

Licensing Act 2003

Draft Haringey Statement of Licensing Policy 2016 - 2021

This Policy should be read in conjunction with:
The Licensing Act 2003
Available from www.legislation.gov.uk/2003

**Government Guidance under Section 182 of the
Licensing Act 2003**
*A Home Office document available from
HMSO. Information also available on the GOV.UK website:
www.gov.uk*

**Haringey Council's guidance documents on making
applications under the Licensing Act 2003**
*Available from Haringey Council's Licensing Service on request and our
website: www.haringey.gov.uk/licensing or by calling 020 8489 8232.*

DRAFT

Foreword– Cllr McNamara (Cabinet Member) & Cllr Ahmet (Chair of Licensing Committee)

Haringey enjoys a widespread and diverse selection of licensed premises and venues with more than 900 premises that are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from pubs, bars, night clubs, members clubs, theatres, cinemas and indoor sports facilities to restaurants, cafes and take-away establishments to off-licences, supermarkets and grocers. Together they combine to help make Haringey the exciting, vibrant borough it is by providing a wide-range of leisure and cultural opportunities; providing employment; and making a significant economic contribution to the local community.

We believe that licensed premises within the borough can play a key role in positively contributing to community cohesion and cultural development; however this can only work if licensees work with local communities and run well managed and safe venues which address the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

However, the Council equally recognises that negative impacts will occur if good management practices are not followed. This can include anti-social behaviour, nuisance and disturbance caused to local residents, together with serious crime and disorder problems. We recognise that the misuse of alcohol, in particular, is an important contributing factor in all of these problems. Alcohol related violence, disorder and rowdiness impact on our community, public health and the public purse through the demands made upon A&E; additional policing; additional street cleaning; and the criminal justice system. This authority does not consider that it is reasonable for Haringey communities to suffer because of the actions of irresponsible profiteering business operators or the inconsiderate few. As a borough we are committed to improving the impact that alcohol can have on health by proper consideration at the application stage, and by ensuring that premises operate responsibly, we will ensure that licensed premises have a positive impact in neighbourhoods throughout the borough.

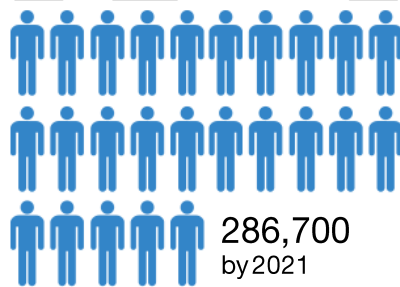
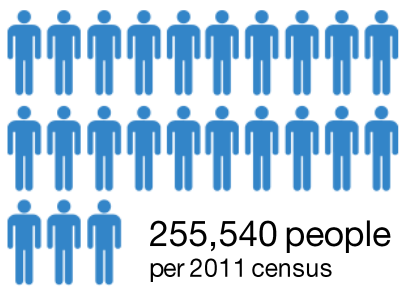
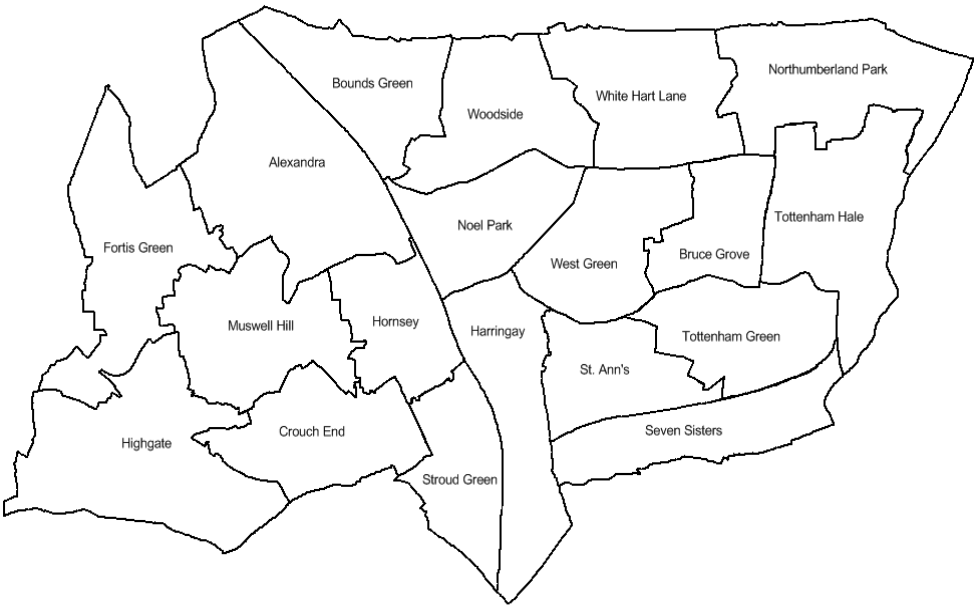
Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may thrive and contribute towards a vibrant business and night-time economy, while ensuring that the quality of life of those who live and work in the borough is protected and enhanced through the licensing system. We believe these aims are achievable if all parties concerned work together.

The policy is divided into a number of sections which summarises the various processes that a prospective licensee will need to undertake in order to present a license application to the Council for consideration. Reference is also made to how the Council will enforce license conditions and how the new policy supports the new priorities and objectives as set out in the Corporate Plan – ‘Building a Stronger Haringey Together’.

Signed
Cllr Peray Ahmet

Cllr Stuart McNamara

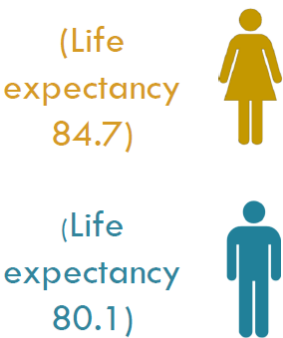
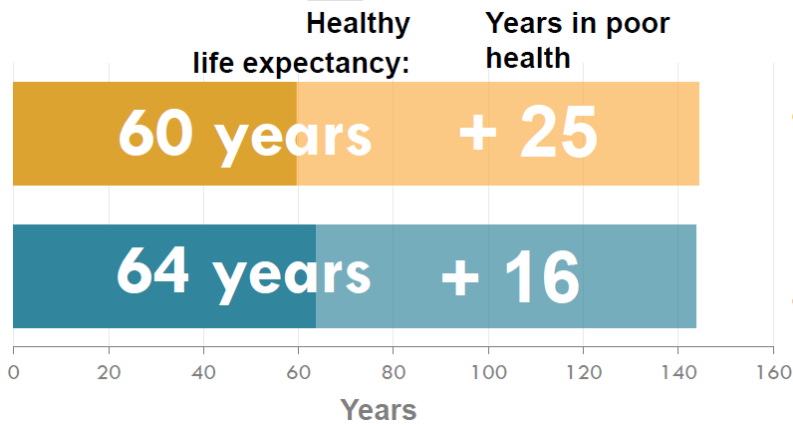
ALL ABOUT HARINGEY – BACKGROUND INFORMATION



The fastest growing population is in age groups 30-34 and 45-49. Population growth is mostly due to increased birth rates

Haringey is the fifth most diverse borough in the UK with over 100 languages spoken

Men in the most deprived wards live, on average, 7 years less than men in the least deprived wards



Our vision for Haringey

Haringey embodies the future of London: a borough that unapologetically embraces growth and that harnesses the strengths of diverse communities and innovative businesses to create an excellent place to work, learn and live. As a gateway to central London we are determined to be a well connected hub of activity rather than a dormitory borough. Our Growth Strategy lays out ambitious objectives for achieving full employment and establishing Haringey at the epicentre of London's small and medium sized innovation economy. Our Housing Strategy and Local Plan lay the foundations for major house building and the regeneration of neighbourhoods with an exciting mix of employment, retail, entertainment and housing. Here we are building on our existing strengths: Haringey is a vibrant place to live, with many different cultures mixing together, and a fantastic variety of characterful High Streets – from the metropolitan centre at Wood Green to the boutiques and restaurants of Muswell Hill and Crouch End – creating a strong sense of local pride.

Licensing policy has a key role in helping us achieve this vision for promoting growth, creating exciting mixed-use neighbourhoods and helping communities to continue to mix and live comfortably with one another. The entertainment and night-time economies make a valuable contribution to economic growth, through employment and local spend, and an effective Licensing Policy can ensure that these sectors grow in a positive and sustainable way. An effective Licensing Policy can also ensure that all neighbourhoods have a vibrant entertainment and night-time offer that reflects the diversity of the borough and provides space for people to come together.

Building a Stronger Haringey Together, Haringey's Corporate Plan lays out how the Council will seek to pursue its vision for the borough over the next three years. The principles of the Corporate Plan are reflected in the Licensing Policy, in particular the emphasis on working in partnership and focusing on prevention. The Licensing Policy lays out how the Council's Licensing team will work in partnership with the Police, Public Health and other Community Safety partners to analyse data and take intelligence led approach to licensing enforcement. It also describes how we will work with residents associations and other community groups to ensure that Haringey residents have a real say over the development and operation of licensed premises in their neighbourhoods. Working in partnership is also about shared responsibility and the Licensing Policy lays out how we will look to build alliances with responsible businesses and traders associations to tackle problems together. It is through such partnerships that we will apply our commitment to prevention. By engaging early with businesses and educating them on how to avoid alcohol related problems, we can increasingly prevent the need for costly enforcement action.

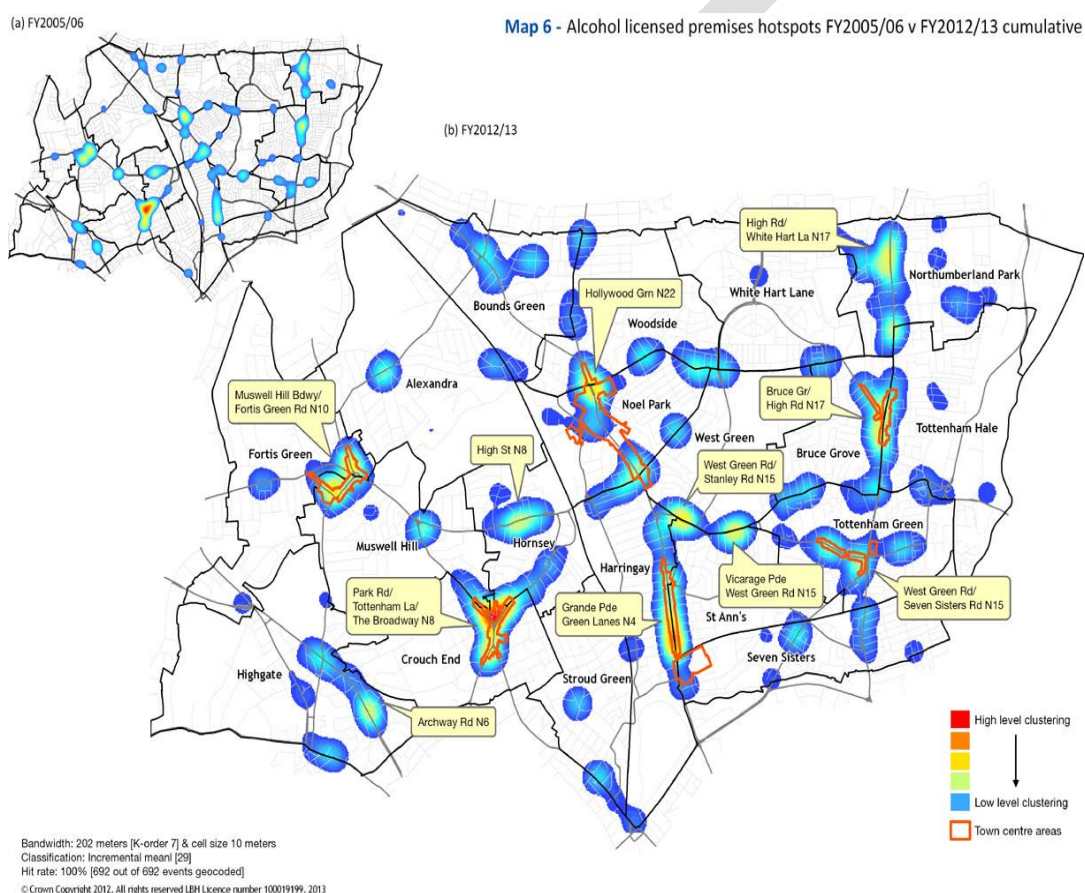
Through partnership and prevention, the Licensing Policy will help ensure that the entertainment and night-time sectors are able to play their part in the diverse, dynamic and pro-growth Haringey that is being built through the combined efforts of residents, businesses and public sector agencies.

Haringey and the leisure and entertainment industry

Haringey is home to a number of iconic leisure and cultural institutions that attract people from across London and the UK, benefitting from the borough's excellent public transport links. The borough is the home of Alexandra Palace, the focus of a £27m regeneration programme that will develop an interactive broadcasting museum in the former BBC studios and an adaptable performance space for theatre, cinema, comedy and music that will accommodate audiences of up to 1,300. Tottenham Hotspur is based at White Hart

Lane and, working in partnership with the Council, has ambitious plans to develop a world-class leisure and sports hub centred around a new stadium. Finsbury Park, has played host to major music concerts for many years.

Across the borough, Haringey has in excess of 900 premises licensed for the sale and supply of alcohol and/or regulated entertainment and late night refreshment. Over 780 of these are licensed for the sale and supply of alcohol. Between 90% and 100% of licensed premises are open between 11:00 and 23:00. There is a great variety of licensed premises – from community owned pubs to national chain bars, Turkish cafes to dance halls – catering for our diverse communities and playing an important role in making Haringey the borough that it is. The average density across London of population to licensed premises is 281 to 1. In Haringey it is 251 to 1, making Haringey 11th in London for outlet density.



