that a public nuisance is being caused by noise coming from the premises and that the closure of the premises is necessary to prevent that nuisance.

### **The Gambling Act 2005**

- 8.10 It should be noted that the function of granting permits for category C or D machines in alcohol licensed premises falls to the relevant Licensing Authority under the Gambling Act 2005. The holder of a premises license need only notify the Licensing Authority of their intention to have up to 2 machines on the premises and pay the relevant fee. Any amount of machines over 2 must be made by application with the relevant fee. This Authority has delegated authority to consider up to 4 machines, above that amount will require the applicant to show reasons why they need more than 4 machines. An application must be accompanied by a plan to show where the machines will be sited and also needs to demonstrate how the machines will be monitored to ensure compliance. There is a code of practice issued by the Gambling Commission which must be complied with and enforced by the Licensing Authority.

### **The Violent Crime Reduction Act 2006**

- 8.11 The Act represents the latest legislative move by the government on anti social behaviour, with measures to address alcohol-fuelled violence, the sale, possession and use of weapons, and mobile phone piracy. The Act includes provisions to issue persistent drunken offenders with drinking banning orders, and closure notices to premises selling alcohol to children. Through the introduction of 'alcohol disorder zones', the Act aims to pass on some of the increased costs of policing city centres and violence "hot spots", with licensees paying additional charges in such areas. In addition the Act inserts a new procedure into the Licensing Act 2003, which allows for an accelerated review of licensed premises, by a licensing authority with the attaching of temporary conditions to the licence pending a full review of the licence.

### **Health Act 2006**

8.12 The Health Act 2006 has been introduced to protect employees and the public from the harmful effects of second hand smoke. As of 1st July 2007 it is against the law to smoke in virtually all enclosed public places, workplaces and public and work vehicles in England. The law requires no smoking signs to be displayed in all smoke free premises and vehicles. The law applies to anything that can be smoked, and this includes cigarettes, pipes, cigars and herbal cigarettes. Failure to comply with this law is a criminal offence.

## **9.0 Planning**

9.1 Planning permission is usually required for the establishment of new premises and change of use of premises. Uses that are relevant to licensed premises are set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and include:

- a retail shop, licensed for the sale of liquor for example (A1);
- food and drink sold and consumed on the premises (A3);
- public house, wine bar or other drinking establishment (A4)
- hot food sold for consumption off the premises (A5)
- assembly and leisure uses, including cinemas, concert halls, dance halls and indoor/outdoor sports and recreation (D2); and
- various "sui generis" uses which do not fall within a use class such as theatres.

9.2 Planning and Licensing are separate regimes and will be dealt with separately to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal. It should be noted however that there is no legal basis for the licensing authority to refuse a license application because it does not have planning permission.

9.3 All premises that apply for a licence will be encouraged to obtain planning permission for the intended use and hours of operation if not already deemed "lawful" for the purposes of planning control. The Licensing Authority will give appropriate weight to relevant Planning decisions and to the views of the Planning Authority on the compliance of the application with the licensing objectives.

## **10.0 Regulatory Services**

### **Building Control**

10.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion

certificates are required for works under the Building Regulations to avoid contravention of those regulations.

### **Health and Safety**

- 10.2 The Health & Safety Team within the Enforcement Service is responsible for ensuring that businesses provide a safe working environment for employees, members of the public and other persons at the premises. The enforcement of Health & Safety is shared with the Health & Safety Executive with local authorities responsible for retail premises, warehouses, hotels, leisure type premises and certain service type industries. This enforcement covers all of the premises applicable to the licensing provisions of the 2003 Licensing Act.
- 10.3 Health & Safety Officers will work closely with other services such as Building Control and agencies such as the London Fire and Emergency Planning Authority. Their primary input will be to the Public Safety objective in licensing control.

### **Environmental Health Noise Team**

- 10.4 The Noise Team has powers under the EPA 1990 to investigate reports of noise nuisance in any licensed premises.

### **10.5 Trading Standards**

Trading Standards as Responsible Authorities will carry out test purchasing for underage sales in licensed premises and will be able to invoke any action required to ensure compliance with the mandatory code in relation to persistently selling alcohol to underage.

### **10.6 Environmental Health – Food Team**

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

## **11.0 Operating Schedule and Risk Assessments**

- 11.1 The Act itself does not state that a risk assessment is mandatory, but this Licensing Authority encourages applicants to complete a risk assessment. Applicants should remember that any risk assessment must be followed by implementation of operating procedures and staff trained in these procedures to minimise and mitigate the risks identified. These procedures should be detailed through the operating schedule accompanying the application. This will be specific to the premises, the proposed licensable activities and hours of trading, the risk assessment will have regard to:

- The location of the premises, e.g. the nature of nearby premises, the times they are used, what they are used for, whether that use could affect the proposed activities at the licensed premises.
- If you had a pub which finished earlier than the adjacent nightclub, is there the risk of large numbers of people trying to gain access to the nightclub to continue their nights drinking?
- Are the surrounding properties residential, what steps can be taken to reduce the risk of nuisance to local residents.
- Is the premises adapted for purpose, does it have double glazing to minimise noise break out? Is there adequate means of ventilation without the need for windows and doors to be propped open?
- Are the means of escape in case of a fire adequate? Has the fire risk assessment been carried?
- If customers are required to queue to gain entry are they able to do so without causing an obstruction or putting themselves in harms way.
- The proposed licensable activities and use,
- The proposed hours of operation
- The capacity of the venue, the customer profile, the kind of people the operation of the premises is likely to attract.
- Consider the likely behaviour of the people while on the premises and the if this is likely to change at different times of the day or on specific days dependant on what is taking place on the premises.
- Consider the potential for public nuisance arising from customers smoking, eating and drinking in outdoor areas and on the public highway outside the premises

The operating schedule forms part of the completed application form for a premises licence. It sets out the type of licensable activity to be provided, the times during which the activity will take place and the times the premises is proposed to be open. The schedule needs to contain the information necessary to enable the Licensing Authorities, Responsible Authority or Interested Parties to assess whether the steps to be taken to promote licensing objectives are satisfactory. Applicants should therefore make informed judgements as to the steps that may need to be undertaken to promote the licensing objectives. Applicants are advised to volunteer conditions they are willing and able to comply with.

