

## Feedback from Consultation NEW STATEMENT OF LICENSING POLICY

Purpose of consultation:	To consult on the review of the Statement of Licensing policy every three years as required under the Licensing Act 2003
Methodology:	Wide spread consultation with all licensees, resident associations, licensing solicitors, faith groups. Postal notifications sent, area meetings attended, notice displayed in libraries, Civic Centre, local newspaper and on the Council website.
Findings:	<p>Responses were received from :</p> <p><b><u>HAGA- suggestions were:</u></b></p> <ol style="list-style-type: none"> <li>1.requesting that domestic violence be cited in the crime and disorder section of the policy as an issue.</li> <li>2.Clearer statement regarding the prevention of harm.</li> <li>3. Clearly identified procedure for consulting</li> <li>4. Clear statement on enforcing the law in relation to drunkenness</li> <li>4b Test purchase operations are carried out on a regular basis</li> <li>5. That the Policy include a requirement that training be provided for staff.</li> <li>6 dealing with licensees who offend</li> <li>6b forms of identification, dealing with drug taking or dealing</li> <li>7 acknowledge the alcohol strategy</li> <li>8 That Personal licences have a shorter validity period</li> </ol> <p>Licensing Authority response:</p> <ol style="list-style-type: none"> <li>1. Reference to domestic violence is now included in the Policy.</li> <li>2. The prevention of harm to children is one of the four licensing objectives as enshrined in the Licensing Act 2003. There is therefore no need to make any further statement regarding the importance of the objective in the Licensing Policy other than what is already contained in Sections 2 and 15.</li> <li>3. The consultation procedure is set out in the Licensing Act 2003 and subsequent Regulations. The consultation responsibilities are outlined at 21.6 and it also notes that residents can find the details for the consultation procedure on the Council's website. There is therefore no need to repeat in detail the procedure in the Statement of Licensing Policy.</li> <li>4a. It is an offence to knowingly serve someone who is intoxicated under the Licensing Act 2003. The police would be the responsibility authority to prosecute licensees for</li> </ol>

	<p>such offences. As the offence is already dealt with under the Licensing Act 2003, there is no need to repeat the police powers in the Licensing Policy.</p> <p>4b. Under Section 10 I have now included a statement noting that Trading Standards will carry out test purchasing for underage sales in licensing premises.</p> <p>5. In the Operating Schedule guidance in the Statement of Licensing Policy under public safety it also includes a recommendation to include in the operating schedule arrangements for management, supervision and training of staff. There may not be any need for staff to undergo a recognised training course or there may be a need for staff to undergo a specific training course and therefore it is more appropriate that the Licensing Sub Committee condition on a licence such a requirement on a case by case basis rather than having a blanket approach in the Licensing Policy.</p> <p>6a. If a holder of a licence is charged with a relevant offence (these are listed in Schedule 4 to the Licensing Act and include some drug offences and supply of alcohol to minors) they must produce their licence to the court and if the licensee is convicted then the Court can order a suspension or forfeiture of their licence. If an applicant already has a relevant conviction then the authority must advise the chief officer of the police for its area of the application. The Police will then decide whether or not to object to the grant of the licence. This procedure is clearly set out under Licensing Act 2003 and therefore there is no need to repeat the procedure in the Statement of Licensing Policy.</p> <p>6b. The Statement of Licensing Policy has set out in its Operating Schedule that applicants are expected to demonstrate how they will limit access to children which can include measures for checking the authenticity of identification. The licensee may be convicted of an offence if they have supplied alcohol to a minor. It is also an offence to produce fake identification and if fake identification is being produced, the police can take action. The Statement of Licensing Policy has set out in its Operating Schedule that applicants are expected to demonstrate how they will limit access to children which can include measures for checking the authenticity of identification.</p> <p>7 The Statement of Licensing Policy has been amended so that it recognises that the alcohol strategy is now in existence.</p> <p>8 The Statement of Licensing Policy recognises that that a personal licence is valid for 10 years. The statutory period is stated in the Act and the regulations, we are unable to impose a shorter period of time that a personal license is</p>
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valid for and therefore we cannot alter that in the Policy

**The Local Safe Guarding Children Board:**

1. requested to be named in the policy as the child protection nominee,
2. make mention of the Children and Young Peoples Plan 2006-09 as one of the strategies to be listed and
3. make reference to the Safeguarding Vulnerable Groups Act 2006.