The Licensing Policy seeks to expand choice further and encourage premises that will extend the diversity of entertainment and attract a wider range of participants rather than premises mainly or exclusively focussed on the sale of alcohol. The Policy aims to develop a more inclusive night time economy and promote high-quality premises that contribute positively to their neighbourhoods.

In addition to licensed premises, around 600 small occasional community events take place under temporary event notices each year. This number is likely to grow as increasing the number of community events, which connect communities and build social capital, is a key aim of the Council's Community Strategy.

Challenges facing Haringey

Haringey ranks as one of the most deprived boroughs in the country with pockets of extreme deprivation concentrated in the east. Haringey is the 13th most deprived borough in England and the 4th most deprived in London, yet it is also a borough of contrasts, with great prosperity and affluence in some communities.

Persistent inequalities are manifest in the health and wellbeing of our residents. The life expectancy gap between the most and least deprived wards is 7 years for men and 3 years for women. The borough is facing an obesity crisis with 1 in 4 reception aged children, and 1 in 3 10/11 year olds, measured as overweight or obese. The number of people with long term conditions like diabetes and heart disease is increasing and there are approximately 4,000 adults with severe mental illnesses – three times more than would be expected, even given Haringey's level of deprivation.

There are also inequalities in educational achievement, access to employment and housing quality. The borough has seen twelve consecutive years of improvement in GCSE performance and A-levels scores, making Haringey one of the top 3 most improved areas. Yet too many of our young people still leave school without the skills needed to secure sustainable employment, blocking their access to one of the world's most dynamic economies at their doorstep. It remains our priority to make all of our schools outstanding and, through our new STEM commission, to ensure our young people are accessing the skills needed for the jobs of the future.

The Council's response to these challenges is to meet them head on with ambition, innovation and a commitment to work ever more closely with residents, businesses and public sector partners. Nowhere is our ambition greater than in our most deprived communities in Tottenham. Working with central and local Government, developers and major local businesses like Tottenham Hotspur, the Council has secured £1bn of public and private investment in Tottenham's physical environment. Over the next 20 years, this investment will deliver at least 10,000 new homes, new transport links and stations, education and health facilities, green public space and 5,000 new jobs. Wood Green is another community that will be the focus of major regeneration that will look to build more homes, create better connections to Alexandra Palace and maximise the impact of new transport links provided by Crossrail 2. We are determined that regeneration will be shaped by the views of residents and are pioneering new governance structures to embed the resident voice in the key decisions.

We are also determined that regeneration has a transformative effect on the health and wellbeing of residents. Regeneration has the potential to promote health and wellbeing through the built environment in a number of ways, including designing infrastructure to increase ease of walking and cycling, increasing the accessibility and perceived safety of green space, and shaping the retail offer to promote access to healthy foods.

We are also keen to encourage innovative responses to the health challenge – such as promoting the 'Chickentown' concept of offering a healthier alternative to fried chicken through a social enterprise model. What Chickentown proves is that individual businesses can have a positive impact on social outcomes, just as wholesale regeneration can. In Haringey we are adamant that economic growth has to be harnessed as an engine for tackling deprivation and the role of the Licensing Policy is to ensure that licensed businesses play their part. The aim of the policy is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate

manner. Indeed, the need for responsibility and innovation is even greater in the licensed sectors, given the scope for negative impacts is so much higher, as the evidence shows.

Alcohol and public health

Excessive alcohol use can have a harmful effect on the individual, their family and community. The charity Alcohol Concern estimate that 19% of the London population are drinking at a level which increases the risk of damaging their health, with 71 deaths a year from alcohol related causes and alcohol misuse costing £68 a year per adult.

Haringey experiences some of the greatest levels of alcohol-related problems in London. Around 1 in 10 people are binge drinkers and over 10,000 people across the borough are higher risk drinkers, regularly going well above their daily limit. The sale of high strength, low cost alcohol is a particular problem in Haringey and contributing factor behind these figures.

High levels of alcohol consumption have a negative impact on health in Haringey. The Local Alcohol Profile reveals that at the end of 2014, Haringey was:

- joint 4th for months of life lost due to alcohol for men;
- 6th for mortality from chronic liver disease for men and 9th for women;
- and 2nd for alcohol related mortality for women; (when compared to the rest of London).

Analysis shows that between 2003/4 and 2013/4 there was a 285% increase in ambulance call outs to alcohol related illness. Alcohol related hospital admissions are higher in Haringey than the London and England averages (PHOF 2012/13). Around 6% of all local hospital admission in 2013. This places a significant burden on health services in Haringey. Men living in more deprived areas of Haringey have higher rates of alcohol related hospital admissions while alcohol specific mortality and mortality from chronic liver disease for men is significantly higher than the national averages.

Local health data around the impact on alcohol is collected as part of the annual Joint Strategic Needs Assessment (JSNA) and is a core source of data used to inform licensing decisions and broader activity of the Community Safety Partnership. The Licensing Policy sets out guidance to licensees on how to address the health impacts of alcohol on their customers and the residents of the borough.

Alcohol and crime/anti-social behaviour

The Community Safety Partnership's analysis of alcohol related violence for Haringey in 2013 notes that crime can cause a significant cost to individuals, businesses and society in general.

In recent years there have been reductions in alcohol related crime in Haringey. Between 2009 and 2013 there was a 9% reduction on alcohol related crime (based on published Home Office figures). Police analysis of alcohol related violence against the person in

licensed premises since 2010 reveals a peak in 2012 of 132 incidents dropping in 2013 and 2014 to 74 incidents a year.

However the level of alcohol related crime remains too high, particularly for serious crimes. For example, Haringey is joint 9th for alcohol related sexual offences.

It is against this backdrop that Haringey will seek to robustly implement its policy to ensure responsible retailing of alcohol and the impact on the wider community are considered and monitored. The Community Safety Partnership is now receiving anonymised data on alcohol related violence which may also be useful, particularly if it can be related to a specific premise(s).

A Summary of each section follows:

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) to enable 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 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.

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.

Section One – Purpose of Policy

1. Introduction

This Statement of Licensing Policy (hereafter referred to as the 'Licensing Policy') is published under Section 5 of the Licensing Act 2003 and states how Haringey as the licensing authority will exercise its licensing functions in order to promote the four Licensing Objectives which are:

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

- 2 The Licensing Policy is integral in managing the role licensed premises play throughout the borough. A key aim of the policy is to ensure that licensed premises have high standards of management, a positive impact on their locality, and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. This Policy aims to develop a more inclusive night time economy, with desirable destinations for a wide range of age groups and uses. Premises are encouraged that will extend the diversity of entertainment and attract a wider range of participants rather than premises mainly or exclusively focussed on the sale of alcohol. The licensing authority believes that achieving this will promote the Licensing Objectives as well as support the vision for growth outlined in the Growth Strategy and the approach to partnership working and prevention laid out in the Corporate Plan.
3. The Policy also aims to tackle problems where they emerge, either concerning individual premises or the cumulative impact across particular parts of the borough. In particular, the Policy seeks to address local concern about crime and disorder or anti social behaviour associated with shops licensed to sell alcohol off the premises.

Local residents and businesses have an important role under the Licensing Act 2003 and are able to have their say in respect of licence applications and the operation of licensed premises in their area. Individual contested licence applications are considered by sub-committees of the Licensing Committee as set down in table 1 in section 4 of this document.

4. We will require all new applicants to address the Crime and disorder and public nuisance objectives, within their Operating Schedules, detailing how they will ensure their premises does not add to these problems. If they are unable to do so we will make representations against off licences that sell high strength lagers beers and ciders in areas that are being adversely affected by street drinking anti social behaviour. Representations will seek to address a range of issues according to the needs of the area:
 - The types of high strength alcohol being sold.
 - The percentage strength of the alcohol
 - Times for alcohol sales
 - Not selling single cans
 - Social responsibility
 - Joining the Responsible Retailer Scheme/Off Licence Forum
- 6 Guidance issued under section 182 of the Licensing Act 2003 allows for the restriction of the hours that shops, stores and supermarkets might sell alcohol if there are good reasons, based on the licensing objectives.

7. Accordingly, While the Council will treat each case on its individual merits there will be a presumption that permitted hours for the sale of alcohol will be restricted to between 8am and 11.30pm on Sunday to Thursday and 8am to midnight on Friday and Saturday in respect of premises in residential areas and areas being adversely affected by street drinking issues.
8. The Directors of Public Health (DPH) is also now a responsible authority.
It is expected that the DPH will be particularly useful in providing evidence of alcohol-related health harms (perhaps in relation to cumulative impact policies or early morning restriction orders). The DPH may also be useful in providing evidence such as alcohol-related Accident & Emergency admissions or ambulance service data that might be directly relevant to an application under the Act.
9. If representations are made by a "responsible authority" or interested party a hearing would then be convened where the Licensing Authority would exercise its discretion.
Where no representations are made the application must be granted subject only to the mandatory conditions or conditions that are consistent with the applicant's operating schedule.
10. When considering these conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Licensing laws are not the primary method of controlling anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. However, they are a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.

Cumulative impact

11. The Council recognises that a significant number and type of licensed premises in a particular area may lead to problems of crime, disorder and nuisance and notes that in accordance with the Statutory Guidance to the Act, the cumulative impact on the promotion of the licensing objectives is a proper matter for the Council to consider. Where the Council recognises that there is such a cumulative effect it will consider adopting a specific Cumulative Impact Policy for that area, if this is shown to be necessary.
12. In these circumstances, the Council may consider that the imposition of conditions is unlikely to address the apparent problems and may consider the adoption of a special policy whereby there will be a presumption that new premises licence or club premises certificate applications, or applications to materially vary a premises licence, will be refused. A material variation would be, for example, an increase in permitted hours or to add a licensable activity on the premises licence.
13. 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. There is scope for the Council to introduce a Cumulative Impact Policy to address the cumulative impact of clusters of off licences selling high strength, low cost alcohol, and the Council will consult on whether this option should be pursued further.
14. Based on the Statutory Guidance to the Act, in deciding whether to adopt a Cumulative Impact Policy in an area, the Council can consider the following evidence:
 - local crime and disorder statistics, including statistics on specific types of crime and

- crime hotspots
- statistics on local anti-social behaviour offences
- the density and number of current premises selling alcohol
- Alcohol specific hospital admissions for under 18's
- Statistics on alcohol related emergency attendances and hospital admissions
- Complaints recorded by the local authority
- Evidence from local councillors and
- Evidence obtained through local consultation.

15 Departures from the Policy

This Licensing Policy sets out the vision the licensing authority has for the regulation of licensed premises throughout the borough and outlines the standards expected in order to ensure the promotion of the Licensing Objectives in the borough. The licensing authority may depart from the policies should it consider doing so would benefit the promotion of the Licensing Objectives. Reasons will be given for any such departure from the general policy in this statement. However, it is expected that any such departure would likely only be in exceptional circumstances.

16 Integration with other Strategies

While the overarching aim of this policy is to promote the Licensing Objectives, it is acknowledged that there are other key Council policies in place to help us achieve these aims. This Licensing Policy, therefore, integrates with the Corporate Plan in order to help Haringey realise that goal.

17 Links to the Corporate Plan

The Corporate Plan 2015-18 sets out a three year vision to make Haringey one of London's greatest boroughs where families can thrive and succeed. We will put growth at the heart of our priorities, supporting economic growth that everyone can benefit from, with access to the skills that will make secure good, sustainable employment. We will work to make sure that every child has the best start in life, and benefits from outstanding education, and we will work with our communities to ensure everyone can keep themselves healthy. We will work to create homes and communities in which everyone can thrive, and neighbourhoods that are clean and safe, where people feel proud to live.

- 18 Priority 3 of the Corporate Plan - A clean, well maintained and safe borough where people are proud to live and work. The proposal to join up enforcement contributes immeasurably to the following objectives;**

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.

Objective 2 – To make our streets, parks and estates, clean, well maintained and safe.

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.

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.

19 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;
- Working in partnership – delivering with and through others.

20 How the Policy works

This Licensing Policy sets out the relevant information on how licence Applications will be determined and how licensed premises are expected to operate in Haringey, as well as explaining how licensing integrates with other related strategies for the borough. The aims of this Licensing Policy are to pursue and promote the Licensing Objectives

Written and Spoken English

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

21 This policy has five main aims:

- To help inform elected members on the licensing committee to make decisions on licensing matters.
- 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 decisions.
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area. Licensed premises suitable for the neighbourhood within which they are located and that support the neighbourhood.
- 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.

22 The policy supports a number of other key aims and these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators.
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises.
- Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

23 Consultation for the Licensing Policy

In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this Licensing Policy:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) such persons as the licensing authority considers to be representative of holders of Premises Licences issued by that authority
- d) such persons as the licensing authority considers to be representative of
- e) Such persons as the licensing authority considers to be representative of holders of Licences issued by that authority
- f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area

24 What is covered by the policy:

The Licensing Act 2003 regulates the following activities

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of "regulated entertainment"
- The provision of "late night refreshment"

25 Definitions:

'Regulated entertainment'

Subject to the conditions, definitions and exemptions set out in the Act, "regulated entertainments" includes:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- Boxing or wrestling entertainment.
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports").
- A performance of live music.
- Any playing of recorded music.

- A performance of dance.
- Entertainment of a similar description to a performance of live music, and playing of recorded music or a performance of dance where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

It should be noted that following the introduction of the Live Music Act 2012, unamplified live music is exempt from licensing and amplified live music normally only requires licensing in alcohol licensed premises or other workplaces from 08:00 – 23:00.