11.2 The steps set out in the Operating Schedule will form the basis of the conditions that are then attached to any licence granted.

If no relevant representations are made, the application will be granted in accordance with the application and be subject to conditions consistent with the Operating Schedule and the relevant mandatory conditions. If representations are received the Licensing Authority will hold a hearing. The Licensing Authority in determining the application at the hearing will have regards for the steps put forward in the operating schedule, and considers whether the proposed conditions adequately suit the proposed activities. Conditions should be expressed clearly, meaningfully and without ambiguity. The Authority will reword meaningless unenforceable or ambiguous conditions in Operating Schedules where necessary in order to ensure the objectives are promoted. Contact with applicants will be made as early as possible to clarify any questionable conditions offered.

With regard the licensing of garages and or filling stations, Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises that are used primarily as a garage. However, the Licensing authority approach these based on intensity of use, to establish primary use. Where such applications are submitted, the licensing authority will expect relevant evidence to accompany the application form and where there is any doubt the Licensing sub Committee will decide whether or not any premises is used primarily as a garage.

## **12.0 The prevention of crime and disorder**

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Council is committed to reducing crime and disorder throughout the borough through its statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy. It is acknowledged generally that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol had contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. The Council works with partners to reduce crime and the fear of crime for the communities we serve.

### **Crime and Disorder Risks**

12.2 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime. When preparing the Operating Schedule there are various conditions that are considered best suited to promote the licensing objectives. Applicants for premises offering the sale of alcohol should pay close attention to this and fully consider the physical environment of the premises when proposing conditions,

Factors for consideration include, for example, what measures are necessary to prevent underage sales? what measures are necessary to prevent alcohol from being sold outside of permitted hours? will there be procedures in place to prevent sales of alcohol to intoxicated persons especially in areas with street drinking problems?.

## **13.0 Public safety**

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public. Carrying out licensable activities may involve potential risks to the safety of performers and the public attending licensed premises. This does not refer to public health, which is covered by other legislation. Accordingly, where other legislation fails to make suitable provisions to ensure public safety, the Licensing Authority will exercise its licensing functions to secure the safety of members of the public and performers. Public safety varies according to the individual style and characteristics of the premises, the nature of the proposed licensable activities/ regulated entertainment to be provided at the premises and the anticipated number of persons attending the premises. In considering Public Safety the Licensing Authority may not consider issues covered by other legislation such as the Fire Safety Regulatory Reform Order, or the Health and Safety at Work Act. Where other legislation does not address specific risks they may be addressed by the licensing regime.

The Licensing Authority will expect applicants to consider the following matters, this is not an exhaustive list:

The blocking of public areas – this will apply both inside and outside areas. Applicants should consider the impact of patrons congregating in areas in close proximity to the premises and the possible safety issues arising from patrons or others being forced to walk in the road as a result.

Emergencies – means of escape in case of fire, bomb threats, emergency management, contingency planning and evacuation.

Environment – premises should be adequately ventilated. If premises are in residential areas keeping doors and windows open is not recommended as a means of ventilation due to public nuisance considerations on the Premises Licence.

Safe Capacity – not all premises have “safe capacities” set by the Licensing authority. For many applicants, the question of how many people to accommodate at the venue is determined solely by a the

venue risk assessment. This risk assessment should consider factors such as floor space, number of toilets, potential queuing time and available fire exits. Consideration should be given to the level of staff necessary to deal with the needs of persons attending the premises. If the venue does have a capacity limit there should be systems in place to ensure it is not exceeded. This could be achieved by door supervisors using clicker devices to count customers in and out.

Special effects – the Licensing Authority must be informed if special effects such as flames, lasers, pyrotechnics, smoke, fog, foam or firearms are to be used on the premises. A risk assessment must be carried out in respect of each activity detailing the steps to be taken to prevent and control risk to patrons and staff.

- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/ Event Risk Assessment and the After Promotion/ Event Debrief Risk assessment be used as an effective tool in this process.

#### **Adult Entertainment**

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature no longer falls within the remit of the Licensing Act 2003. These premises are now regulated under the Local Government (Miscellaneous Provisions) Act 1982, which classify them as Sexual Entertainment Venues (subject to the Council's adoption of the amendment to Schedule 3 by the Policing and Crime Act 2009 Such adult entertainment is known as "relevant entertainment" In summary, this will cover lap dancing / pole dancing and similar venues
- 13.5 However, we must be aware that the Act allows for premises to offer adult entertainment up to 11 times in a calendar year without the need for a licence under the LGMP Act 82. In such circumstances the Licensing authority will pay attention to the conduct of the premises and the activities being offered and will enforce the law diligently. This Authority will seek to ensure that applicants applying for 'the performance of a dance' on their licence are able to make clear that it will not involve any adult entertainment as a condition on their licence..
- 13.6 This Authority recognises that the Indecent Displays (Control) Act 1981 prohibits the public display of indecent matter and the Licensing Authority shall not therefore seek to impose conditions concerning such displays inside or outside the premises. The Licensing Authority shall, however, consider imposing conditions if it considers it



necessary, in certain premises following a hearing. This could be requiring conditions for the exclusion of minors from the premises.

### **Tables and Chairs Policy**

13.7 Under s115 of the Highways Act 1980 permission is required to place amenities such as tables and chairs on the public highway but permission is not required to place tables and chairs on private frontages. The Licensing Authority should ensure that where an Operating Schedule indicates that tables and chairs are to be included within the licensed area that an application is made to cover those areas. The Licensing Authority will liaise with the Enviro Crime/ Street Enforcement Teams about the grant of permission under Part 7A of the Highways Act 1980. However, when determining the permit the following matters will be considered:

- Whether the grant of the permit is likely to have an adverse impact on the safety and amenity of local residents.
- The history of the permit holder/premises, particularly in relation to past enforcement issues or complaints received.
- Whether the application receives any objections and the nature of those objections.
- Whether the grant of the permit is likely to conflict with conditions on any Premises Licence granted under the Licensing Act 2003 or meets the relevant planning requirements.
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts that may arise as a result of being granted the permit.
- That the use of the tables and chairs will cease by 21.00 to minimise any late night noise that may arise.

