

Haringey Council

Report for:	Regulatory Committee	Item Number:	
Title:	The Licensing Act 2003: Review of Statement of Licensing Policy 2016-2021		
Report Authorised by:	Stephen McDonnell Assistant Director Environmental Services & Community Safety		
Lead Officer:	Daliah Barrett – Lead Licensing Officer		
Ward(s) affected: ALL	Report for Key/Non Key Decisions:		

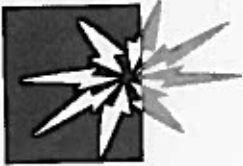
1. Describe the issue under consideration

- 1.1 The Licensing Act (the Act) came into effect on 25th November 2005. The Act introduced a new regime for the licensing of alcohol, regulated entertainment and late night refreshments, to be administered by the local licensing authority within Haringey, this council.
- 1.2 Section 5 of the Act requires each licensing authority to prepare, consult and publish a statement of licensing policy every five years. The policy statement is expected to set out, how the authority intends to approach its licensing responsibilities. Each Authority is also required to keep the statement of policy under review throughout its term and make appropriate revisions as necessary.

1.3 The Licensing Objectives

Central to the statement of licensing policy is the promotion of the four licensing objectives established under the Act. These are:

- The prevention of crime and disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm



2 Recommendations

This report recommends that the Committee:

- 2.1 Approves for consultation the draft Haringey Statement of Licensing Policy 2016-2021 SOLP attached as Appendix 1A to this report.
- 2.2 Agree to consultation questions on considering a Cumulative Impact policy and suggested areas to be considered.
- 2.3 Note and agrees the arrangements for public consultation and questionnaire as set out within this report at section 9.1 and 9.2 of the report.
- 2.4 The committee is also asked if there are any additional matters that they would wish to have considered or consulted on during this process.

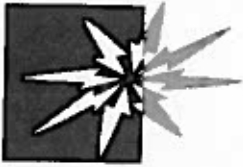
3 Alternative Options Considered N/A

4 Background Information & Procedural Steps

- 4.1 There have been a number of changes to the Licensing Act 2003 and also to the Section 182 Guidance issued for licensing authorities (the current version was issued by the Home Office in March 2015). In recognition of the various changes work has been undertaken to update the Haringey policy and make it consistent with the primary and secondary legislation and the latest guidance, these changes are outlined in Appendix 1 and summarised in 4.2 below .

Summary of the main amendments of primary and secondary legislation

- 4.2 There have been a raft of changes to the Licensing Act 2003, The Police Reform and Social Responsibility Act 2011 brought in the following changes which are now reflected in the policy:
 - Licensing Authorities and Local Health Bodies become "Responsible Authorities"
 - The "vicinity" test for persons/businesses making representations for/against licence applications is abolished.
 - In addition to the Police, Environmental Health Officers may now submit objections to a Temporary Event Notice (TEN). Objections from both bodies may now be made in connection with any of the four licensing objections, and not just the "prevention of crime and disorder" objective and existing licence conditions, can be attached to TENs, in some circumstances.
 - The limit for the number of days per calendar year an individual premise may hold a TEN is increased from 15 to 21 days.
 - The limit that an individual TEN can last is increased from 96 to 168 hours.
 - The provision for applicants to submit 'Late TENs'
 - A non payment of the annual licensing fee by a premises licence/club premises certificate holder may result in the premises licence being suspended.



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- The statutory review period for a Statement of Licensing Policy's has been extended from 3 to 5 years.
- The criteria on which licensing conditions may be imposed has been changed from being "necessary" to "appropriate".
- The Live Music Act is now law.
- Deregulation of regulated entertainment.
- De regulation personal Licences

4.3 Local options for Considerations:

4.4 Cumulative Impact Policy.

The Section 182 Guidance states that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its Statement. According to the Guidance, 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The Council has to undertake research to identify and review areas within the Borough where high concentrations of licensed premises are undermining the promotion of the licensing objectives. This will need to include:

- The crime statistics for specific offence groups that, according to the Police, are associated with the night-time economy, alcohol and licensed premises
- observational studies, including studies of anti social behaviour, criminal activity, and difficulties getting people away from the area at night.
- interviews with local stakeholders.

The Committee is asked to consider if they wish to have questions included in the questionnaire around bringing in a CIPs in the East of the borough which will enable planning to be put in place to enable this at a later time.

4.5 Off Licences- Sale and supply of high strength low cost beers, ciders, lagers.

Stronger wording in the introduction of the policy on the expectations to be met by retailers in relation to reducing the sale and supply of high strength low cost alcohol across the borough.