26 Late night refreshment

Late night refreshment constitutes the supply of hot food or hot drink to members of the public from or in the premises, including a vehicle or moveable stall, between the hours of 23:00 and 05:00 for consumption on or off the premises

27 Responsible Authorities under the Act

Potential objectors to licence applications can be “responsible authorities”, who are:-

- Haringey Council, in its capacity as Licensing Authority; and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the local enforcement agency for the Health and Safety at Work Act 1974 etc;
- environmental Health;
- planning;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- Primary Care Trusts (PCTs)
- the weights and measures authority.

28 Who the Licensing Act affects:

The Licensing Act 2003 deals with alcohol, regulated entertainment and late night refreshment and is the responsibility of the Council as the Licensing Authority.

The Act affects anyone concerned with:

- Pubs and nightclubs.
- Off licences and shops selling alcohol.
- Restaurants serving alcohol.
- Businesses selling hot food between 23:00 and 05:00 (including takeaways and mobile caterers).
- Hotels, guest houses and other places that sell alcohol.
- Private members clubs, social clubs and sports clubs selling alcohol.
- Places that put on public entertainment.
- Theatres and amateur dramatic clubs.
- Cinemas.
- Indoor sporting events.
- Occasional entertainments of music or dancing.

29 Types of authorisation:

The Act provides for four different types of authorisation as follows:

- Personal licences – to sell or authorise the sale of alcohol from premises in respect of which there is a premises licence
- Premises licences – to use a premises for licensable activities
- Club premises certificates – to allow a qualifying club to engage in qualifying club activities
- Temporary event notice (TENs) - to carry out licensable activities at a temporary event

The scope of the policy covers new applications for licences, renewals, transfers and variations, including time-limited premises licences. It also covers the review and possible revocation of licences and certificates. In general a reference in this policy to a premises licence will also include a club premises certificate.

- 30 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies.

The Authority recognises that any breaches of conditions attached to operating schedules automatically become criminal offences under section 136 of the Act and could lead to imprisonment for up to six months and/or a £20,000 fine for non-compliance. The penalties are high because such action could involve putting public safety at serious risk and particular care needs to be taken in both the decision to impose conditions and how they may be framed.

The Authority will be fair and vigilant in considering all applications.

31 Applications for licences and consents

Applications for all licences and consents available under the 2003 Act must be made on the relevant form prescribed under secondary regulations. Applications will not be progressed until the form has been completed in full and received, together with the relevant fee and all other required information, by the licensing authority and the relevant responsible authorities.

Applications will be progressed in accordance with procedures laid down by the Act. Prospective applicants should refer to the separate relevant guidance documents for further details.

32 Applications for club premises certificates

Club premises certificates may be issued to qualifying clubs, formerly registered members clubs. To be eligible for a club premises certificate the members of the club must have joined together for a particular social, sporting or political purpose and to purchase alcohol in bulk, for supply to members and their guests. Qualifying conditions are specified in Section 61 of the Act and the council must be satisfied that these conditions have been met. This authority will require evidence to be submitted with any application that supports that the club is non-profit making and that there is a minimum of a two-day interval between the application and the acceptance of new members.

33 Provision of scale plans

Applicants should note that this council will normally require that a current scale plan of the premises be submitted with each new application for a premises licence and a scale plan of the proposed layout for any application for a variation of a premises licence affecting approved layout arrangements. Plans should normally be submitted in scale 1:100 unless otherwise agreed by this authority in writing. Plans need not be professionally drawn but must be clear and legible in all material respects and provide sufficient detail for this authority to determine the application. Applicants are asked to note that plans should detail not only the arrangement of internal areas of the premises but also external areas intended to be used as part of the licence. This includes patio or garden areas and any temporary structures such as marquees or smoking shelters.

34 Variations & new applications

Where a premises licence holder wishes to amend their licence the Act allows, in most cases, for an

application to vary the licence to be made rather than requiring an application for a new premises licence, unless the proposed variation would make substantial changes to the premises. A minor variations process exists for proposed variations to a licence that do not impact upon the licensing objectives. A separate major variations process supplements this for variations that carry potential impacts. It should be noted, however, that some proposals to extend the current physical licensed area of the premises concerned may require a new premises licence application to be made. Applicants should discuss their proposals with the licensing team before submitting an application in order to ensure that the correct route is taken.

35 Provisional statements

While applications for a full premises licence may be made in respect of a premises that is not yet complete, this council would prefer to see provisional statements sought in the first instance in cases where the responsible bodies are not yet able to confirm that works have been carried out in compliance with agreed schedules and to standard. However, the council acknowledges that any person falling within section 16 of the Act can apply for a premises licence before new premises are constructed, extended or changed, as long as clear plans of the proposed structure exist and the applicant is in a position to complete an operating schedule. The schedule will need to contain details of:

- The activities to take place there
- The time at which such activities will take place
- The proposed hours of opening
- Where the applicant wishes the licence to have effect for a limited period, that period
- The steps to be taken to promote the licensing objectives
- Where the sale of alcohol is involved, whether supplies are proposed to be for consumption on or off the premises (or both) and the name of the designated premises supervisor the applicant wishes to specify

36 Temporary event notices (TENs)

The Act provides a system by way of “temporary event notices” for the temporary carrying on of any licensable activity outside of the terms of a premises licence or club premises certificate. Under this system no authorisation as such is required from the licensing authority. Instead a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event.

There are two types of TENs. A standard TEN and a late TEN. All TENs must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act, together with the relevant fee, and be copied to the police and this authority’s environmental protection team (see contact details in section 12).

- 37 A standard TEN must be given with at least 10 clear working days notice before the event. A late TEN (intended to assist premises users in situations that are outside of their control) can be given no earlier than nine working days but still with a minimum of five clear working days notice before the event. These stated timescales are not negotiable and no notice will be progressed unless all parties have been correctly notified and the correct fee paid.

The 10 and 5 clear working days notice periods will be calculated exclusive of the day on which the event is to start and the day on which the notice is given. So, for instance, if a standard temporary event is intended for a Saturday or Sunday night, the notice must be given three Fridays before the event date at the latest. If a bank holiday should fall within the period then an additional working day must be allowed for each bank holiday day that occurs. A ‘working day’ as defined by the Licensing Act is any day other than a Saturday, a Sunday,

Christmas Day, Good Friday, or a day that is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.

- 38 Only the Police or the Environmental Health team (on grounds relevant to any of the licensing objectives) may intervene to prevent such an event taking place. However, the licensing authority will also intervene if the notice given is incorrect or if the limits set out in the Act on the number of events that may be given are exceeded.

In a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that 28 days notice of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.

- 39 It should also be noted that in cases where there is any element of doubt as to whether the premises user has the consent of the premises owner to use the premises concerned for the purposes given; this authority will wish for both the police and itself to be provided with evidence to this effect.

Furthermore, it should be recognised that many temporary events will still have potential to give rise to concerns, particularly around health and safety or protection of children. For this reason applicants should understand that the licensing service may share information on temporary events taking place with other “responsible authorities”. This does not provide those responsible authorities with the opportunity to raise representations, but will allow any matter of concern to be followed up under other powers. This action does not, however, absolve any premises user from their own responsibility to ensure that any other necessary consent is obtained or that their event does not give rise to any crime and disorder, public safety, nuisance or harm to children issues

- 40 If the required notice is not given, the TEN cannot be acknowledged by the Authority. Therefore, it is advisable to provide as much notice as possible. The Police and Environmental Health may object to a TEN within three working days of their receipt of the TEN. An objection can be made on the grounds of any licensing objective. Where an objection is received (and not withdrawn) a hearing will be held to determine whether the event may proceed. The police or Environmental Health may withdraw their objection notice at any Stage if the proposed premises user agrees to modify the proposal to meet their concerns. A copy of the modified Notice should then be given to the licensing authority by the police as proof of the agreement. The licensing committee may decide to allow the licensable activities to go ahead As stated in the notice. Where the notice is in connection with licensable activities at a premises which already holds a premises licence or club premises certificate, the licensing authority may impose one or more of the conditions from that authorisation on the Temporary Event Notice (insofar as such conditions are not inconsistent with the event). Where the authority considers that this is appropriate for the promotion of the licence objectives, the policy is to give notice to the premises user which includes a statement of the conditions imposed. Copies of this notice will be provided to the police and Environmental Health.

Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

41 Personal Licences

A Personal Licence authorises a person to sell or supply, or authorise the sale or supply, of alcohol on a licensed premises.

A Personal Licence lasts indefinitely and is granted by the local authority where the person ordinarily resides. The licence is portable although changes of home address must be notified to the issuing licensing authority.

In order to be eligible, a person must be:

- a) 18 years or over
- b) Possess an accredited licensing qualification
- c) Must have not forfeited a Personal Licence in the past five years
- d) Must have not have unspent convictions (offences related to dishonesty, licensed premises or Personal Licence, firearms, violence, drink drive and other alcohol related offences in the UK or abroad)

- 42 Where an applicant for a Personal Licence has an unspent conviction for a relevant offence, the licensing authority will consult with the police, who shall consider whether an objection is appropriate based upon a likely breach of the crime prevention licensing objective.

Where the police have issued an objection notice, the policy is that, following a hearing, the licensing authority will refuse the application unless there are exceptional and compelling circumstances that justify granting it.

43 Designated Premises Supervisors

Under the Licensing Act 2003, all licences that authorise the sale of alcohol must contain details of the Designated Premises Supervisor (DPS).

All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person. Applicants for new licences that authorise the sale of alcohol should include the prescribed information in respect of the individual who the licensee wishes to have specified in the Premises Licence as the premises supervisor.

Applications must be in the prescribed form and accompanied by the specified documents and fee. Applications to vary an existing licence to specify a new person as the premises supervisor must be made in the prescribed form and be accompanied by the specified documents and fee. Responsible Authorities will typically look to develop constructive working relationships with Designated Premises Supervisors and the licensing authority expects that this is reciprocated to promote effective partnership working relations with the trade.

The Guidance to the Licensing Act states: 'the designated premises supervisor is the key person who will usually be charged with day-to-day management of the premises including the prevention of disorder.' The licensing authority will not normally impose conditions related to the management competency of designated premises supervisors, save where it is considered appropriate that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder, public safety and public nuisance.

In exceptional circumstances, the police may object to the appointment of an individual as a designated premises supervisor.

Where, following an objection by the police, the licensing authority is satisfied that the appointment of a person as a Designated Premises Supervisor would undermine the crime prevention licensing objective, the policy is to refuse the appointment or to remove them as the DPS in circumstances where they are already in post.

44 Minor variations

Under sections 41A to 41C of the Licensing Act 2003, an application may be made for small variations that will not impact adversely on the Licensing Objectives by way

of a simplified 'minor variations' process.

Under this process, the licensee is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display a white notice at the premises in accordance with Regulations for no less than ten working days, starting on the working day after the minor variation was given to the licensing authority.

Upon receipt of an application for a minor variation, the licensing authority shall consider whether the variation could adversely impact upon the Licensing Objectives.

- 45 In considering the application, the licensing authority will consult relevant Responsible Authorities if there is any doubt about the impact of the variation on the Licensing Objectives or it requires specialist advice.

The licensing authority will also take into account any relevant representations received from any other person (that is not a Responsible Authority) in making a decision on a minor variation application. There is no right to a hearing under the minor variation procedure.

Applications must be determined no later than 15 working days, beginning on the first working day after the application was received by the licensing authority. There is no right of appeal against the decision of the licensing authority.

Where the licensing authority considers that the variation could adversely impact upon one or more of the Licensing Objectives, the application will be refused. If the application is not determined within 15 working days, the licensee will initially be offered the opportunity to treat the undetermined application as a new application.

- 46 Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises
- The removal of out-of date, irrelevant or unenforceable conditions
- The addition of volunteered conditions
- The addition of certain licensable activities.

Applications to remove licensable activities will normally be approved as minor variations.

Variations to:

- Extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

are **excluded** from the minor variations process and must be treated as full variations in all cases.

47 Dis-application of Mandatory Conditions for Community Premises

The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 amended the 2003 Act to allow certain community premises which have, or are applying for, a Premises Licence that authorises alcohol sales to also apply to include an alternative licence condition instead of the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act requiring a designated premises supervisor to be specified on the Premises Licence and for all sales of alcohol to be authorised by a Personal Licence holder.

Instead, the alternative condition only requires that every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

Such an application may only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises (the 'management committee'). If such an application is successful, the effect of the alternative licence condition will be that the licence holder (i.e. the management committee) is responsible for the supervision and authorisation of all alcohol sales made pursuant to the licence. All such sales

will have to be made or authorised by the licence holder. There will be no requirement for a Designated Premises Supervisor or for alcohol sales to be authorised by a Personal Licence holder. 'Community premises' are defined as premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.

Where it is not clear whether the premises constitute a community premises, the licensing authority will approach the matter on a case-by-case basis. The main consideration in most cases will be how the premises are predominantly used. The licensing authority will need to be satisfied that the premises are genuinely made available for community benefit most of the time and accessible by a broad range of persons and sectors of the local community for purposes that include purposes beneficial to the community as a whole. The fact that premises may be available for private hire by the general public will not normally be sufficient for such premises to qualify as 'community premises'.

48 Management of the premises

The application form requires applicants to set out how the premises are managed, the committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed and reviewed within the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers, e.g. the Chair, Secretary, Treasurer.

Where the management arrangements are less clear, The licensing authority may require further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the Council's Licensing Team before making an application. The management committee is strongly encouraged to notify the licensing authority if there are key changes in the committee's composition, e.g. to the Chair, Secretary, Treasurer, and to submit a copy to the Chief Officer of Police. A failure to do so may form the basis of an application to review the Premises Licence, or be taken into account as part of the consideration of such an application.