### **Door Supervisors**

13.8 Whenever security operatives are employed at licensed premises to carry out a security function, they must be licensed by the Security Industry Authority (SIA).

- Competent and professional door supervisors are key to public safety at licensed premises and the provision of door supervisors is an action point for the leisure industry to consider in the Home Office Alcohol Harm Reduction Strategy.
- If a licensee directly employs security operatives, he/she will need to be licensed by the SIA as a supervisor/manager.
- This licensing authority will be looking to ensure that licensees recruit SIA licensed door supervision staff from reputable companies with SIA Approved Contractor Status.
- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their

premises and customers are only protected by door supervisors with an SIA licence.

#### **14.0 The prevention of public nuisance**

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address these issues under prevention of public nuisance when preparing the Operating Schedule:
- Amplified music – noise from music played on the premises

- Customer noise – this may take many forms but of particular concern:  
Customers queuing to enter or leave the premises  
Customers loitering outside the premises waiting for transport  
Alcohol related drunken behaviour and shouting  
Customers eating, drinking, smoking in open air areas  
Car horns/ car radios/slamming of car doors late at night in the vicinity of licensed premises.
- Deliveries – early morning deliveries and late night clearing up, e.g. the emptying of bottle bins
- Lighting – excessive artificial lighting in the vicinity of licensed premises
- Litter/waste – litter and waste generated by the carrying out of licensable activities, e.g. wrappers and cigarette butts. Where licensable activities give rise to the risk of customers dropping litter in the vicinity of the premises, whether adequate arrangements are in place to prevent littering and clearing it up
- Obstructions – the blocking of footpaths by customers eating, drinking and smoking in the vicinity of licensed premises. Is there an effective door and queuing policy to encourage good behaviour outside the premises.
- Plant and machinery – noise from plant and machinery, including air conditioning units, refrigeration units and kitchen extractors. This may include smell nuisance from ventilation ducting and kitchen extracts.

## **15.0 The protection of children from harm**

- 15.1 The main concern of regulatory authorities involves the exposure of children to under age drinking, drug use and the necessary level of supervision and care that needs to be exercised to ensure a safe environment. Premises must ensure that children are protected from physical, moral or psychological harm.

Applicants in their Operating schedule should set the appropriate steps they will take to ensure proper protection of children from harm while licensable activities are taking place. When addressing the protection of children the applicant should initially identify any particular issues having regard to their particular type of premises and or activities that are likely to cause concern in relation to children.

These may include following:

A proof of age scheme and refusal book. Licensees may consider adopting a challenge 21 Policy. Displaying the Challenge 21 posters

throughout the premises. It is recommended that applicants, particularly supermarkets small retailers and off licences obtain best practice advice on 'No Proof No Sale' from Trading Standards Officers to ensure alcohol is not being sold to under 18's. Retailers who use price/code scanning devices may wish to consider the use of a till prompting mechanism on the tills and regular staff training on the laws relating to children and alcohol. The operating schedule should also state how the Licensee will discourage the sale of alcohol to customers on behalf of children in the vicinity.

Where appropriate and particularly with regard to late public events, the Licensing Authority advises licensees to include in the Operating Schedule s procedures for lost and found children.

In cases of under 18 events the Licensing Authority strongly recommends that applicants adopt a Code of Conduct/policy for these events to ensure the four Licensing Objectives are complied with. This could include;

- Searches on entry to prevent alcohol being brought onto the premises
- Policy to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside
- Where there is normally a bar, ensuring that alcohol is not on display and is locked away
- Ticketed events to monitor capacity
- No adult entertainment
- CRB check staff assisting at the event and at the end of the event
- Sufficient stewards monitoring the event
- Ensure an efficient dispersal at the end of the event and the young people are not left hanging around outside the premises

### **Children & Alcohol**

- 15.2 Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- 15.3 Children aged under 16 are not allowed into premises that are predominantly used for the supply and consumption of alcohol on the premises unless they are accompanied by an adult.
- 15.4 The Council however recognises the wide variety of premises for which licences may be sought. These include premises which are not predominantly used for the supply and consumption of alcohol including theatres, cinemas, restaurants, cafes, takeaways, community halls and schools. Access by children to these types of premises will not be limited unless specified in the Licensing Act 2003 or considered necessary to do so in order to protect them from harm.

The Licensing Authority encourages licensees to demonstrate in the Operating Schedule that they have considered guidance from the Portman Group Code of Practice on the naming, packaging and promotion of alcohol drinks to prevent children from being enticed into purchasing these products.

### **Children and Cinemas**

- 15.5 Films cover a vast range of subjects some of which deal with adult themes and/or contain scenes that are considered unsuitable for children within certain age groups.
- 15.6 The Council shall impose a condition in all premises licences and all club premises certificates to prevent the viewing of films by children below the age restriction for that film as classified according to the recommendations of the British Board of Film Classification (BBFC) (or any other body designated under section 4 of the Video Recordings Act 1984) or the council, as the case may be.
- 15.7 The Council must be satisfied that where age restriction films are shown, the premises are suitable in terms of the access and the film cannot be viewed by under-age children through any aperture. Access control shall be via the employment of suitably stationed adult staff.

### **Children and Public Entertainment**

- 15.8 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety. In appropriate cases and where relevant the Licensing Authority will expect the licence to show how they intend to provide for the supervision of children as customers or as performers providing regulated entertainment. Licensees will have to demonstrate that consideration has been given to the welfare of children as performers or customers
- 15.9 Where a large number of children are likely to be present on any licensed premises, the Licensing Authority will impose conditions requiring an adequate ratio of adults to children in order to ensure the prevention of harm to children and to also ensure public safety.
- 15.10 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions shown at appendix F of the guidance issued under section 182 of the Licensing Act 2003.

- 15.11 Details of requirements for operating schedules in respect of protection of children from harm are contained in the Appendix to this policy.

*(For the purpose of this policy a "child" means an individual aged under 16 or who is unaccompanied if he is not in the company of an individual aged 18 or over as defined in the Licensing Act 2003)*

- 15.12 Measures will need to be in place to ensure the exclusion of persons under 18 from the premises when entertainment of an adult or sexual nature is taking place.

