

**Report for:** Regulatory Committee

**Item number:**

**Title:** Outcome of consultation on revised Statement of Licensing Policy for Licensing Act 2003 .

**Report**

**authorised by :** Stephen McDonnell – AD Environmental Services & Community Safety

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**Ward(s) affected:** 'All'

**Report for Key/  
Non Key Decision: Key Decision**

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

- 1.1 The Licensing Act 2003 (as amended) sets out in Section 5 of the Act the requirement for 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.
- 1.2 This report is to update the Regulatory Committee on the response to the consultation and seek approval of the draft policy for recommendation to Full Council in November 2015 for adoption.
- 1.3 Members should note that the draft policy has been compiled in conjunction with the Police, Public Health, Local Children Safeguarding Board and other responsible authorities and partners.

## **2. Cabinet Member Introduction**

- 2.1 The Statement of Licensing Policy sets out how the Council and its statutory partners will consider applications for licensed premises in Haringey. We will make use of the statement of licensing policy to monitor and manage licensed activity for the next five years.
- 2.2 The Council wants visitors and residents to enjoy what is on offer across the borough in a safe and clean environment and to balance this with the needs of residents. This will be achieved through our continued work with the licensed trade and our statutory partners, such as the Police and Public Health and of course local residents across the borough.
- 2.3 As part of this review we have consider the impact that the availability of high

strength cheap alcohol has within our communities and the impact of alcoholism and street drinking in some of the most deprived areas of the borough. We want to empower the Responsible Authorities to give consideration to this and to work with retailers to bring awareness of their social responsibility through their day to day operation.

We recognise that growth is an important part of Haringey's future and the Licensing policy is a tool that will enable us to bring about this growth in the Borough, whilst balancing this with regulations that enable us to tackle anti social behaviour.

### **3 Recommendations**

#### **3.1 That Regulatory Committee:**

- 3.2 Note the outcome of the consultation, there were two responses to the consultation. A summary of the responses and effect if any on the policy are shown in paragraph 6.12 and also in Appendix 2.
- 3.3 Approve the draft Statement of Licensing Policy at Appendix 1 for recommendation to Full Council for adoption in November 2015.
- 3.4 In coming to their decision in 3.3 above note and take account of the EQiA set out at Appendix 3.

### **4 Reasons for decision**

The Council is obliged to review and adopt a statement every five years. The current policy will expire in January 2016, therefore a new policy has to be adopted.

### **5. Alternative options considered**

It is a legislative requirement that the policy be reviewed at least every five years, and that a public consultation is carried out. Failure to review and adopt the Statement of Licensing Policy would result in the Council failing to comply with legislation, therefore no alternatives were considered.

### **6. Background information**

- 6.1 The revised policy statement 2016-2021 was presented to the Regulatory Committee on 21<sup>st</sup> September 2015 for approval to go out for a six week consultation. The policy has been revised to reflect the raft of changes to the Licensing Act 2003 and The Police Reform and the Social Responsibility Act 2011.
- 6.2 Haringey's revised policy for 2016-2021 addresses legislative changes and various other local issues as listed below:

Local expectation as set out in the policy:

- Sets out expectations for applicants to demonstrate their social responsibility in areas where street drinking is an issue and to give greater consideration of their social responsibility for the area they wish to trade in;
- States that the Licensing Authority and Public Health will make representations on applications where street drinking is an issue.
- States the types of conditions that we would seek to negotiate:
  - Alcohol by volume ABV restrictions.
  - No single cans to be sold.
  - Requirement to join the responsible retailer scheme.
- Inclusion of public health information throughout policy for information and guidance;
- Preferred hours- not to be restrictive but to be used as a tool for good practice;
- Clarity on the need for a good understanding of English;
- Guidance on protection of children from harm now covers Child Sexual Exploitation (CSE); and
- Joined up thinking regarding Planning hours conditions.

6.3 The draft carries an explanation of what a Cumulative Impact Policy is but is not proposing one for the borough currently, it does leave the door open should at any time the need arise. Cumulative Impact Policies (CIPs) can be brought in where there is evidence of crime and disorder associated with licensed premises in a given area. Once declared it gives a presumption of refusal to any new business wishing to trade in that area or any existing businesses wishing to extend or alter their licence. It has to be considered however that such a policy could have an adverse effect on regeneration in a given area.