49 Objections by The Police

In exceptional circumstances the police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any Responsible Authority and/or any other person can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). It is expected the Police will consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements.

If the police issue a notice seeking the refusal of the application to include the alternative licence condition, the licensing authority will hold a hearing in order to reach a decision on whether to grant the application.

50 Suspension for Non Payment of Fees

The licensing authority is required to suspend a premises licence or club premises certificate if the annual fee has not been paid when it is due. Where a premises licence or certificate has been suspended, no licensable activities can be lawfully carried out at the premises until the annual fee has been paid. The suspension shall be lifted immediately upon payment of the fee and licensable activities may be resumed.

If an annual fee has not been paid by the due date, the licence holder shall be notified accordingly by the Licensing Authority and given notice of the date the suspension shall take effect.

Where payment has not been made by the due date as a result of a genuine

administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

51 Duplication with other regulatory regimes

In exercising its licensing functions, the licensing authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

52 Section 2 Licensing Objectives

Promoting the Licensing Objectives in Haringey

The licensing authority works in conjunction with partners (Responsible Authorities) such as Environmental Health, Trading Standards, Police, Planning Department, Anti Social Behaviour Team, Enforcement Response Team, National Health Service (NHS), Local Safeguarding Children Board (LSCB), Public Health Team and Fire Authority, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Haringey such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- multi-agency meetings
- The establishment of Public Spaces Protection Orders where, following a direction from a police officer or authorised officer, alcohol may not be consumed publicly.
- Pub watch schemes/ Best Bar None Schemes.
- Responsible Retailer Scheme
- Conducting training in responsible alcohol service and conflict management
- Alcohol Diversion Schemes.
- Attendance and participation in local and community meetings and workshops

53 LICENSING HOURS

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

54 THE FIRST LICENSING OBJECTIVE THE PREVENTION OF CRIME AND DISORDER

The council recognises that well run licensed premises can make a valuable and positive

contribution to the local community through the local economy, tourism, and cultural development. However, poorly managed licensed premises, especially those offering late night alcohol and / or entertainment, or late night refreshment for large numbers of people, can become a serious source of crime and disorder or anti-social behaviour problems.

55 This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of crime and disorder associated with the premises operation. The operating schedule should demonstrate an understanding of the level of risk of crime and disorder and include positive proposals to manage any potential risk. The Authority expects licensees to operate to the highest standards of management, and cooperate with responsible authorities to prevent:

- The sale of alcohol to underage children
- Drunkenness on premises
- Irresponsible drinks promotions
- Public drunkenness
- Drugs use
- Violent behaviour, including the possession of weapons
- Anti-social behaviour
- Counterfeit goods
- Theft of personal property
- Prostitution, lewd acts and similar offences
- Tax evasion
- Maintenance of smoke-free environments

56 Applicants are recommended to seek advice from the council's licensing team, the police and trading standards when carrying out their risk assessments and in preparing their operating schedules.

While it is recognised that there is no requirement in the 2003 Act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

57 The main part of this section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of crime and disorder licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences and permissions to deter crime and disorder, both inside and immediately outside the premises. As far as possible these will reflect local crime prevention strategies.

As an additional aide to good management, this authority recommends the range of qualifications designed to support the licensing objectives, available from the British Institute of Innkeeping (BII). Further information is available by contacting the BII by e-mail at the following address info@bii.org

58 The Licensing Authority's approach is that the supply of illicit goods will be taken seriously as these matters undermine the licensing objectives. Licensees supplying illicit goods can expect

the Licensing Authority to impose additional controls and sanctions and run the risk of losing their licence. The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives. The Authority notes that the Home Office guidance under S.182 makes it clear that matters such as these should be treated particularly seriously.

59 Off licences

Street drinking can be a major cause of antisocial behaviour, often involving underage persons and those with alcoholic problems, which gives rise to disorder, concerns over public safety and harm to children. Additionally, it is widely reported that consumption of alcohol by persons on the way to on-licensed premises gives rise to problems of drunken and disorderly behaviour.

- 60 The licensing authority therefore adopts the following policy in relation to premises licensed for the sale of alcohol for consumption exclusively off the premises where any Responsible Authority makes representation against the grant of a licence for off-sales and, following a hearing the committee are satisfied that there is evidence of serious concerns over demonstrable problems of street drinking or disorder associated with the off-sale of alcohol in the area, there shall be a presumption against granting a licence.

Applicants will need to demonstrate in their operating schedule their willingness to address any known anti social behaviour issues in the area:

- Consider the types of alcohol intended to be sold at the premises
- Times for alcohol sales
- Not selling single cans
- Social responsibility
- Joining the Responsible Retailer Scheme
- No bottles or cans of beer, lager or cider with an alcohol volume of 6.5% or more that is sold cheaply shall be sold except higher priced premium products as specified in a Reduce the Strength Campaign.

- 61 Applications shall only be granted where the licensing authority is satisfied the grant of the licence would not harm the Licensing Objectives following a hearing. Where relevant representations are made, the licensing authority will also have particular consideration to the hours requested for sales of alcohol. Persons who are alcohol-dependant may be drawn to particular premises if they are licensed to sell alcohol at earlier times than other premises. Additionally, if there are issues related to late-night disorder, the hours for alcohol sales from the premises may be restricted. Other conditions may be imposed directed at avoiding problematic street drinking in the vicinity of the premises. Another particular concern will be irresponsible drink promotions that do not follow best practice, would appeal to underage drinkers or street drinkers, or encourage excessive consumption.

62 Mandatory conditions

A number of mandatory licence conditions are set out in the Act. The following mandatory conditions will apply to all premises licences authorising the retail sale of alcohol:

- (a) Where a premises licence authorises the sale of alcohol, every supply of alcohol is to be made or authorised by a person who holds a personal licence; and
- (b) Where a premises licence authorises the supply of alcohol, no supply may be made if no designated premises supervisor has been specified in the licence, or at a time when the designated premises supervisor does not hold a personal licence, or his or her licence has been suspended.

- 63 Note: The Legislative Reform Order (Supervision of Alcohol Sales in Church and Village Halls) Order 2009 allows for certain community venues to apply for an alternative licence condition – the effect of which will be that the licence holder (i.e. the management committee) becomes responsible for the supervision and authorisation of all sales.

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out security activities, the licence must contain a condition that such individuals must be licensed by the Security Industry Authority (SIA).

- 64 Furthermore, five additional mandatory licence conditions have been introduced under Orders made from 2010 - 2014. The further mandatory conditions cover:

- The prohibition of irresponsible drinks promotions (on sales only) – Requiring the responsible person to ensure staff do not carry out, arrange or participate in any irresponsible promotion carried on for the purpose of encouraging the sale of alcohol on the premises. Irresponsible promotions incorporate drinking games; provision of unlimited or unspecified quantities of alcohol for free or fixed or discounted prices which undermine the licensing objective; promotional posters; and dispensing alcohol directly into the mouth of a customer by a member of staff
- The provision of free potable water (on sales only)
- Requirements for age verification policies to be established in relation to the sale and supply of alcohol, including photo-identification for persons appearing to be under 18 years of age (on and off sales).
- Requirements for alcohol, where sold or supplied for consumption upon the premises) to be made available in the following measures beer or cider half pint; gin, rum, vodka or whisky – 25ml or 35ml; and still wine in a glass – 125ml
- A ban on the sale of alcohol below the cost of VAT and duty

65 All premises

When compiling operating schedules applicants are advised to give consideration to:

- **The setting of a safe capacity limit** – While often necessary on public safety grounds, this is equally important in order to prevent overcrowding giving rise to risk of crime and disorder.
- **Use of crime prevention notices** – For use in circumstances where it would be helpful to warn customers of prevalence of crime which may target them, for instance, to warn of pickpockets or bag snatchers
- **Publicise details of the premises operation** – Display details of the premises opening and closing times
- **Install CCTV** – The presence of CCTV cameras can be an important means of deterring crime both inside and outside of the premises. It can also help to provide valuable evidence in the event that an incident does occur. CCTV should be maintained in good working order and used at all times with a 31 day library of recordings maintained at all times
- **Commit to signing up to Haringey Council's Responsible Retailers Scheme and remove low cost high strength alcohol from offer** – To help reduce street crime and violence and anti-social behaviour from public drunkenness
- **Develop a drugs policy in conjunction with the police** – Establish a clear written anti-

- drugs policy and publicise this to customers
- **Use bond fide suppliers** – Only source alcohol, tobacco and other products from authorized or bona fide suppliers
- **Deny access to hawkers** – Prevent counterfeit products, such as alcohol, tobacco, DVDs, CDs and other goods from being offered for sale upon the premises

66 Premises providing alcohol for consumption on the Premises

Consideration should be given to

- **Maintain control over the removal of open containers** – To prevent the use of containers as weapons in the street
- **Use of plastic containers and toughened glass** – Consideration should be given to the use of safer alternatives to glass which would inflict less severe injuries if used as weapons. Note: That any glass alternatives used for measuring draft beer and cider must be lawful for trade use under weights and measures legislation
- **Introduce bottle bans** – Decant drinks into glasses before being handed across a bar
- **Provide seating for customers** – sufficient to ensure that the majority of customers do not have to stand
- **Ensure good availability of soft drinks and food**

67 Premises providing alcohol for consumption upon the premises and regulated entertainment in the night-time economy

Consideration should be given to

- **Employment of appropriate number of SIA registered door supervisors** – Valuable for maintaining orderly behaviour in queues; searching and excluding those suspected of carrying offensive weapons, or illegal drugs; keeping out banned individuals; or controlling admissions and departures. Ensure staff are empowered to deal with violence against the person on licensed premises in particular women. Clear understanding of the need to report occurrences and safeguard victims.
- **Make personal searches by door supervisors a condition of entry** – Including the provision of signage and female SIA for personal searches conducted on female customers and performers
- **Provide door supervisors with search wands / search arches** – Maintained in good working order and used on all occasions
- **Provide a drugs and weapons box** – Kept under the direct control of premises management with all seized drugs and weapons to be handed over to the police in accordance with the police code of practice
- **Install ID scanning and recording equipment** – Requiring all patrons to provide ID and agree to being recorded. Provide notices to this effect in conjunction
- **Establish a last admissions policy** – For both admissions and readmissions. Publicise this at the premises
- **Establish a dispersal policy** – Helping to reduce the potential for disturbance to local residents
- **Co-operate with the police and council on venue hire agreements** – Provide good notice (at least one month) of all internal and external promoters engaged at the premises. Also comply with requests from the police not to engage a specific promoter where this is recommended by the police for crime and disorder reasons
- **Avoid certain performances and exhibitions** – That no film be exhibited or performance given that is likely to stir up hatred or incite violence against any section of the public on grounds of colour, race or ethnic or national origin, disability religious beliefs, sexual orientation or gender

68 Cumulative effect

This authority will not consider the issue of “need” in determining any licence application, as this is a matter for planning control and the market. Thereby, this council will not impose quotas of premises or licences.

However, the authority recognises that in areas where the number, type and density of premises selling alcohol are high or exceptional, serious problems of nuisance and disorder may be arising or have begun to arise outside or some distance from licensed premises. Guidance to the Act sets out that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider within its licensing policy and that local authorities may adopt special local saturation policies. However, there should be an evidential basis for a decision to include a special policy within the statement of licensing policy.

69 In summary, the steps to be followed in considering whether to adopt a special policy within the borough are:

- (a) Identification of concern about crime and disorder or public nuisance or protection of children from harm
- (b) Consideration of whether there is good evidence that crime and disorder or nuisance are occurring; or whether there are activities which pose a threat to public safety or the protection of children from harm
- (c) If such problems are occurring, identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent
- (d) Identifying the boundaries of the area where problems are occurring (this can involve mapping where the problems occur and identifying specific streets or localities where such problems arise)
- (e) Consultation with those specified by section 5(3) of the 2003 Act and subject to the outcome of the consultation, include and publish details of the special policy in the licensing policy statement

70 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, or subject to certain limitations, following relevant representations. This, unless the applicant can demonstrate in their operating schedule, that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application. It should be stressed that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted. Once a policy is adopted it will need to be kept under review.

71 Designated premises supervisor / personal licence holders and authorisations for the retail sale of alcohol

This authority recognises that neither the Act nor the mandatory conditions outlined elsewhere in this chapter require either a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold or supplied. Nor does the fact that every sale or supply of alcohol must be made under the authority of a personal licence holder mean that only personal licence holders can make such sale or supply or that they must be personally present at every transaction.

However, this authority wishes to emphasise that the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the Licensing Act and conditions attached to the premises licence to promote the licensing objectives.

- 72 This authority considers it reasonable to expect therefore that either the designated premises supervisor or another personal licence holder will normally be present upon the premises at all times that alcohol is either sold or supplied or that proper arrangements are in place for authorisation of staff in their absence and for their monitoring. This authority does recognise that there may be occasions when it is not possible for the designated premises supervisor or another personal licence holder to be present but this authority considers that this should not occur for any extended period and emphasises that there can be no abdication of responsibility in their absence.

Furthermore, this authority expects that authorisations of other staff to sell and supply alcohol made by the designated premises supervisor and any other personal licence holders must be meaningful and be properly carried out, with a copy of the written authorisation available at the premises.