The policy now states that if an applicant has not adequately addressed concerns about street drinking in the area and antisocial behaviour that a representation will be made that will require the applicant to:

- Not to stock or sell beers, lagers and ciders above 6.5%ABV
- Will not sell single cans
- Will join the Responsible Retailer Scheme /Off Licence Forum
- Train staff to challenge and be confident to refuse sales
- Keep a refusals log

4.6 The Purpose of the policy



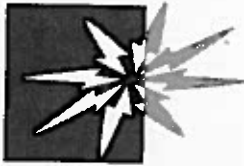
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The purpose of the statement of licensing policy is set out in section one of the SoLP and considers who the policy is aimed at and why. We have summed this up as follows:

- To reinforce to elected members on the licensing committee, the powers and constraints placed upon the local authority as licensing authority by the 2003 Act.
- To set out, for the benefit of prospective applicants; responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decision.
- To inform prospective licensees how a licensed premises is likely to be able to operate within its area.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

The draft SoLP has been reworded throughout to ensure consistency with the latest changes in legislation, guidance and case law and to reflect current best practice. The policy layout has been changed to make the document easier to use and accessible. A summary of SoLP policy changes is summarised in the following sections.

- 4.7 Section one of this policy help establish the purpose of the statement of licensing and how we intend to address our licensing responsibilities under the Act. It provides an introduction to the borough and this council. It sets out the five aims of the policy, who licensing affects, the different types of licence and what areas the policy covers.
- 4.8 Section two of our policy provides guidance on the objectives that each application for a license under the four Licensing objectives as set out within the Licensing Act 2003. Each objective is of equal importance and this section details each of the objectives in turn (Prevention in Crime & Disorder, Prevention of Public Nuisance, Public Safety and Protecting Children from Harm) to enable applicants to have due regard to this information in supporting their submission. The policy also sets out in each of the four sections dedicated to the licensing objectives, the expectations of the responsible authorities. It explains that an application which demonstrates that the risks have been properly considered and appropriate measures applied are less likely to be subject to representation.
- 4.9 Section three refers to the need for applicants to produce an operating schedule to demonstrate how they will conduct their business with regard to the four licensing objectives. In the case of a large event a full event management plan also is to be submitted and must include risk assessments. It gives an explanation to the process under the Act and how we can assist businesses and residents through the process. It provides guidance and awareness on child sexual exploitation and violence against women in the context of measures that can be put to use by staff on licensed premises to guard against these issues.



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4.10 Section four identifies who makes the decisions and the process that is followed by the Licensing Sub committee. All applications will need to go through a consultation process to enable the local community, the Council and Responsible Authorities to respond to a proposed license. This section gives details on this process and how the Licensing Committee will need to duly consider these representations before deciding the outcome of an application. It confirms that, in accordance with the rules of natural justice, each application will be considered upon its own merits and with all the relevant matters taken into account. It also confirms that where an application will be granted in the terms requested, subject to the mandatory license conditions and conditions consistent with the operating schedule.

4.11 All responsible authorities will carefully review each application made. They will expect an application to demonstrate that the applicant has compiled the operating schedule on the basis of a risk assessment of the proposed business operation having regard to each of the four licensing objectives. They will expect the operating schedule to include positive proposals to manage any potential risks identified.

4.12 Section 5 sets out the approach to enforcement taken by the council and partner bodies. It explains how our services operate on the basis of risk-rated, intelligence led enforcement providing responsible business operators with light touch enforcement enabling resources to be directed toward high risk and problem premises. In doing so this section demonstrates compliance with the regulators compliance code.

references other associated and complimentary legislation and strategy, these include:

- Anti- Social Behaviour Crime and Policing Act 2014, which overhauls the system for dealing with anti-social behaviour, focussing on a citizen led approach and establishing a range of powers intended to support local authority and partner bodies deal with anti-social behaviour, including powers of premises closure in cases of nuisance or disorder. Public spaces protection orders can be used to restrict drinking alcohol in a public space.
- The revised Haringey Enforcement Policy
- The Corporate Plan and ensuring that the Councils aims are reflected throughout the policy.
- Safeguarding considerations relating to children and vulnerable adults.
- The Parks Events Policy in enabling events to be staged in the borough.

5 Comments of the Chief Finance Officer and financial implications

The revision and update of the Haringey statement of licensing policy does not have any resource issues in itself. Where new initiatives referenced within the policy statement have resource implications these will have been dealt with at time of conception. This is an update to the existing statement of licensing policy. This policy is mainly advisory / informative, providing guidance to the licensing committee, licence applicants, residents and businesses. Costs associated with implementing the existing policy are currently met from the licensing revenue budget.