6.4 There is clarity given in the document that times granted under planning permission would be expected to be adhered to by the applicant under the licensing process, this being in line with the S182 Guidance.

6.5 Advice is provided in relation to the borough's expectation that licence holders will need to consider what steps they will take to ensure underage people are protected on licensed premises and also violence against people on licensed premises. We ask that the licence holders ensure that adequate training is provided to staff and SIA working at the premises.

6.6 The policy has been divided into various sections and a summary of each section is shown below:

**Section 1 – Purpose of the Policy:** This section sets out the five aims of the policy, who licensing affects, the different types of licence and what areas the policy covers.

**Section 2 – Licensing Objectives:** Each application for a license will need to address 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). This enables

applicants to have due regard to this information in supporting their submission. Further information relating to Public Health considerations is also set out in this section.

**Section 3 – How We Can Help?** This section 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.

**Section 4 – Who Decides?** All applications are required 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.

**Section 5 – Enforcement & Compliance:** In order to ensure that license conditions are complied with, the Council has a risk based inspection regime. This section outlines this inspection process, how if necessary we will carry out enforcement action in a clear, fair and transparent manner and how reviews of licenses can be instigated.

6.7 The Licensing Act 2003 contains details of the consultees that are to be consulted as part of the review of the policy. These are:

- Responsible Authorities including 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; and
- All responsible authorities specified under the Act.

## 6.8 Consultation outcome

6.9 Notification of the consultation was shared with those listed above and residents that have previously made representations on applications as well as neighbouring boroughs. There have been two responses received from parties during the consultation. The comments received and any impact on the policy is shown in paragraph 6.12-6.14 and in Appendix 2.

6.10 Comments were received from a licensing consultant and a leader of a local residents group.

(i) Consultee response: request to make exempt real ales and beers with above 6.5%ABV that appeal to the high end market from conditions that restrict high ABV products.

Councils response: Agreed- the policy document makes clear that such conditions are aimed at cheap high strength products.

- (ii) Consultee response: that the policy covers all premises types in relation to the framework hours.

Councils response: Not agreed, the wording in the policy does apply to all- therefore no need to alter at this time.

- (iii) Consultees response: Requesting that the expectation to have the correct planning use in place prior to making a licence application should be added to the policy.

Councils response: Agreed, the draft policy wording can reflect this as guidance only, as it is not a requirement of the legislation.

## 7. Contribution to strategic outcomes

Priority 3 of the Corporate Plan - A clean, well maintained and safe borough  
Where people are proud to live and work.

- 7.1 Objective 1 - Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live. This will be delivered by effectively working with community networks, such as traders and residents associations and working in partnership with police colleagues. This will be achieved through joint operations with partners and engagement with residents and businesses.

Objective 2 – To make our streets, parks and estates, clean, well maintained and safe. The Policy speaks to the considerations around large events in Haringey parks.

Objective 4- To prevent and reduce violence against women and girls. This will be delivered by raising awareness with the boroughs licence holders of the issues and scale of VAWG. There is now guidance and awareness on staff training to deal with violence on licensed premises reflected in the policy.

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses. This is achieved through a programme of underage test purchasing.

- 7.2 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely:

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed;
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other;
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do; and
- Working in partnership – delivering with and through others.

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

### **8.1 Finance and Procurement**

The cost of the adoption of the new Statement of Licensing Policy will be met from existing budgets. There are no other financial implications.

### **8.2 Legal**

Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Council's Constitution, the adoption of the Council's Statement of Licensing Policy is a non-executive decision, which has to be made by Full Council, on recommendation from the Regulatory Committee.

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

### **8.3 Equality**

The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not; and
- foster good relations between people who share those characteristics and people who do not.

### **8.4 When framing its licensing policy, the Council must work within the statutory parameters of the Licensing Act 2003.**

## **9. Use of Appendices**

**Appendix 1- Haringey Statement of Licensing Policy 2016-2021 for the Licensing Act 2003**

## **10. Local Government (Access to Information) Act 1985 N/A**