- 73 It is understood that, ultimately, whether or not an authorisation has been given within the meaning of the Act will be a matter for a court to determine on the evidence before it when the issue arose, but this authority notes the Secretary of State considers that the following factors should be relevant in considering whether there was real authorisation:
- a) The person(s) authorised to sell alcohol at any particular premises should be clearly identified
 - b) The authorisation should have specified the acts which may be carried out by the person being authorised
 - c) There should be an overt act of authorisation, for example a specific written statement given to the individual(s) being authorised
 - d) There should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis

74 Door Supervision

Door supervisors will often play an important key role in ensuring that well managed premises are free from crime and disorder and nuisance problems. A reminder is given that where a premises licence (other than for plays or films) includes a condition that at specified times there must be persons employed for the purposes of security; protection; screening the suitability of persons entering premises; or dealing with conflict in pubs, clubs and other licensed premises open to the public, then such persons must be registered with the Security Industry Authority (SIA). In any event it is in operator's own interests to ensure that all security staff employed, whether under contract or employed in-house are so licensed, since the operator may be legally liable for their actions. Licensed door supervisors will have undergone an identity and criminal record check and have received suitable training. More information on the SIA is available from their website at www.the-sia.org.uk.

75 Police promotion event risk assessment form 696

This authority recommends that for significant events (see note below) further specific comprehensive risk assessments are undertaken by premises licence holders to identify and minimise any risk of serious violent crime. Accordingly, for premises that wish to stage promotions, or events (as defined below) this authority recommends that

applicants address the risk assessment and debrief processes in their operating schedules.

This authority further recommends the metropolitan police promotion / event risk assessment form 696 and the after promotion / event debrief risk assessment form 696a (both available from the local police licensing office) as useful and effective tools for this purpose. Where the risk assessment forms are used to assess the likely risks from any promotion or event, this licensing authority anticipates that these will be completed in consultation with the metropolitan police. Risk assessments should be submitted to the metropolitan police and the licensing authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

Note: The metropolitan police define “a significant event” as any occasion in a premises licensed under the provisions of the licensing act 2003, that is promoted / advertised to the public at any time before the event; predominantly features DJs or MCs performing to a recorded backing track; runs anytime between the hours of 10pm and 4am; and is in a nightclub or large public house. Licensees should consult with the local police licensing office if in any doubt as to whether an event is “significant”.

76 Entertainment involving striptease and nudity

On 11th January 2011, Council resolved to adopt the provisions under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009, with effect from 8th February 2011. This legislation established a new extended licensing regime for sex establishments, covering sex shops, sex cinemas and sex entertainment venues.

Any person wishing to operate a lap dancing club or similar in the Haringey area will require to be licensed as a sex entertainments venue under a sex establishments licence. The policy decision taken in January 2011 was that the number of sexual entertainment venues across the borough should be 0 in each ward, meaning that no licences will be issued. The exemption that existed in law that enabled lap dancing clubs or similar to operate under the provisions of the 2003 Act no longer applies, excepting that occasional striptease performances are permitted without a sex establishments licence. Occasional performances are limited to no more than 11 per year, each of less than 24 hours duration and each at least one month apart.

This authority’s approach to the licensing of sex establishments is covered in full under the separate Haringey Sex Establishments Licensing Policy, which is available from the licensing section.

Beyond the remit of the 1982 Act (as amended) where activities specified in the operating schedule include any permitted adult entertainment (involving full or partial nudity, occasional striptease or any other kind of adult entertainment) the licensing authority will give particular consideration to the implications of the proposals across the four licensing objectives.

- 77 In such circumstances, this authority advises that applicants should give specific consideration when conducting their risk assessments and operating schedules to the appropriate management controls. This must include issues around the protection of children and young people from harm.

Where occasional striptease performances are provided, the licensing authority will

normally expect the operating schedule and, if the application is granted, the licence conditions to address all relevant matters in pursuit of the licensing objectives. These are likely to include conditions relating to:

- The exclusion of persons under 18 at all times from the premises and the prevention of views into the premises
- The prohibition of exterior advertising of the sex-related entertainment at the premises
- The prohibition of leafleting or touting for business
- That the provision of services will be to seated customers only
- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

78 The sale and possession of smuggled, bootlegged or counterfeit Products and the handling of stolen goods

The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods.

Smuggled – foreign brands illegally brought into the UK

Bootlegged (duty evaded) foreign products brought into the UK in illegal quantities and / or resold in the UK

Counterfeit – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands

Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. The Home Office guidance indicates that these offences are taken particularly seriously. To prevent these offences occurring, the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service.

79 Theft of personal property

Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV
- Ensure adequate staffing levels and provided appropriate staff training

Officers from the police crime prevention will be happy to visit and advise on arrangements at your premises.

78 THE PREVENTION OF PUBLIC NUISANCE

Licensed premises, especially those that operate late at night or in the early hours of the morning, can give rise to a range of nuisances that may potentially impact on people living, working or sleeping in the vicinity of the premises. Principal concerns relate to noise nuisance, light pollution and noxious smells.

This authority expects applicants for premises licences and club premises certificates to have made relevant enquiries about the local area and prepare their operating schedule on the basis of a risk assessment of the potential sources of nuisance posed to the local community by their intended operation. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive proposals to manage any potential risks.

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79 Relevant issues might include

- Preventing noise and vibration escaping from the premises, including music, noise from plant and patrons
- Preventing disturbance by patrons arriving at, gathering outside of, being admitted or re-admitted to or departing from the premises, particularly, but not exclusively between 2300 and 0700 hours
- Preventing vehicle queues forming outside of the premises, or where some form of queuing is necessary, the steps to prevent disturbance or obstruction
- Ensuring clear up operations conducted by staff do not cause a nuisance and that staff leave the premises quietly
- Addressing arrangements made for parking by patrons
- Considering whether there is sufficient public transport provision and where

licensed taxis or private hire vehicles are likely and any arrangements made to prevent disturbance to local residents

- Controlling disturbance that may be caused by the use of gardens / terraces / external and other open-air areas including the highway, particularly in relation to the smoking ban and passage of patrons between internal and external areas
- Preventing nuisance from the positioning and operation of plant and machinery such as kitchen extraction systems, ventilation plant, condensers etc
- Restricting delivery and collection times (waste, equipment and consumables) to between 0800 and 2000 hours.
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises.
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

80 Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Haringey Noise Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)

81 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

82 Preventing nuisance outside of premises

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further

affected by smoke from barbeques and other cooking equipment used in the open air.

Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.

83 Some simple management controls can be put into place which can significantly reduce the risk of nuisance caused to local residents outside of licensed premises. These include placing management controls on:

- The numbers of persons using any licensed external area at any one time
- The hours of operation of any licensed external area, requiring patrons to return back into the premises at a specific time. In residential areas it is suggested that a closing time of 22.00 is appropriate. Any music relayed into the external area should cease earlier
- The numbers of 'smokers' allowed outside of the premises at any one time
- The taking of drinks outside of the premises when patrons step outside to smoke. This can be assisted by providing a 'drinks safe' area for patrons who temporarily leave the premises
- Queues of patrons awaiting admission and how these are arranged areas within which patrons may congregate outside of the premises, restricting them, for instance, to the curtilage or footprint of the premises
- The times within which live music and / or amplified sound may be played in any external area or marquees or relayed by external speakers (where permitted under the terms of the licence). It is suggested that this should not continue beyond 22.00
- The times within which barbecues or other cooking facilities may be provided within any external area
- Terminal hour for last admissions and readmissions to the premises
- The supervision of patrons using any external area so as to prevent nuisance and disturbance
- Arrangements made with local cab companies calling for customers, requiring that they call within the premises for their customers without sounding their horn in the street
- The reduction of music levels within the premises 30 minutes before closing so as to reduce levels of excitement among patrons upon leaving
- The display of notices at exit points asking patrons to 'please leave quietly' and be mindful of local neighbours when leaving the premises
- The supervision of patrons outside of the premises to ensure quick dispersal from the immediate area upon closing time
- The clearance of any litter created by the operation of the premises
- The hours during which external activities such as the handling and removal of waste or musical equipment or the delivery of goods. It is recommended this is prohibited between 2200 and 0800
- Restricting the use of artificial lighting outside of the premises so as to reduce the potential for light nuisance

84 Preventing nuisance from within premises

Nuisance may often be caused by sound escaping from the premises or transmitted

through the structure of the building. Again, some simple management steps may be taken to reduce the problem but in some premises physical works may be necessary to prevent nuisance being caused to local residents. The likelihood of this increases where regulated entertainments are to be provided under the licence and the later the hour of the entertainment and where residents live adjacent to, above or close by the premises or there are other noise sensitive premises. Where physical measures are likely to be necessary expert advice should be sought on appropriate measures.

85 This authority expects that the following measures will be considered and applied appropriate to the level of risk of nuisance being created

- Keeping doors and windows closed during performances of licensable regulated entertainment
- Management control of entrance / exit lobbies so as to ensure that the integrity of the premises is maintained and internal sound contained
- Management and recording of periodic perimeter checks
- The provision of acoustic double door lobbies of an adequate residence time
- The provision of acoustic seals and self closers on doors
- The provision of alarms to fire doors or other private external doors
- The connection of fire doors and / or private external doors to the sound limiting device (so that volume is reduced if the doors are opened)
- The installation and use of a sound-limiting device for all amplified sound to enable maximum volume and bass to be set at levels appropriate for the premises / event
- The installation and / or maintenance of double glazing / sound resistant glass;
- The provision of sound insulation to party walls, floor and ceiling
- The provision of acoustic baffling to any ventilation extract and intake system
- The provision of additional air conditioning / air cooling to enable doors and windows to remain closed during any entertainment

86 Premises Licences for large-scale public events

Haringey Parks host a number of events throughout the year. If you wish to hold an event in a public space in Haringey, it is strongly recommended that you first contact Haringey Licensing Service. Licensees are expected to have regard to the Licensing Policy as well as address the following elements:

- a) Overall event safety control
- b) Production details
- c) Medical and first aid provision
- d) Site management and the structural integrity of all temporary structures
- e) Crowd management, stewarding and security
- f) Fire safety and control
- g) Configuration and control of sound systems
- h) Management of any on-site and off-site car parking
- i) Management of concessions and franchises
- j) Provision and maintenance of water supplies
- k) Welfare and provision of information
- l) Provision and maintenance of sanitary facilities
- m) Reception collection and removal of litter and other waste
- n) Liaison with local residents and businesses

87 Relevant details in respect of the above may include:

- The proposed capacity of the event
- The provision of plans to agreed scales detailing exits, entrances, temporary

- bars, marquees and all facilities to be provided within the premises
- Details of proposals for entertainments, together with information regarding any special effects
- Details of proposals for concessionary activities, including food franchises, bars, restaurants and non-food retail sales
- An alcohol management plan, which will include details of:
 - i) The designated premises supervisor
 - ii) Personal Licence-holders
 - iii) Control of the sale of alcohol
 - iv) Proof-of-age policy
 - v) Promotion of responsible drinking
 - vi) Appropriate signage
- A Safety Policy and Risk Assessment for the event
- Details of arrangements for co-ordinating and controlling event safety on the site
- A site safety plan, including site safety rules, requirements for construction and breakdown of site, structural safety calculations, drawings of temporary structures and safety barriers, details of electrical installations and lighting arrangements
- Incident contingency and emergency plans (including a Major Incident Plan)
- A crowd management, stewarding and security plan (taking into account the views of Metropolitan Police)
- A medical ambulance and first aid plan
- A fire safety plan
- A traffic management plan drawn up in consultation with the Traffic Subgroup that will involve the event organiser and their contracted service providers, all relevant identified departments of Haringey Council, Police, Fire Service, LAS, TfL and private sector partners and suppliers. Where areas covered by other local authorities could be affected by the event, relevant departments of those respective authorities should also be included
- A sound assessment with details and proposals for monitoring and controlling sound emission
- Details for the provision of cleaning and maintenance of sanitary accommodation, washing facilities and drinking water
- Details for the reception collection, litter and disposal of other waste
- Details of welfare arrangement facilities and provisions for information on site
- Details of the arrangements and facilities for disabled persons.

88 Consideration should not solely focus on the activities taking place within the area of the licensed premises. Appropriate measures to address issues outside the licensable area include:

- Putting in place plans that will assist to minimise disruption to the day-to-day lives of local residents, businesses and existing operations for the period of the event
- Providing a robust traffic and transport plan that takes into account the needs of the local community – and minimises the impact of visitors to the area for the event – while maintaining a safe and convenient point of access and egress for the attendees within the parameters of existing traffic, transport and parking provision
- Putting in place a strategy to manage the consumption of alcohol by visitors accessing and leaving the event in the public realm and highway
- Putting in place a strategy for the control of access to and egress from the licensed premises for the control of disorderly behaviour.
- Providing facilities external to the licensed area that will assist in the management of the access and egress of visitors to the event – and minimise the impact on the existing public realm – including, but not restricted to, additional toilet facilities and a designated park and ride area

- Putting in place a cleansing strategy beyond the immediate perimeter of the licensed premises in association with the Local Authority
- Providing communication channels for the local community that will enable residents and businesses to access sufficient detailed information prior to the event days
- Providing a hotline and information phone number for residents and local businesses for the duration of the event.

89 Licensees should have reference to The Event Safety Guide – A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as ‘The Purple Guide’. There is a Haringey Safety Advisory Group (SAG) with membership comprising all the emergency response authorities which can provide support to event organisers on event planning if good time is allowed.

90 Other consents

Licensees should be aware that a range of other consents may be necessary to provide smoking shelters or space heaters, awnings, tables and chairs or ‘A’ boards on the highway. Please discuss your proposals with the licensing team in the first instance.

91 PUBLIC SAFETY

Licence holders have a responsibility to ensure the safety of those using their premises as a part of their duties under the Licensing Act 2003. This concerns the safety of people using the relevant premises, including the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.