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6 Assistant Director of Corporate Governance and legal implications

- 6.1 The Assistant Director of Corporate Governance has been consulted in the preparation of this report and confirms that the legal implications are fully set out in the body of the report.
- 6.2 Under the Council's Constitution the Regulatory Committee has the responsibility for formulating, reviewing and approving for consultation the Statement of Licensing Policy and (following consultation) recommending it and any revisions to it, to Full Council for adoption.

7 Equalities and Community Cohesion Comments

The Haringey statement of licensing policy recognises that responsible business operators who run safe, well managed venues and facilities and are prepared to work together with their local community will provide benefit to that community. The policy equally recognises that irresponsible business operators who fail to provide good management practices are likely to have negative impacts on the community. As such, the statement of policy sets out to achieve a necessary balance between providing a platform upon which responsible business operators may contribute toward a thriving business and late night economy while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system.

Central to this, is a licensing process which aims to be inclusive and ensures that local community concerns are understood, debated and resolved. This is supported by offering broad support to licensees, through the range of involved authorities, to establish best practice management, and by a strong directed enforcement resource. Furthermore, the council, as licensing authority, monitors the impacts of its licensing decisions through regular partnership analysis of statistical information on alcohol related crime and disorder; calls to the police regarding disorder and rowdiness; ambulance 'pick-up' statistics; and noise nuisance calls to the council.

This SoLP will be subject to a equalities impact assessment and it is intended that this will be carried out during the process of the revision of this policy. A new assessment will be made in advance of the confirmation of this policy.

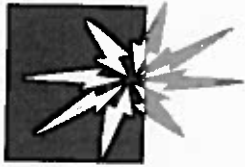
8 Head of Procurement Comments

N/A

9 Policy Implication

The implications of the policy will be as follows:

- The impact of the sale of high strength beers lagers and ciders is having an adverse effect within the wards to the east of borough. These wards have seen an increase in street drinking and anti social behaviour as a result of the increase and easy availability of these high strength cheap alcohol. We are proposing to have



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new applicants address within their Operating Schedules how they will ensure their premises does not add to this problem and if they are unable to do so we will make representation to put appropriate conditions in place to address these matters under the prevention of crime and disorder and the prevention of public nuisance objective.

- The start of all night tube services will have an impact on how people choose to spend their leisure times in the borough. There is the potential for licensed premises to apply to increase the hours for licensable activity to take advantage of the better transport accessibility.
- To inform prospective licensees how a licensed premises is likely to be able to operate within its area.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

The policy implications all interlink with Priority 3 and 4 of the Councils corporate vision.

9.1 Public Consultation

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

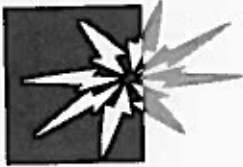
- The chief officer of the police
- The fire authority
- Representatives of holders of premises licences, club premises certificate holders and personal licence holders
- Representatives of businesses and residents
- All responsible authorities specified under the Act.

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

9.2 Consultation Questionnaire

The following questions are considered appropriate for the public consultation exercise. The committee is asked to consider whether it wishes for any amendment of the proposals or addition made:

- Whether the policy is clear and easily understood?
- Whether the policy is balanced, fair and reasonable?
- Whether the authorities approach to the licensing objective of the prevention of crime and disorder is supported?
 - Whether the approach in relation to combating the social problems caused through the consumption of high strength low cast alcohol is supported?
- Whether the authorities approach to the licensing objective of public safety is supported?



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- Whether the authorities approach to the licensing objective of the prevention of nuisance is supported?
- Whether the authorities approach to the licensing objective of the protection of children from harm is supported?
- Whether the authorities approach to enforcement is considered to be proportionate, balanced, consistent and fair?
- What concerns you in relation to licensed premises in your area?

In each case, respondents will be offered the opportunity to expand on their answer and provision for general comments will be made. In the event that members should wish to include a section in the policy consultation on recommended hours of licensed operation then specific questions will be raised on appropriate hours for business types and areas.

9.3 Adoption timetable

The following timetable for the public consultation on the draft policy revision and for final approval of the 2016-2021 SoLP is proposed:

Draft document discussed by AD and SLT	4 th August 2015
Report taken to Lead Member and Chair of Regulatory Committee for discussion	July 2015
Report taken to Regulatory Services to agree start of consultation.	September 21st - 6 weeks consultation
Consultation ends	27 th October 2015
Report to Regulatory to update on responses received. Regulatory determine to agree to send to Full Council for adoption.	Special TBA Mid November
Report prepared for Full Council with recommendation to adopt	23 rd November
4 weeks public notice period.	December 2015

10 Reasons for Decision

The Council has a statutory obligation to consult and adopt a statement of Licensing policy every 5 years.

11 Use of Appendices

Licensing Act 2003
Section 182 Guidance



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12 Local Government (Access to Information) Act 1985