## **16.0 Transport**

- 16.1 In meeting the licensing objectives the Council would expect the applicants to take into consideration the transport arrangements for dispersing people from their premises so to avoid concentrations outside their premises and in town centres. This could include directing people to public transport routes or making suitable arrangements with licensed cabs or mini-cabs.
- 16.2 The Council supports the Safer Travel at Night initiatives in conjunction with Transport for London, the Greater London Authority and the Metropolitan Police.

## **17.0 Live music, dancing and theatre**

- 17.1 The Council recognises the value of cultural activities including live music, dancing, street art, circus and theatre, and will take proper account of these needs to encourage and promote them for the wider cultural benefit of the community. It will not seek to place unreasonable restrictions on these activities where the licensing objectives are not put at risk.
- 17.2 The Council will seek to obtain a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community. It will take care not to deter such activities when the risk to the licensing objectives does not justify it. Only conditions strictly necessary for the promotion of the licensing objectives will be attached to licences. The Council is aware of the need to avoid measures as far as possible that deter live music, dancing and theatre by imposing direct costs of a substantial nature.

## **18.0 Cumulative Impact & Saturation Policy**

- 18.1 The Council will not take 'commercial demand' into account when considering an application as this is a matter for the planning committees and for the market.

- 18.2 However, the Council recognises that the cumulative impact of the number, type and density of licensed premises concentrated in a particular area may lead to problems of nuisance and disorder in the vicinity of the premises. The Council recognises the availability of a special policy, referred to as a Saturation Policy, to assist in such cases. The Licensing Authority on being satisfied that it is appropriate can make such a policy based on the available evidence and may declare such a policy within their overall statement of Licensing Policy.
- 18.3 The Council will take the following steps when considering whether to adopt a special saturation policy in a specified area:
- identification of concern about related crime and disorder or nuisance;
  - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising as a result of customers of licensed premises, and if so identifying the area from which problems are arising and the boundaries of that area, or that the risk factors are such that the area is reaching a point where a cumulative impact is imminent;
  - consultation with those specified in 4.1 above;
  - subject to that consultation, inclusion of a special policy regarding future applications for premises licences or club premises certificates from that area within the terms of the statutory guidance in the Statement of Licensing Policy.
- 18.4 The Council will review any special saturation policies regularly and at least every three years at the time of considering its Licensing Policy, to see whether they have had the effect intended, and whether they are still needed or whether they need expanding.
- 18.5 Saturation policies will never be absolute. They will still allow for each application to be considered individually on its own merits and for licences and/or certificates that are unlikely to add to the cumulative impact on the licensing objectives, being granted.
- 18.6 The Council in discussion with the police has decided not to adopt a Special Saturation Policy at the present time. However the Council will keep potential problem areas under constant review.

### **18.7 Street Drinking Zones**

Anti-social drinking in the streets can intimidate members of the public, cause disorder and nuisance, and generally degrade a public space. This can range from groups of street drinkers, to general drunken or rowdy behaviour as part of the night-time culture.

Street drinking can be perceived as intimidating by others. Alcohol misuse is linked to disorder and contributes to an increase in people's fear of crime; there is a perception that alcohol-related violence on the

streets is increasing, and some members of the public see drinking on the street as a problem.

People who are drunk and causing anti-social behaviour can also be arrested as drunk and disorderly, drunk in a highway or causing harassment, alarm or distress.

Haringey has a number of areas that are designated as controlled zones for street drinking. Police have additional powers in these areas to prevent street drinking where it causes a public nuisance or leads to antisocial behaviour.

The areas affected are listed below.

- Bounds Green ward
- Bruce Grove ward
- Harringay ward
- Noel Park ward
- Northumberland Park ward
- Seven Sisters ward
- St. Ann's ward
- Tottenham Green ward
- Tottenham Hale ward
- West Green ward
- Woodside ward

Designated Public Place Orders (DPPOs) under the Criminal Justice and Police Act 2001, give local authorities powers to designate places where restrictions on public drinking will apply. These are available in areas that have experienced alcohol-related disorder or nuisance. Once a DPPO is in place, the police can use their confiscation powers to enforce these restrictions.

## **18.8 Alcohol disorder zones**

The Violent Crime Reduction Act 2006 introduced new Alcohol Disorder Zones. These build on the existing powers that allow police and local authorities to use a DPPO to confiscate alcohol containers within a certain area. The new Alcohol Disorder Zones cover licensed premises in areas that experience alcohol-related disorder. Before such a zone could be designated, licensed premises would be warned to take their own steps to reduce alcohol disorder, otherwise a designation would be imminent. They would also be required to contribute towards the policing and other local costs of dealing with the disorder in this area.

## **18.9 Directions to leave a locality**



Section 27 of the Violent Crime Reduction Act 2006 provides a constable in uniform with the power to issue a direction to an individual aged 16 years or over, to leave a locality. The constable can apply the direction if they are satisfied that the individual's presence is likely to contribute to the occurrence, repetition or continuance of alcohol-related crime and disorder. The direction can prohibit their return for up to 48 hours.

## **19.0 Licensing Hours**

- 19.1 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, the potential for additional crime and disorder and/or public nuisance is increased with longer hours. Appropriately licensed shops, stores and supermarkets will normally be permitted to sell alcohol during the normal trading hours, for consumption off the premises, where consistent with the council's licensing objectives.
- 19.2 It is anticipated that varied licensing hours will minimise concentrations of customers leaving licensed premises simultaneously, which will help reduce the potential disorder and nuisance outside premises.
- 19.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance.
- 19.4 Fixed trading hours (zoning) within designated areas will not be set as this could lead to significant movements of people across boundaries at particular times seeking premises opening later.
- 19.5 The principle of flexible hours is key to this process and the objectives of Government. Conditions to be imposed on a licence affecting this will be given thorough consideration and will not be imposed without good reason or in an arbitrary fashion.
- 19.6 It should be noted that the consumption of alcohol is not a licensable activity, only its sale or supply. It is therefore permissible for premises to allow the consumption of alcohol, previously purchased within the licensing authorisation, outside the hours authorised for sale or supply.

## **20.0 Timetable of Implementation**

- 20.1 The Licensing Policy will come into effect on 7th January 2011.