The act covers a wide range of premises that require licensing, including night clubs, cinemas, concert halls, theatres, public houses, off-licences, supermarkets and grocers, cafes / restaurants and fast food outlets. Each of these premises presents a mixture of risks. While many risks are common to most premises, others are unique to specific operations. It is essential that premises are constructed or adapted and managed in a manner which acknowledges these risks and safeguards occupants against them.

92 This authority is committed to ensuring the safety of people visiting and working in licensed premises. Thereby, this authority expects applicants for premises licenses and club premises certificates to prepare their operating schedule on the basis of a risk-assessment and demonstrate an understanding of the potential risks and hazards and include positive proposals to promote the public safety licensing objective. In certain premises where existing legislation does not provide adequately for the safety of the staff or others lawfully on the premises, consideration should also be given to conditions that deal with Living accommodation attached to or accessed via Licensed Premises, such as:

- ensuring that sufficient fire safety arrangements are in place to detect and warn occupants and all other relevant persons
- ensuring adequate fire separation and means of escape is provided between the mixed use premises.

In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and disabled people on the premises are made aware of those arrangements.

93 ENSURING PUBLIC SAFETY

Licence holders have a responsibility to ensure the safety of those using their premises as a part of their duties under the Licensing Act 2003. This concerns the safety of people

using the relevant premises, including the prevention of accidents and injuries and other immediate harms that can result from excessive alcohol consumption such as unconsciousness or alcohol poisoning.

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Relevant issues might include

- Premises configuration and site layout arrangements, including access for emergency services such as ambulances
- Means of escape
- Temporary structures
- Fire and other emergency safety and systems
- Building services
- Hygiene and welfare
- Special installations and special effects
- Communications systems
- Ensuring good communication with local authority and emergency services (for example, communications networks with the police and signing up for local incident alerts)
- Ensuring appropriate provision of trained staff including the presence of trained first aiders on the premises and appropriate first aid kits
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late night transport)
- Ensuring appropriate and frequent waste disposal, particularly of glass and bottles
- Ensuring appropriate safe limits on the maximum capacity of the premises
- Considering the use of CCTV in and around the premises (see previous section)
- Considering the use of licensed security

- 95 Applicants are recommended to seek advice from the council's occupational health and safety team and / or local fire safety officers (see contact details in section 12 of this document) when carrying out their risk assessments and preparing their operating schedules. Reference should also be made to the following documents, where appropriate:

- **Model National and Standard Conditions for Places of Public Entertainment** and Associated Guidance ISBN 904031 11 0 (Entertainment Technology Press – ABTT Publications)
- **The Event Safety Guide** - A guide to health, safety and welfare at music and similar events (HSE 2002) ("The Purple Book") ISBN 0 7176 2453 6

- **Managing Crowds Safely** (HSE 2000) ISBN 0 7176 1834 X
- **5 Steps to Risk Assessment: Case Studies** (HSE 1998) ISBN 07176 15804
- **The Guide to Safety at Sports Grounds** - (The Stationery Office 1997) ("The Green Guide") ISBN 0 11 300095 2
- **Safety Guide for Street Arts, Carnival, Processions and large scale Performances** published by the Independent Street Arts Network, copies of which may be obtained through www.streetartsnetwork.org/pages/publications.htm
- **Fire Safety Risk Assessment – Open Air Events and Venues** (ISBN 978 1 85112 823 5) which is available from the Communities and Local Government website www.communities.gov.uk/fire
- The London District Surveyors Association's **"Technical Standards for Places of Public Entertainment"** ISBN 0 9531229 2 1
- **Safer Clubbing** - Produced by the Home Office in conjunction with the London Drugs Policy Forum

96 The following British Standards should also be considered

- BS 5588 Part 6 (regarding places of assembly)
- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
- BS5588 Part 9 (regarding means of escape for disabled people)
- BS 5839 (fire detection, fire alarm systems and buildings)
- BS 5266 (emergency lighting systems)

It helps the licensing process to provide a copy of the completed risk-assessment upon which the operating schedule is based to the relevant responsible bodies for consideration at the time of application.

This main part of this section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the public safety licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Where its discretion is engaged following the consideration of relevant representations the licensing authority will consider attaching relevant conditions to licences and permissions to promote public safety where these are not provided for within other legislation and are necessary for the promotion of the public safety licensing objective. This may include additional site specific controls relevant to the planned activities and their timing.

97 Other relevant legislation

Applicants are firstly reminded of the general duties imposed under other legislation (i.e. the Regulatory Reform (Fire Safety) Order 2005) and the Health and Safety at Work Regulations 1999.

98 Regulatory Reform (Fire Safety) Order 2005

Under the Regulatory Reform (Fire Safety) Order 2005 the "responsible person" as defined by the order, must

- Take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of his or her employees
- Take such general fire precautions as may be reasonably required in the

circumstances of the case to ensure that the premises are safe for the use by other persons

- Make a suitable and sufficient assessment of fire risks to which relevant persons may be exposed for the purposes of identifying the general fire precautions he or she needs to take
- The responsible person MUST record the information gathered by the risk assessment for all premises covered by the Licensing Act 2003, in particular, the significant findings; the measures taken, or to be taken, to ensure general fire safety; and any person identified as being especially at risk

This authority recognises that it may not impose any condition relating to any requirement or prohibition that is or could be imposed under the “Fire Safety Order” and thereby that conditions relating purely to fire safety matters may not be placed on premises licences. Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website at www.communities.gov.uk/fire .

99 Health and Safety at Work Regulations 1999

The Health and Safety at Work Regulations 1999 state that

“(1) Every employer shall make a suitable and sufficient assessment of

- (a) The risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking, for the purpose of identifying the measures he needs to take to comply with the requirements and prohibitions imposed upon him by or under the relevant statutory provisions.

(2) Every self-employed person shall make a suitable and sufficient assessment of -

- (a) The risks to his own health and safety to which he is exposed whilst he is at work; and
- (b) The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,”

The Health and Safety Executive helpfully provides a range of example risk-assessments which may be viewed at <http://www.hse.gov.uk/risk/casestudies/> The examples provided include for night-clubs, pubs, village halls, off-licences and convenience stores.

100 Safe capacities

The Guidance to the Act sets out that “safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises.

The position of the authority and the responsible authorities is that the importance of the role of safe capacities in terms of both public safety and crime and disorder should not be overlooked.

- 101 Accordingly it is recommended that wherever the setting of a safe capacity will assist issues of crowd safety or public order, this is addressed by the operating schedule. It should be borne in mind that the safe capacity should be that which applies at any material time that licensable activities may take place under the premises licence. Safe

capacities should consider not only the overall capacity of a premises but the potential for localised overcrowding within premises also. This is particularly relevant in larger premises, where several activities are taking place in different areas at the same time.

It should also be noted that where an applicant wishes to take advantage of the special provisions in Section 177 of the Act relating to small venues then a capacity must be set in consultation with the fire authority.

For guidance in calculating safe capacities applicants may refer to the London District Surveyors Associations Technical Regulations.

102 A proactive approach to customer safety

Applicants are also encouraged to take a proactive approach to general safety issues, including that of their customers, and to discuss appropriate measures with the responsible authorities concerned. Arrangements that might be taken into account could include steps;

- To monitor customers present upon the premises so as to ensure that no customer continues to be supplied with alcohol to a point where they become drunk
- To ensure the regular collection of glass within the venue and / or external areas
- To ensure against drinks being “spiked” or otherwise tampered with
- To ensure all (internal and external) parts of the premises are adequately lit and may be monitored by staff
- To report of harassment and sexual intimidation seriously and take appropriate action
- Take active steps to support persons who report harassment or sexual intimidation which might take place in their premises
- Train all front of house staff to address women’s safety and harassment issues
- Take active steps to ensure females leave the venue safely
- To ensure that customers are able to return home safely, for instance, by providing information on local transport availability or making arrangements with reputable cab companies

Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new Operating Schedule reflecting the proposed alteration to the premises how he or she intends to take alternative steps to promote the public safety objective. The application for variation will enable the responsible authorities with expertise in safety matters to consider whether the proposal is acceptable.

103 PROTECTING CHILDREN FROM HARM

The licensing objective of the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

This authority believes that it is completely unacceptable to sell alcohol and associated age-restricted products to children.

This authority expects applicants for premises licences and club premises certificates to have prepared their operating schedule on the basis of a risk-assessment of the

potential sources of harm to children. It is expected that the operating schedule will demonstrate an understanding of the potential risks to children and that careful consideration has been given to measures relating to the access of children where alcohol is sold and which are appropriate to protect children from harm.

Relevant issues might include

- Preventing access to alcohol
- Removing encouragement for children to consume alcohol
- Preventing exposure to gaming
- Preventing exposure to adult entertainments or facilities

104 Applicants are advised to seek advice from the Haringey Safeguarding Children Board when preparing their operating plans and schedules. Haringey Trading Standards are also available to give advice around preventing under-age sales. See section 1A for contact details.

While it is recognised that there is no requirement in the 2003 act to do so, applicants may find that it helps the licensing process to provide a copy of the completed risk-assessment relating to the protection of children from harm to the LSCB and the trading standards team when submitting the application.

This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the protection of children from harm licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following the consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to protect children from harm.

105 Access to licensed premises

The act makes it an offence to permit children under the age of 16, who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, under the authorisation of a premises licence, club premises certificate or where that activity is carried on under the authority of a temporary event notice. In addition, it is an offence to permit children under 16 who are not accompanied by an adult, between midnight and 0500 at other premises supplying alcohol for consumption on the premises, under any such authority.

The council recognises, however, that licences may be sought for a great variety of premises, including theatres, cinemas, restaurants, concert halls, take-away and fast food outlets as well as public houses and nightclubs. While the council would encourage applicants to make provision for the access of children, where appropriate, conditions restricting the access of children will be strongly considered in circumstances where:

- Adult entertainment is provided.
- A member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking.
- It is known that unaccompanied children have been allowed access.
- There is a known association with drug taking or drug dealing.

- The premises are used exclusively or primarily for the sale of alcohol for consumption upon the premises.

106 Applicants must be clear in their operating schedules about the activities intended to be provided and the times at which these shall take place, in order to help determine when it is not appropriate for children to enter the premises.

Conditions should reflect the licensable activities taking place on the premises. Consideration should be given to appropriate conditions

- Restricting the hours when children are present
- Restricting or excluding children under a specified age when certain particular specified activities are taking place
- Restricting the parts of the premises to which children may have access;
- Age restrictions (below 18)
- Requirements for an accompanying adult
- Full exclusion of people under the age of 18 years from the premises

107 **The purchase and consumption of alcohol by children and young persons**

This Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. Licensees are expected to have robust management arrangements in place to prevent all staff making underage sales. This Authority will take appropriate action, including the review of licenses, where sales persist.

The NHS report on 'Smoking, Drinking and Drug Use Among Young People in England in 2008' notes the average weekly intake for pupils aged 11-15 who had drunk alcohol in the week before they were surveyed was 14.6 units. More than double since 1990. Furthermore, 12,718 children aged between 11-17 were admitted to hospital in 2008-9 with an alcohol related condition (3,556 aged 11-15 and 9,164 aged 16-17). The UK has one of the highest rates in the EU of admissions to hospital or A&E due to alcohol use by 15-16 year olds.

Frequency of drinking is associated with offending in children and young people. The 2004 Offending, Crime and Justice Survey found those who drank alcohol once a week or more committed a disproportionate volume of crime, accounting for 37% of all offences but only 14% of respondents.

The borough carries out alcohol test purchase campaigns, while the compliance rates are seen to be improving over the years, the rate of test purchase failures remains a concern. It is important that compliance rates are further improved.

108 **Age verification policies – Mandatory condition**

The following mandatory licence condition must be attached to all premises licences and club premises certificates issued by this authority.

- The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale of alcohol. This must as a minimum require individuals who appear to the responsible person to be under 18 years of age to produce upon request, before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark

109 Age verification policies-applicants considerations.

The trading standards service, in its role as responsible authority, considers each individual licence application received by the licensing authority and makes recommendations on the appropriate range of management controls around this issue. The service's recommended approach to controlling under-age sales is set out below. As a minimum it is recommended that:

- That an age verification scheme is established and maintained that requires the production of evidence of age (comprising any Proof of Age Standards Scheme (PASS) accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol.
- That notices be displayed informing customers and staff that sales of alcohol will not be made to under 18s and that age verification will be required.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.

110 However, the service recommends that as best management practice

- That "Challenge 25" is supported as part of the age verification scheme established. The scheme should require the production of evidence of age (comprising any PASS accredited card or passport or driving licence) from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That "Challenge 25" notices be displayed informing customers and staff that sales of alcohol will not be made to anyone appearing to be under 25 unless they can prove they are 18 or over.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in the age verification scheme and records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log shall be maintained and details of all age related refusals recorded. This book shall be reviewed monthly by the DPS and any actions taken recorded in the book and signed off by the DPS. This log shall be retained on the premises and made available for inspection by authorised officers.
- That if a CCTV recording system is installed inside the premises, it shall be positioned to capture the sale of alcohol. A library of recordings taken by the system shall be maintained for 31 days and made available to authorised officers upon request.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That an EPOS (electronic point of sale) system is installed at the premises, it shall be configured to prompt the operator to check proof of age when an alcoholic product is scanned. This prompt should require the operator to confirm the purchaser is over 18 before the next item can be scanned or the transaction completed.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.
- That, if any advertising campaigns or promotions of alcohol are planned, the premises licence holder shall ensure they are carried out in a socially

responsible manner and that they do not encourage irresponsible drinking. If authorised officers raise concerns about any promotion the premises licence holder shall discontinue it.