Licensing Authority response:

1. The draft Statement of Licensing Policy has been amended to include the Local Safeguarding Children Board as one of the consulting shareholders.

2. The suggested wording at Section 7 on the Children & Young People's Plan 2006-2009 has been included.

3. The suggested reference to the Safeguarding Vulnerable Groups Act 2006 as this Act does not relate to licensing policy but rather to the requirement for people to register if they work with children or vulnerable people has not been included.

The Guidance on the Operating Schedule the comments in relation to section 15.2 and 15.3 of the Licensing Policy these are as required by the Act and are included.

**Haringey Noise Enforcement Team**

1. make reference to other regulatory services involved in the process, Noise Team , Trading Standards, Food.
2. Ask for copies of Joint Enforcement Protocol.
3. reference to noise disturbance outside of the times stated in the Policy.

The Licensing Authority response:

- 1 Reference under the Regulatory Section to Environmental Health and Trading Standards is now included and there was already a reference to Planning at Section 9.
- 2 Copies of the protocol have been provided
- 3 The making of the representations are recognised in the Guidance to the Operating Schedule in that the guidance recognises that there ought to be greater responsibilities

placed on premises operating between 23:00-07:00. However, the policy must also be reasonable and there must be a balance between the potential for limited neighbourhood disturbances and the benefits of cultural activities to the whole community.

**The British Beer and Pub Association** have requested

1. Clarity in relation to conditions
2. Duplication with other regulations
3. That risk assessments should not be taken into account under this Act as it is covered by other legislation.
4. That enforcement be on a risk based approach in line with the Hampton report.

**1. Conditions**

Clarification has been included in the Statement of Licensing Policy explaining when conditions may be attached to licences.

**2. Duplication with other Regimes**

Section 24.1 is already clear in that it states that there may be circumstances where existing legislation and regulations already effectively promote the licensing objectives and makes it clear that conditions are only imposed where they are necessary to meet the licensing objectives.

**3. Public Safety**

A new section on risk assessments at 11.2 to explain the purpose of risk assessments. A change to section 13.2 to state "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, a documented health and safety policy and comprehensive risk assessment and to be compliant with all relevant building control rules and regulations. Section 13.3 is now deleted.

**4. Enforcement**

Section 25.1 sets out those inspections are carried out when the Council's licensing officers who are monitoring compliance with licensing conditions think that it is necessary to do so. There is no need to add that there must be a reason to do so. Section 25.4 sets out when and how enforcement action is taken and there is also a separate Licensing Authority Enforcement Policy which details the various options available for enforcement. The selection of the most appropriate enforcement action is in accordance with that policy.

**Tottenham and Wood Green Friends of the Earth**

1. The policy should give information on the role of the

	<p>Environmental Health Officer.</p> <p>2. Include a condition to not allow patio heaters</p> <p>Licensing Authority response:</p> <p>1. There is now reference in the Policy to the role of the Environmental Health Officer</p> <p>2. Patio heaters cannot be conditioned in the policy.</p>
Implications for Business Unit:	<p>The Licensing Authority will be committed to ensuring that both staff and Councillors are kept up to date with training to enable the administering of the Guidance and the Policy to be effective.</p> <p>Enforcement protocol for the Licensing Enforcement Team will be addressed.</p>
How were results communicated ?	<p>Results will be feedback to all that made comments. Members will be consulted on the results and the new Policy will be made available on the Councils website</p>
Issues/learning points:	
For further information, please contact:	<p>Daliah Barrett-Williams</p>
Dates of consultation:	<p>16<sup>th</sup> November 07-28<sup>th</sup> December 07</p>
Ward/ neighbourhood affected?	<p>ALL</p>