## 21.0 The Types of Licences

Under these provisions, licences are granted unless there are relevant representations (objections) made to them. The Government has advised that " *where the responsible authorities and interested parties do not raise any representations about the application made to the Licensing Authority, it is a duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule or club operating schedule and any mandatory conditions prescribed in the 2003 Act itself.*"

The Licensing Authority would encourage applicants and clubs to discuss operating schedules with responsible authorities to improve the efficiency of the applications process.

### Personal Licences

21.1 Personal licences authorise individuals to sell or supply alcohol or authorise the sale or supply of alcohol for consumption on or off premises. Applicants applying for a personal license must:

- be aged 18 years or over;
- have not forfeited a personal licence in the previous five years;
- possess an approved licence qualification;
- not have any relevant criminal conviction as specified in the Act;
- have paid the appropriate fee to the licensing authority.

Applicants for Personal Licences with relevant unspent criminal convictions are required to notify the Licensing Authority of the nature of those convictions upon application. In such cases if the Metropolitan Police make an objection to the granting of the licence on the crime prevention grounds, a hearing will be held to determine whether or not a licence should be granted.

Where a personal licence Holder appears before a Magistrates Court for a relevant offence, the licence Holder must produce his licence to the court at the first hearing or provide the court with a valid reason why they are unable to produce the licence. The magistrates and or the crown court will then decide on what action if any to take.

Where an applicant for a personal licence is convicted of a relevant offence as listed in the Licensing Act 2003 the applicant is required to advise the Licensing Authority as soon as reasonably practicable so that the licence can be amended. All offences under the Licensing Act 2003 are considered summary offences that normally have to be prosecuted within 6 months of the offence. However, by virtue of

Section 186(3) the time limit for laying information has been extended from 6 months from the date of the offence.

Where a Premises Licence is in force authorising the supply of alcohol a DPS will need to be nominated. The main purpose of the DPS is to ensure there is always one specified individual who can be readily identifiable by Responsible Authorities as the individual who has day to day responsibility for running the business and who can therefore ensure that any problems are dealt with swiftly, As such the DPS plays an important role. In some cases the Premises Licence Holder has employed a DPS who is remote from the premises and therefore not involved in the day to day running of that premises. In these cases where there is no individual readily identifiable by Responsible authorities the Licensing Authority will therefore pay particular attention to those premises where the DPS is remote and not the person responsible for the daily running of the premises.

This Authority recognises that a DPS may supervise more than one premises, the DPS must be able to ensure that the four Licensing Objectives are promoted and that the licensing law and licensing conditions are complied with. Where the DPS is not available at the premises The Licensing Authority recommends a responsible individual be nominated who can deal with matters in the absence of the DPS, and written dated consent be given to that nominated person. If there are concerns that a DPS is repeatedly absent, the Police may review the Premises Licence or refer the matter to the Licensing panel if this gives rise to concerns about the operation of the premises and its impact on the licensing objectives.

21.2 Where a personal licence authorises the supply of alcohol, every supply of alcohol must be made or authorised by a Personal Licence Holder. This does not mean the Personal Licence holder must be present at every sale of alcohol or directly supervise each sale authorisation should be meaningful and properly managed. Whilst the Licensing Authority recognises that it is not a requirement of the Act it would be considered good practice for the personal Licence holder to give written and dated authorisation to individuals to carry out the sale of alcohol and it would also demonstrate due diligence. It should be noted that whilst the Designated Premises Supervisor (DPS) and personal Licence holder may authorise sales in their absence they still remain responsible for those sales. Similarly, the Premises Licence Holder also remains responsible for ensuring that the licensing laws and conditions are complied with at all times on the premises.

21.3 In circumstances where the DPS had delegated the responsibility for the sale of alcohol they will still have responsibility for the actions of those they have authorised to make those sales.

This Authority recognises that the legislative Reform Order provides that certain community premises may apply for an exemption from the requirement to give a DPS but the Licensing Authority must be satisfied that arrangements for the management of the premises by their Committee or Board of individuals are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. The licensing Authority will need to be notified if there are any key changes in the committee composition as this committee will be responsible for ensuring compliance with licence conditions and licensing law.

Personal licences are valid for 10 years and are 'portable' between premises across the country. Applicants need to apply to the local authority where they live for the licence, but renewals are to be made to the original issuing authority. It should be noted that whilst 'portable', personal licences are not transferable.

- 21.4 Personal licence holders have responsibilities under licensing provisions. Failure to uphold these responsibilities will be enforced by the Licensing Authority and powers to revoke licences are available.

#### **Premises Licences**

- 21.5 A premises licence authorises the use of any premises, which includes any place and includes part of a premises, for licensable activities such as:

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

- 21.6 A premises licence will be valid for the life of the premises, subject to any review.

- 21.7 Applications are required to be advertised at the premises for a period during which representations can be made, and details will be shown on the website.

- 21.8 For one off events with more than 500 people a premises licence must be gained. The council believes that greater notice of an application than that given in the Act will enable both applicant and council to consider the matter fully. The council feels the following should be sufficient.

**Event Numbers**  
500 – 1999

**Application time**  
6 weeks

2000+

3 months

### **Club Premises Certificate**

- 21.9 A Club Premises Certificate is required when qualifying clubs want to supply alcohol and provide other activities on club premises.
- 21.10 Club Premises Certificates will be issued to Qualifying Clubs formally Registered Members Clubs. To be eligible for a Club Premises Certificate the club organisation members must have joined together for a particular social, sporting or political purpose and then have combined to purchase alcohol in bulk as members of the organisation for supply to their members and their guests.
- 21.11 Any member of a club over 18 years may apply for a Club Premises Certificate. All applications must be accompanied by:
- completed application form;
  - required fee;
  - operating Schedule;
  - a scale plan of the premises to which the application relates in the prescribe form;
  - a copy of club rules;
  - a copy of the notice to be advertised in the prescribed form.