- 111 While this is intended as guidance only, this authority recommends that all operators should give careful consideration to introducing these controls into their management practices and including them within their operating schedules.

Trading standards also provides practical support to licensees. This includes:

- Running a local PASS approved proof of age card scheme.
- Provision of a range of downloadable business advice information leaflets.
- Free retailer support materials such as refusals registers, signage, posters and point of sale material.

In detailing the council's recommended approach to under-age sales it is recognised that some sales may be made through intimidation or fear. Licensees experiencing such problems are advised to discuss their situation with licensing or trading standards officers. Furthermore, the council's health and safety team offers conflict resolution training aimed at helping deal with the threat of violence and aggression in the workplace. For contact details please see Appendix 1A.

112 Children and responsible drinks promotions

The Portman Group operates, on behalf of the alcohol industry, the 'Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks' to ensure that alcohol is marketed responsibly and only at adults.

The Code applies to all alcohol marketing (including naming, packaging, sponsorship, point of sale and brand merchandising) which is primarily UK targeted and not already subject to regulation by the Advertising Standards Authority (ASA) or Ofcom.

The Code can be viewed at <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>. This authority commends the Code accordingly.

113 Children and cinemas – Mandatory licence condition

Where premises licences incorporate film exhibitions as a licensable activity the following mandatory condition will be imposed:

- The admission of children to films is to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently the British Board of Film Classification) or by the licensing authority itself.

Applicants are expected to include within their operating schedule arrangements for restricting children from viewing age-restricted films.

Information regarding the classification of films by the council can be requested from the licensing service.

114 Regulated entertainment provided for children

Where entertainments or facilities generally are provided specifically for children, applicants are asked to demonstrate within their application

- That the company / organisation has a policy or statement on keeping children safe from harm
- How employees or contracted agencies will be made aware of the company's / organisation's policy / statement on keeping children safe from harm
- That recruitment processes for staff who may have to deal direct with children under the age of 18 seek to ensure, as best the company / organisation can, that the appointed applicant has not been known to have harmed children
- That there will be clear expectations on staff with regard to their personal conduct in direct relations with children under 18 and guidance on what is appropriate in dealing with specific situations which may arise
- There are systems in place and that staff are aware of them for dealing with possible abuse or violence to children from other users of the licensed facility
- There are clear and accessible complaints systems for children to report if they have been harmed and that there are clear whistle-blowing procedures for staff who may have concerns about the welfare of children on the premises
- That all duty managers or staff in charge of the premises are aware of how to refer any concerns about the welfare of children to the local police, education authority or social services as necessary

115 Where a theatrical entertainment is specially presented for children, the council advises the presence of sufficient adult staff to control access and egress of children and to protect them from harm as follows –

- (1) An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
- (2) No child (unless accompanied by an adult) to be permitted in the front row of any balcony
- (3) No standing to be permitted in any part of the auditorium during the performance

116 Raising awareness of child sexual exploitation and dealing with the risk.

The risks will vary from premises to premises depending on the type of licensing activity and the age of the children.

Young children may be at risk if they are not properly supervised or are exposed to adults who have become intoxicated. Young children can be dangerously intoxicated by quite small quantities of alcohol, so care needs to be taken to clear used glasses to protect them from this risk.

Young teenagers may attempt to buy and consume alcohol and then become vulnerable because their judgement is impaired, this could put them in danger from getting involved in fights, from drink driving or from sexual predators.

All children are at risk of adults who are viewed as a danger to them. Care must be taken when staff are appointed to ensure that such individuals are not placed in an environment where they can exploit their position.

Adult entertainment is not suitable for children. At premises where such entertainment is allowed arrangements must be enforced to ensure that children are not exposed to any inappropriate acts or material.

117 Steps to reduce risks to children and young persons

- Use clear signs so that people are aware when and where children are welcome in the premises

- Display signs and adhere to laws relating to alcohol and children
- Have a clear policy for dealing with children on their premises, e.g. age, thresholds, supervision, expectations of adults, timings, etc.
- Age-identification procedures used – national, local, premises schemes
- How expectations on adults are enforced e.g. instructions to staff
- Vetting procedures for staff, to ensure that no unsuitable adults are employed
- Staff should be easily identifiable (uniform or badge) and aware of safeguarding issues
- Policy on clearing glasses to minimise opportunities for children to access left-over alcohol
- Minimise the risk of passive smoking with clearly defined ‘smoking’ areas to which children have no access.
- Use CCTV to monitor the premises/event including toilet and play areas.

118 The risks vary depending on the style and character of the business but premises can be involved in the following ways:

- If an adult venue (night clubs/sex entertainment venue) is frequented by underage customers this can attract perpetrators; or if a premises (or event) hosts under 18 events or mixed age activities
- Where underage drinking takes place, children and young people are vulnerable as their judgement is impaired
- There is a risk of CSE at premises where goods or services can be offered in exchange for sexual favours (such as free food, transport, drinks, cigarettes, or free access to a venue). This can happen if a perpetrator is employed there (or works voluntarily) and has regular or private contact with children
- Children and young people are vulnerable in areas of premises that are not monitored (such as toilets, beer gardens)
- Risk may present if information technology is in use at a premises (internet, mobile phones/cameras/video recorders)
- Premises providing facilities for private parties, private dancing/entertainment booths or overnight accommodation may be vulnerable to child sexual exploitation

119 What can licensees do to manage this risk?

Under the Licensing Act 2003, the ‘due diligence’ defence can be used to protect your business, if you can demonstrate that all reasonable steps have been taken to manage risk. Here are some suggested safeguarding measures to help evidence ‘due diligence’ and keep children safe:

- Undertake a written children and young people’s risk assessment and use it to inform your operating policy and staff training
- Staff should be trained to recognise indicators of child sexual exploitation and know how to report concerns
- Staff should be trained to operate an age verification scheme, know what types of identification are acceptable and to recognise signs of proxy purchase of alcohol
- Staff training records should be maintained
- Activity at the premises should be monitored (for example using CCTV or by regular patrols. Patrol records should be maintained)
- Suspicious activity should be reported to the police (including details such as vehicle registration numbers, description of individuals) and should be recorded in your incident log
- If you, or your staff, are in a situation involving the supervision of a vulnerable young person at your premise, it is important to follow a consistent and auditable protocol.

- If you have a delivery service (for example hot food) enforce a Code of conduct to promote good safeguarding when deliveries are made to unaccompanied children.

The authority recognises that training is a key factor for applicants to demonstrate and evidence how they will monitor and maintain standards to promote the licensing objectives. Applicants are recommended to use specialised accredited training providers where appropriate.

120 Film classifications

Where a Premises Licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to films to be restricted in accordance with:

- EITHER the BBFC classification;
- OR where the film is not classified by the BBFC, any recommendations made by the licensing authority.

In accordance with the Guidance issued under s182 of the Licensing Act 2003, the licensing authority shall concern itself primarily with the protection of children from harm when classifying films. It will not use its powers to censor films save where there is clear cause to believe that this is required to promote the Licensing Objectives.

The Guidance states: 'The protection of children from harm includes the protection of children from moral, psychological and physical harm and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

The licensing authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the licensing authority is not obliged to follow these guidelines.

Requests for certification by the licensing authority should be made at least 28 days in advance of the proposed screening date and submitted to the Licensing Unit.

Requests should include:

- (a) a DVD copy of the film
- (b) details of any existing classification issued by an existing classification body, whether within or outside the UK
- (c) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film
- (d) such recommendation as may have been made by the film-maker upon age limit for the intended audience for exhibition of the film
- (e) proposal of age restriction by the applicant

Section 3 -Guide to Licensing Policy- How can we help?

121 Residents can play a significant role in contributing to the effective implementation of this Licensing Policy. The impact of licensed premises will naturally be most felt at a local level and it is important that residents and businesses have an active involvement in the licensing process and understand how they can do this.

In order for premises to provide any of the above activities, the operator must obtain authorisation from Haringey in its role as licensing authority.

The authorisation may be in the form of a Premises Licence, a Club Premises

Certificate or a Temporary Event Notice.

Where an application for a new Premises Licence or Club Premises Certificate is made to the licensing authority or for variation of an existing licence or certificate, consultation is required with Responsible Authorities as defined under the Licensing Act 2003. Details of the Responsible Authorities can be found at Appendix 1.

122 Relevant information for residents and other persons

An application will consist of (among other things) an operating schedule, which details the licensable activities applied for as well as specifying during which times and on which days they would be conducted. In the operating schedule, the licensee also sets out any steps they propose to take in order to address the four Licensing Objectives.

Local residents and businesses can play an important role in the licensing process as it will be they who are most likely to be directly affected. This section provides useful information on understanding how to find out about applications and submit any comments (representations) in respect of them. Representations do not have to be objections and can be made in support of an application.

In this section, references to 'licences' shall also be relevant to 'Club Premises Certificates'. Further useful information and guidance can be found on the Council's website at www.haringey.gov.uk/licensing and also at <https://www.gov.uk/alcohol-licensing>.

123 Finding out about the application

Applicants for new licences and variations to existing licences are required to advertise the application in two ways by:

1. Placing a notice at or on the premises
 - On A4 (or larger) pale blue paper (or on white paper, in the case of an application for a Minor Variation)
 - Printed legibly in black ink or typed in a font of at least 16 point
 - Placed prominently at or on the premises where it can be conveniently read from the exterior of the premises
 - Placed every 50 metres on the external perimeter of the premises abutting any highway (where applicable).
2. Placing a notice in a newspaper (not applicable for a Minor Variation)
 - Newspaper circulation must be in the vicinity of the premises (or if there isn't a local paper, in a local newsletter or circular)
 - Advertisement will be at least once in the ten days following the application being given to the licensing authority.

Both of these notices are required to give a brief description of the application.

A notice will also be published through the Council's website

(www.haringey.gov.uk) outlining key details in respect of an application, including:

- The name of the applicant or club;
- The postal address of the applicant or club;
- The postal address and, where applicable, the internet address where we keep our licensing register and where and when the record of the application may be inspected;
- The date by which representations from responsible authorities or other persons should be received and how these representations should be made; and
- That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable

on summary conviction for the offence.

It is advised to regularly check the Council's register of licence applications and notices on premises in your local area.

124 Representations

If you want your views to be considered by the Council in respect of a particular application, you must submit a 'relevant representation'. A relevant representation must:

- (a) be made by any person or Responsible Authority (see Appendix 1)
- (b) be made in writing to the licensing authority
- (c) be received by the licensing authority no later than 28 days after the date the application was made (ten days for a minor variation)
- (d) relate to the likely effect of the granting of the application upon one or more of the Licensing Objectives, which are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm.

Potential issues could include noise or disturbance from the premises, previous examples of crime and disorder associated with the premises, litter problems associated with the premises, or provision of activities not suitable for children where children could be admitted.

Any representation that is considered as frivolous or vexatious by the licensing authority will not be accepted.

Representations may be made by email and the licensing authority does not require email representations to be followed up with a hard copy. Representations should be made to:

By post: By email:

The Licensing Team
Level 6, Alex House
10 Station Road
London N22 7TR
licensing@haringey.gov.uk

125 Good practice for making a representation

- In accordance with (d) above, you should demonstrate how your representation affects the promotion of the Licensing Objectives.
- Provide an evidential base for the grounds of the representation, which could include written logs of problems, details of previous complaints, photographs or video evidence of the particular issues.
- Ensure as far as possible that the representation is specific to the premises.
- Consult the Licensing Policy, If you consider that an application has not addressed any particular issues around the four licensing objectives, then you should highlight these and explain your reasons why you think these issues should be addressed.
- Consider how you would like the issues to be addressed. For example, you may wish to propose additional or alternative conditions to those proposed in the application's operating schedule. Alternatively, you may wish to propose restricted hours or licensable activities.
- If you are making a representation in support of an application, explain how the proposed application would promote the Licensing Objectives.
- Representations will not be considered if they are considered 'frivolous' or 'vexatious' by the licensing authority. 'Frivolous' and 'vexatious' have their ordinary meaning; therefore, the licensing authority might disregard representations that are made because of a business dispute between rivals or representations that lack seriousness.

126 Disclosure of personal details of persons making representations

The licensing authority is required to provide the licence applicant with copies of any relevant representations received in respect of the application.

The licensing authority may consider withholding some or all of a person's personal details where that person can demonstrate they have a genuine and well-founded fear of intimidation and the circumstances justify such action.

The withholding of personal details by the licensing authority will only be taken in exceptional circumstances and any person requesting their details to be withheld will be expected to demonstrate why such action is necessary.

Where a person who has concerns over an application but does not wish their personal details to be disclosed, alternative approaches include requesting a local councillor to submit a representation based on their concerns, or alternatively providing details on how the licensing objectives are likely to be undermined to a responsible authority, who may make representation, if they consider it justifiable and appropriate to do so.

127 The role of councillors

Councillors are able to make their own representations in their capacity as a member of the Council. If you have concerns over a premises and do not wish to submit a representation yourself, an alternative is to contact your local councillor to enquire whether they will make a representation. However, it is a matter for members whether they accept and it is recommended that such requests are made in writing so that any request can be clearly demonstrated.

Additionally, if you have made a representation, you can nominate any person, including a local councillor, to represent you at the hearing to determine the application. It is your responsibility to ensure that the nominated person is available and willing to represent you. As above, any request should be made in writing so that the licensing authority can be satisfied the person has been nominated by you.

Where relevant representations are received in respect of an application, it will be determined at a hearing by a subcommittee of three members from the Council's Licensing Committee. The licensee and any party who has submitted a relevant representation (or their representatives) may attend in order to make submissions to the subcommittee.