### **Temporary Licences**

- 21.12 The Licensing Act provides for certain occasions when small scale events do not need a licence provided that advance notice is given to the Metropolitan Police and the Licensing Authority. The Metropolitan Police can only object to a Temporary Event Notice if the event is likely to undermine the licensing objectives.
- 21.13 Temporary events involving activities may be undertaken with a Temporary Events Notice subject only to:
- up to 499 persons at the event at any one time;
  - No longer than 72 hours duration;
  - With 24 hours between events.
- 21.14 A Temporary Event Notice may be given for any part of a building such as a single room within a village hall, a plot within a larger area of land or a discrete area within a marquee, as long as the Notice clearly describes the area where the event is to be held and the premises user intends to restrict the number of people present.

21.15 A Temporary Event Notice does not relieve the premises user from any requirements under the planning law for the appropriate planning permission, the licensing Authority recommends that the user contact the planning Authority, Highways and any other relevant authority will in advance of the event to avoid any disappointment.

Applicants are required to prepare Health and Safety and Fire Risk assessments with regard to their event. Assistance in doing this can be obtained from the relevant enforcing authority. This Authority serves a copy of all Temporary Event Notices submitted to the Fire Authority so that they can offer advice to event organisers as necessary.

In the event of a relevant notice of objection from the Police, the Licensing authority will hold a hearing and publish their decision not less than 24 hours before the event is due to take place. The police have powers to close down an event without notice on the grounds of disorder, the likelihood of disorder or public nuisance. The Licensing Authority therefore, expects organisers to be aware of the relevant offences under the Licensing Act 2003, for example sales of alcohol to children or to drunken individuals.

Applicants must ensure the minimum statutory time of 10 working days to submit the form is adhered to, this does not include the day the application was submitted or the actual day of the proposed event.

## **22.0 Variations of Premises & Club Premises Licences**

22.1 Applications to vary a Premises Licence will be dealt with in a similar manner to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

22.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, modify the conditions of the licence or reject the application in whole or part

### **22.3 Licence Variations**

An applicant who wishes to make changes to an existing Premises Licence or Club Premises Certificate must do so by making an application to vary the existing authorisation.

A full variation should be used to:

- Extend the hours during which licensable activities can take place
- Add licensable activities that may impact on one or more of the licensing objectives

- Remove or amend conditions that may impact on one or more of the licensing objectives
- Remove or amend conditions that may impact on one or more of the licensing objectives.

A variation should not be used where changes are being made to the building such as using previously unlicensed parts of a building, this could result in an increase to the capacity of the licensed premises, In such instances the Licensing authority will expect a new application to be submitted for a grant of a new authorisation.

The Authority would also expect a new application to be submitted where the nature of the licensed premises is being substantially changed e.g. a restaurant being converted to a nightclub.

## 22.4 Minor Variations

The minor variations process allows licensees to make application to the Licensing Authority to make certain minor changes to an existing licence, without the need for a full application to vary the existing authorisation. Minor variations do not have to be copied to the Responsible Authorities and are only advertised by way of a white notice displayed at the premises for a period of ten working days starting on the first working day after the application was given to the Licensing Authority.

Minor variations can only be used in cases where the variation sought shall not impact adversely on the licensing objectives. There is no right to a hearing to take place to consider minor variations. The decision as to whether or not a minor variation is appropriate will be made by the officers of the Licensing Authority, and this decision shall be final. In making such decision, officers must have regard to any relevant representations received from interested parties within the statutory time limit. Representations must be relevant where they relate to the likely effect of the grant of the application on one or more of the licensing objectives.

Officers shall consult when and if necessary with the relevant Responsible Authorities. If the Licensing Authority fails to respond to a request for a minor variation within fifteen working days, it is deemed refused.

A minor variation should only be used in the following circumstances:

- Reductions in the hours during which licensable activities may take place
- Reduction in opening hours
- Minor changes to the layout of premises that do not impact on the licensing objectives, such as moving the location display cabinets for alcohol within a supermarket or shop.

- The removal of licensable activity
- Variation to the times alcohol is sold, where those times are between 0700 hours and 2300 hours.
- Adding conditions that will assist in promoting the licensing objectives
- Amending conditions that are badly worded
- Removing or amending conditions that are unenforceable
- Removing conditions that are obsolete.

#### Relevant Considerations

- Whether the application increases the capacity for consuming alcohol on the premises
- Whether access to emergency exits or escape routes shall be blocked by the proposed changes
- Whether the alterations might affect the operation of noise reduction measures such as an acoustic lobby
- Whether the addition of a licensable activity might impact on the promotion of the licensing objectives, e.g. the addition of live or recorded music on the prevention of public nuisance objective.
- The proximity of the unlicensed premises to residential accommodation
- Conditions volunteered by the applicant to mitigate the effects of any changes
- The previous history of the premises
- The likely effect on surrounding premises

22.5 Local residents and businesses are able to raise representations (objections) to applications for, and variation to premises licences. These must relate to the four licensing objectives and the proposals made in the application. Representations will normally be made in writing to the Licensing Team Leader within the Enforcement Service.

22.6 Details of applications and variations to premise licences will be required to be displayed on or outside the premise concerned, it is important for applicants to ensure that the notice can be viewed by passers by 24 hours a day during the consultation period.

#### 22.7 Members as Interested Parties

The law has changed, giving elected members will be able to both make representations and potentially call for reviews of licences. There are some caveats, the foremost being evidence to support your case.

This is a significant change from the previous situation, where individual Members could only make such representations if they lived in or had a business in the vicinity of the premises, or had been specifically asked to represent a constituent at a hearing.



The statutory constraints on the reasons for representations or reviews still apply – they may only be made on the grounds of one or more of the licensing objectives, which are:

- the prevention of crime & disorder;
- the prevention of public nuisance;
- public safety;
- the protection of children from harm.

Representations or applications for review on other grounds cannot be considered. For instance, public health is not a statutory objective and cannot be considered.

All representations or reviews:

- must be in writing, showing the name and address of the writer (the representation/review application must be published as part of the process) – there is a prescribed form for reviews on the Licensing webpage;
- must clearly set out the likely effects the grant of the licence would have on the promotion of at least one of the licensing objectives;
- must present evidence in support of the representation or review.
- must clearly relate to the premises for which application is being made.

For example, representations on the basis of general noise and disturbance, without evidence of a link to specific premises, will carry little or no weight with the Sub-Committee.

## **23.0 Provisional Statement**

23.1 Applicants may apply for a premises licence before new premises are constructed, extended or changed. This would be possible where:

- copies of planning permission are provided or a lawful planning use can otherwise be demonstrated;
- clear plans of the proposed structure exist;
- an operating schedule is capable of being completed in regard to activities to take place there ;
- the time at which such activities will take place is given;
- the proposed hours of opening are given;
- the appropriate steps have been taken to promote the licensing objectives.

- 23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

## **24.0 Conditions**

- 24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives.
- 24.2 The steps set out on the Operating Schedule will form the basis of conditions attached to any license granted. If no relevant representation is made, the application will be granted in accordance with the application and subject to conditions which are consistent with the Operating Schedule submitted by the applicant and the relevant mandatory conditions.
- 24.3 If relevant representations are made the Licensing Authority will hold a hearing unless there is agreement from all concerned that a hearing is not required. Where a hearing is held, the Licensing Authority has discretion whether or not to grant the application. If the application is granted, the Licensing Authority may attach or modify the conditions on the license to such extent as it considers necessary for the promotion of the licensing objectives
- 24.4 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

## **25.0 Enforcement**

- 25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.

- 25.2 Protocol provides for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.
- 25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.
- 25.4 Enforcement action will be taken in accordance with the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
  - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
  - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
  - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy. The primary aim of enforcement is to achieve compliance, it may also include advice and support to businesses to achieve compliance.
- 25.6 Compliance may be achieved through encouraging a sense of community, improved communication, and proactive work with licensees and businesses. Such proactive work may include training, giving advice and information and initiatives and education, inform and encourage partners and stakeholders to work together efficiently and effectively. The aim is to take a holistic approach to managing the night time economy so as to prevent problems from occurring before they begin.
- 25.7 It is recognised that such aims cannot always be achieved and that active enforcement of the law may be the only effective means of securing compliance. To this end the following enforcement options are available to the Licensing Authority
- To take no action
  - Verbal or written advice
  - Written warning
  - Yellow Card / Red Card Enforcement tool

- Mediation between licensees and residents
- Simple caution
- Prosecutions

25.8 The Licensing Authority Enforcement Policy details the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person.

25.9 The Council's licensing officers and Enforcement Response Team will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.

The Licensing Authority has produced a joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority and Trading Standards. This details the role of these bodies in the monitoring and enforcement role and covers the powers available. The primary aim of the protocol are to:

- Promote the Licensing objectives
- Promote communication between agencies
- Provide clear guidance on the roles and responsibilities
- Share intelligence to enable effective enforcement of the law
- Establish a process for the Licensing Panel to be used to give warnings to problem premises
- Establish a process for Responsible Authorities and Elected members to call for reviews of licences

25.10 The Licensing Panels will be one of the key mechanisms that the Licensing Authority and its partners will use to manage alcohol related crime and disorder and public nuisance or non compliance in licensed premises. Partners will share and provide intelligence, complaints history and crime statistics in relation to problem premises. Problem premises will be interviewed and a process agreement signed stating the matters that have caused concerns and what steps have been agreed to mitigate the problems, this will be the Yellow card. If after a 4 week period the problems have not improved and or there is still non compliance at the premise, notice will be given for a review of the licence, this will be the Red Card. The Red Card will signal the start of a formal review which will be decided on by the Licensing Sub Committee. The Responsible Authority or Elected Member will be able to show the steps that were put in place under the Yellow Card/ Red Card regime and the outcomes from the stepped programme of change that would have been put in place.

The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include:

- the withdrawal of an activity from the premises licence

- reductions in operating hours
- additional conditions being attached to the licence
- Removal of the DPS
- Revocation of the licence

25.11 In order to monitor and review the operation and enforcement of the provisions, reports will be produced at least on an annual basis summarising the issues and actions taken during the preceding period. These will be joint reports with the Police and Fire Authority.

### **Appeals against the Licensing Authority decision**

25.12 Appeals against the decision of the Licensing Authority are made to the Magistrates Court for the petty session's area in which the premises concerned are situated. For Haringey premises, this will be the court presently situated in Highgate. Appeals against personal licences are made to the court in the Licensing area where the decision was made.

Haringey Magistrates will have a bench specifically detailed for the purpose of appeals.

25.13 The Court on hearing the appeal may;

- Dismiss the appeal
- Substitute any other decision that the Licensing Authority could have made
- Remit the case back to the Licensing Authority to deal with as directed by the court.
- Award costs as the court thinks fit.

25.14 It is important that the Licensing Authority gives comprehensive reasons for its decisions, lack of which in itself could give rise to grounds of appeal.

## **26.0 Administration, Exercise and Delegation of Functions**

26.1 The council is involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. The powers under the Act also allow for delegation of powers/functions to a Licensing Sub-Committee or to one or more officers.

26.2 Appreciating the need to provide a speedy, efficient and cost effective service to all parties involved in the licensing process, the Council has taken advantage of these powers and has established five Licensing Sub-committees to undertake the day to day work of hearings.

- 26.3 Many of these decisions and functions are largely administrative in nature such as the grant of non-contentious applications, including for example those licences and certificates where no representations have been made. These decisions will be delegated to council officers. All such matters dealt with by officers will be reported for information to the next Licensing Committee.
- 26.4 Applications where there are relevant representations will be dealt with by the Sub-committee, unless such representations are considered irrelevant, frivolous or vexatious or unless the council, the applicant and everyone who has made representation agrees that a hearing is not necessary and representations are withdrawn.
- 26.5 The table given below sets out the agreed delegation of decisions and functions of the Licensing Committee, Sub-Committee and officers. The various delegations include delegation to impose appropriate conditions.
- 26.6 The scheme of delegations is without prejudice to the right of relevant parties to refer an application to a Licensing Sub-Committee or a full Licensing Committee if considered appropriate in the circumstance of any particular case.
- 26.7 Unless there are compelling reasons to the contrary, the council will require the Licensing Committee or any of its Sub-Committees to meet in public; although councillors can retire into private session to consider their decision and any conditions.
- 26.8 The operations of licensing hearings are detailed in Government Regulation and in the Council's Local Licensing Procedure Rules.
- 26.9 The delegations of functions in relation to licensing matters are as follows: -

<b>Matter to be dealt with</b>	<b>Full Licensing Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Application to grant or renew personal licence		If a police objection made	If no police objection made
Decisions on revocation of a personal licence where a conviction comes to light after grant		If a police objection made	If no police objection made
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made

Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases
Determination of a police objection to a temporary event notice		All cases	

## 27.0 Fee Structure

### 27.1 Fees – statement on setting and process

Fees for all Licensing Act 2003 permissions have been set by Central government. The fees were set with the aim of recovering the licensing authorities costs of administering, inspecting and enforcing the regime. Central Government have the power to make changes to the level of fees through regulations.

## Appendix - Guidance on the Operating Schedule

## **Operating Schedule**

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

## **The Operating Schedule and the Licensing Objectives**

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

### **1 . The prevention of crime and disorder**

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.



Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## 2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

- Use of CCTV and panic buttons - how will these provisions be operated to protect safety ;
- Use of shatter proof drinking vessels or bottles , requiring use of toughened glass or plastic ;
- Use of security personnel both within and at the access points to premises. How many are proposed, what will be the duties and how will their activities protect safety. (Security staff must be licensed by the Security Industry Authority who will also advise on minimum numbers);
- Compliance with Health & Safety legislation including if required a documented health and safety policy statement, and comprehensive risk assessment ;
- Capacity limits where necessary to prevent overcrowding or prevent nuisance on entering or exit;
- Implementation of crowd management measures
- Undertaking the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations;
- Adequate lighting (including any Emergency Lighting to BS 5266) - what areas of the premises are considered, particularly external areas.;
- Arrangements for emergency situations including any necessary evacuation ( to include people with disabilities );
- The safe use of special effects equipment e.g. lasers, strobe lighting and smoke machines - this will include details from suppliers and contractors ;
- Installation of fire alarms and fire safety measures- service contracts in place (Fire Alarm to BS 5839 PT1);
- Clear signage throughout the premises e.g. emergency exists, fire extinguishers etc.
- For venues providing music and dancing in a 'nightclub' premises, what specific aspects of Safer Clubbing have been incorporated.
- Arrangements for the management, supervision and training of staff to ensure that the measures incorporated above are implemented.

### **3. The prevention of public nuisance**

In considering all licence applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and /or anti-social behaviour having regard to all the circumstances of the application. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

#### **Noise and other nuisance**

- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices . This is particularly important in residential areas ;
- The steps taken or proposed to be taken by the applicant to prevent disturbances by customers arriving at or leaving the premises. There will be greater responsibilities placed on premises operating between 23:00 - 0700 hours than at other times of the day ;
- The provision to properly extract and disperse odours and smells from cooking by properly installed and maintained ventilation equipment.
- The actions necessary to prevent disturbance from deliveries or collections at early or late hours, or from staff clearing up after closing time.

### **Leaving and outside the premises**

- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrians or cars). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction. Such considerations must also be considered in respect of people loitering at takeaways and off licences.
- The steps taken or proposed to be taken to prevent littering and fouling of public and open spaces - what specific measures are proposed by the business.
- The steps taken or proposed to be taken by the applicant to ensure customers leave the premises in a quiet and orderly fashion ;

### **Parking and Public Transport**

- The arrangements made or proposed for parking by customers , and the effect of parking by them on local residents ;
- Whether there is sufficient provision for public transport (including taxis and private hire vehicles) for customers ;
- Whether licensed taxis or private hire vehicles are likely to disturb local residents and if so what the business proposes to prevent this;
- The arrangement for advising customers of the details for public transport and taxis in the area.

### **Sensitive Areas**

- The installation of any special measures where licensed premises are or are proposed to be located near sensitive premises such as nursing homes, schools, nurseries, hospitals, hospices or places of worship;
- The use of gardens and other open-air areas at the premises;

## Refuse and cleansing

- The arrangements for storage and disposal of trade refuse - trade refuse contracts will be required for all premises;
- Whether the premises would lead to increased refuse storage or disposal problem - does your contract detail sufficient collections ;
- The arrangements for cleansing or otherwise keeping clean the vicinity of the premises. This will include litter, refuse and other items originating from the premises;
- The arrangements for cleansing open and public areas in the vicinity of the premises of fouling caused by clients.

## Record of compliance

- The history of noise and other nuisance complaints proved against the premises will be considered , particularly where statutory notices or warning letters have been served on the present licensees;

## Lighting

- The position of external lighting, including security lighting that is installed inappropriately.

## 4. The protection of children from harm

When considering whether to limit access to children at licensed premises the council will consider each application on its own merits. However the council will expect applicants to consider and address the following in their operating schedule if applicable. Applicants are expected to provide the detail necessary to demonstrate how the provisions will assist in achieving this objective at their premises:

- There will be a strong presumption against access by persons under 18 to premises where any of the following apply:
  - a history of convictions for serving alcohol to minors or premises with a reputation for, or inadequate arrangements to deter, under-age drinking;
  - a known association with, or inadequate arrangements to deter, drug taking or dealing;
  - a strong element of gambling taking place on the premises;
  - where entertainment of an adult or sexual nature is commonly provided;
  - where there are inadequate arrangements to protect children from supply and use of other products which it is illegal to supply to children e.g. cigarettes.

- The council will expect cigarette vending machines to be in sight and under the supervision of bar staff in accordance with the appropriate code of practice.
- where in the opinion of the Licensing Committee, there are inadequate controls on the times during which children may be present on the premises.
- Young people aged 16 and 17 will only be permitted to consume beer, wine or cider on licensed premises if accompanied by an adult 18 years and over and are eating a table meal.
- Where limiting access to children is considered necessary, the Council will consider the following after relevant representations:
  - limitations on the hours when children may be present;
  - an age limitation ;
  - limitations or exclusions when certain activities are taking place;
  - access limited to parts of the premises;
  - the requirement for accompanying adults;
  - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- The Licensing Authority considers the age restraints on alcohol provision and providing adult entertainment and gambling to be of utmost importance. Applicants must provide clear details in their operating schedule as to what methods or measures they will be using to verify age. The Licensing Authority recommends that the only way to verify a person's proof of age is with reference to:
  - a valid passport;
  - a photo driving licence issued in a European Union country;
  - a proof of age standard card system;
  - a citizen card, supported by the Home Office.

#### Dispersal Policies