All applications will be considered on their own merit.

Following such a hearing, the Licensing Subcommittee can:

- (a) Grant the application as applied for; or
- (b) Grant the application with restricted licensable activities/hours than those applied for and/or impose additional conditions, where considered appropriate for the promotion of the Licensing Objectives; or
- (c) Refuse the application

There is a right of appeal to the Magistrates' Court against the decision of the Licensing Subcommittee by any party to the original hearing.

128 Licensed premises are an integral part of our communities and this Licensing Policy is a key tool in ensuring the different circumstances of our neighbourhoods are taken into account when considering licence applications.

Haringey, as the licensing authority, is committed to ensuring that licensed premises are an asset to their locality and respect the character and identity of the area through the implementation of this Licensing Policy. However, where licensed premises fail to promote the Licensing Objectives, the licensing authority will take appropriate steps to address any such licence-related issues.

The licensing authority considers it extremely important that licensed premises operate as good neighbours within their community. Operators of licensed premises are encouraged to consult with local residents and businesses prior to submitting applications to ensure they are aware of, and can address, any needs or concerns they may have.

Additionally, existing licensed premises are encouraged to have regular dialogue with residents and businesses in the local area in ensuring the promotion of the Licensing Objectives on an ongoing basis.

129 Information for applicants.

The Authority is committed to ensuring the highest levels of customer service for applicants, responsible bodies and interested parties. Our officers will always seek to assist applicants in completing applications and considering relevant conditions – particularly with a view to accommodating likely representations from residents and responsible bodies. This is an important part of building and enhancing the partnership between the Licensing Authority and the licensed trade and providing useful advice and assistance. Notwithstanding this advice, it will be a matter for the applicant to decide what conditions to volunteer and for responsible bodies and interested parties to seek additional conditions where appropriate to promote the licensing objectives.

In general, the licensing process will take the following form:

- the applicant addresses the licensing objectives through completion of the Operating Schedule;
- if appropriate, the applicant ‘volunteers’ conditions through the Operating Schedule;
- if a responsible body or an interested party feels that a particular licensing objective is not adequately addressed through the ‘Operating Schedule’, then it may make relevant representations to that effect;
- if no relevant representations are made, then the application must be granted and the only conditions which can appear on the premises licence are those which have been volunteered by the applicant through the Operating Schedule; and any mandatory conditions specified within the Act;
- if relevant representations are made the Licensing Authority’s discretion is engaged, enabling them to impose additional conditions which must be, appropriate to promoting the licensing objectives, proportionate; and address the other general principles set out in the Act, the Secretary of State’s Guidance and this Policy.

This policy has regard to the Authority’s duties under section 17 of the Crime and Disorder Act 1998. (Duty to do all it reasonably can to exercise its functions with due regard to the likely effect on crime and disorder and the need to prevent it.)

In undertaking its licensing functions, the Authority will ensure that at all times it pays due regard to its obligations under the Equalities Act 2010, and will ensure that the policy does not disproportionately impact of any particular equality group.

130 Written and Spoken English

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

131 Operating Schedules

All applications for new premises licences or variations need to be supported by an operating schedule.

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 other person 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.

The guidance published by the Home Office specifically addresses operating schedules in S.8 – steps to promote the licensing objectives.

Applicants are expected to make enquiries about the area in which the premises are situated and to use these to inform the content of the application. This should enable them to show they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

132 The authority expects that it will be apparent from the operating schedule that the applicant has considered the area and this knowledge will be reflected in the steps proposed in the operating schedule. One way to gather such information and to gauge opinion about the proposed content of the application is to proactively make contact with neighbours; experience has shown that this allows problems to be dealt early on in the process, with all parties understanding the application. It is an expectation of the authority that this will be carried out.

The authority expects applicants to clearly express in the application and operating schedule the nature of the business they propose to operate (such as restaurant, bar or nightclub), and to propose an operating schedule that reflects the nature of the proposal and mitigates risk to the promotion of the licensing objectives.

When making an application applicant should make it clear in the application the nature of the venue they intend to run, and to draft an operating schedule that is appropriate for the nature and style of the venue.

131 As an example a high volume vertical drinking establishment would be expected to have a very different operating schedule to a restaurant only offering alcohol with meals to patrons sitting at tables.

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;
- what the potential impact will be on immediate neighbours and the more general vicinity;
- if the application is for hours outside of the preferred framework hours the justification for this, and
- the steps which the applicant proposes to take to promote each of the licensing objectives.

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

- 132 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 ensure the objectives are promoted. Contact with applicants will be made as early as possible to clarify any questionable conditions offered.

This is not to say that an opposed application which complies with the policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, considered appropriate to promote the licensing objectives. So, for example, following receipt of relevant representations the licensing authority will not interfere with an operating schedule which does not comply with this policy where the steps proposed are sufficient to meet the licensing objectives in the individual circumstances of the case.

- 133 However, the policy represents the licensing authority's view of the best means of securing the licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and responsible authorities, together with business operators and community stakeholders. While the contents of the operating schedule are a matter for the applicant, in cases where there is objection to a schedule which departs from the policy, the licensing sub-committee hearing the opposed application will normally expect to be given good reason for the departure if it is to be asked to make an exception to the policy.

In this policy, there are a number of references to the licensing authority's expectations of applicants. As explained above, the policy is only engaged where the licensing authority has a

discretion following the receipt of objections. In such cases, the licensing authority will not apply the policy rigidly, but will always have regard to the merits of the case with a view to promoting the licensing objectives.

134 Risk Assessments

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 have a pub which finishes 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 dinking?
- Are the surrounding properties residential, what steps can be taken to reduce the risk of nuisance to local residents.
- Have local residents been advised of the application and their views considered?
- 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 harm's 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 if this is likely to change at different times of the day or on specific day's 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.

135 Relationship with Planning:

There are several key differences between licensing and planning control. Licensing is concerned with the operation and management of the premises. Planning control relates to the use of the premises.

The Authority recognises that licensing applications should not be seen as a re-run of any planning application and that there should be clear separation of the planning and licensing regimes to avoid duplication and inefficiency.

Applicants for a premises licence need to be aware that the granting of a licence under the Licensing Act does not negate the need to obtain planning permission.

There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission may be liable to prosecution or other enforcement under planning law.

136 License Conditions – What does it mean?

Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. This authority will aim to ensure that conditions attached to licences will:

- Be appropriate for the promotion of the licensing objectives.
- Be precise and enforceable.
- Be unambiguous and clear in what they intend to achieve.
- Not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation.
- Be tailored to the individual type, location and characteristics of the premises and events concerned.
- Not be standardised.
- Not replicate offences set out in the 2003 Act or other legislation.
- Be proportionate, justifiable and be capable of being met.
- Not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
- Be written in a prescriptive manner.

Conditions attached to the various authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity. This will include the direct impacts of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

137 Consultation arrangements

Haringey council considers it important that the local community is fully aware of local licensing applications being made within its area. Regulations governing the advertising of applications for the grant, variation or review of premises licences and club premises certificates require a public notice to be published in the local press and a brief summary of the application to be displayed immediately on or outside premises concerned. Failure to comply with the requirements in full will result in the progression of the application being delayed.

We strongly support the Home Office guidance that recommends co-operation between applicants, responsible authorities and residents, thus minimising the scope for disputes to arise. We expect applicants to indicate that they have done this, and that they document the outcome.

This authority understands that regulations to the Act require public notices to be of a size equal or larger than A4; of pale blue colour; and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16. It also recognises that applications may not be rejected on the basis of improper notification if public notices comply with this minimum standard. However, in order to ensure that the notice of application displayed at the premises may be clearly seen and easily read by passers by, this authority recommends that public notices be of A3 size in pale blue colour printed legibly in black ink in a font of size equal to or larger than 20. This authority also asks that the notice summarises the proposed licensable activities and the proposed hours of opening and remains clearly displayed in a position where it may be readily seen by passers by for the period during which representations may be made. Checks will be made to ensure that the summary is properly displayed.

The licensing service supports the consultation process by maintaining a public register at <http://www.haringey.gov.uk/business/licensing-and-regulations/licensing/licensing-register>. This details all current applications (alongside detail of current licensed premises). It is open to any person who wishes to be kept up to date with the latest applications in their area, to subscribe to “licensing alerts”. E-mail notifications are sent to subscribers when a new licence application is received within their local ward. The licensing service will also notify local ward councillors of all new applications in their area.

138 Guidance documents

This policy is also mindful of the direction provided under the following guidance documents:

- **The Home Office Safer Clubbing Guide** issued to ensure the health and safety of anyone who attends dance events, with a particular emphasis on those who also take controlled drugs
- **The Better Regulation Delivery Office’s Code of Practice on Age Restricted Products** which deals with the involvement of children in the enforcement of legislation concerning the sale of age-restricted goods
- Furthermore, the objectives of the **Private Security Industry Authority (SIA)** will be taken into account in all issues relating to the provision of door supervision at licensed operations

SECTION 4 The Licensing process- Who decides?

Responsible authorities

- 139 The Responsible Authorities must be notified of, and are entitled to lodge representations about, applications for premises licences or club premises certificates or variations. They may ask the licensing authority to review a premises licence or club premises certificate. Responsible authorities will also provide advice and information on established best management practice.

The Police Reform and Social Responsibility made Health Bodies responsible authorities, in Haringey this role is fulfilled by the Director of Public Health, who is now a consultee as a Responsible Authority, and is able to comment upon applications and initiate reviews. We recognise that health is not a licensing objective but we are aware that there is a significant negative impact on the health of our residents caused by alcohol, reflected in hospital admissions, reduced expectancy of life, deaths from alcohol related illnesses, alcohol induced violence and domestic violence. Significant alcohol related hospital accident and emergency admissions and ambulance pick-ups from specific locations can be indicative of problems and may result in reviews of premises licences.

- 140 Directors of Public Health potentially have access to much data that can inform licensing decisions and policy. When such data is available and provided it will be examined and where appropriate linked back to inform a response when considering the impact it will have on the four licensing objectives.

The provision of data about street drinking can inform decisions made by the Licensing Sub-Committee when considering applications in some areas that are for the sale of alcohol for consumption off the premises, enabling conditions to be considered aimed at reducing the availability of alcohol to problem drinkers.

As a responsible authority, Haringey Council's public health department can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates; in addition, public health may themselves seek a review of a premises licence. Any representation must be specific to the premises and cannot be a general objection.

Representations should be evidence-based and should demonstrably refer to one or more of the licensing objectives. As there is no licensing objective relating to public health, the Council's public health department must ensure representations are relevant to one of the four existing objectives.

141 Considerations of impact within the vicinity of licensed premises

While the licensing authority will seek to ensure the promotion of the four Licensing Objectives by licensed premises in Haringey, it is acknowledged that conditions can only be imposed that seek to manage the behaviour of customers that fall within the control of the licensee and occur 'in the vicinity' of the premises. As stated above, each case will be considered on its own merits and therefore the Licensing Policy does not seek to define what constitutes 'in the vicinity'. When considering the question of vicinity the licensing authority will consider the likely impact the proposed operation of the premises will have upon one or more of the

Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control, and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

142 The need for licensed premises

The licensing authority shall not take into account 'need' or commercial demand when exercising any licensing function, which is a matter for the market.

143 Processing of Applications and Objections

The Authority will process all applications taking into account any relevant timescales in the Act and, where there are no timescales, within a reasonable time.

The Authority will also publish guidance for applicants to assist them in identifying the kind of actions that may need to be taken to meet the licensing objectives. The guidance will supplement anything issued by central Government. It will not provide an exhaustive list of options, but it will give applicants advice on many of the approaches that can be taken to ensure successful applications for licences.

Licences can be issued by Officers acting under delegated powers; following review by a sub-committee of the Regulatory Committee. Potential objectors to licence applications can be "responsible authorities" as listed.

As well as responsible authorities, any other person, which includes any individual, body or business, can make representations in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence.

Whilst any of these 'other persons' may act in their own right, they may also request an individual or group to represent them. This could be someone legally qualified or an MP, MEP

or Ward Councillor. Where a Councillor agrees to make representations on behalf of an interested party and that Councillor is a member of the Regulatory Committee, they will disqualify themselves from all involvement in the decision making process in relation to that application.

Representations can only be considered if they relate to a problem that could compromise one or more of the licensing objectives. Officers will decide if this is the case and they are charged with deciding whether or not objections are irrelevant, frivolous or vexatious. Any representation deemed so will not be considered. Representations need not just relate to the negative effect of a licence but may relate to the positive effect the granting of a licence may have. This is also true in the case of a review where positive representations can be taken into account by the Authority.

144 The Licensing Committee and its delegation of functions

In accordance with the Licensing Act, Haringey has established Licensing sub Committee consisting of 15 Council members. Where relevant representations are made against an application (and not withdrawn), the application shall be determined by a subcommittee constituting of three members of the Licensing Committee at a hearing.

In doing so, the council has sought to establish an efficient and cost-effective system for determinations of licences. Where the Act carries a presumption of grant for applications to which no objection has been made, the administration of the grant will be delegated to officers. All such matters will be periodically reported for information only to the full Regulatory committee.

Where matters are subject of representations, the licensing service will normally attempt to reach a negotiated conclusion through a conciliation process. This process is operated in recognition of the fact that the most workable solutions are normally ones that all parties concerned can sign up to and in order to attempt to save the time and costs associated with holding a public hearing. Conciliation can be agreed up until 24 hours before a hearing takes place. Where this is not possible the application and representations to it will be considered by the sub-committee at a public hearing.

Full details of the delegation structure for the Licensing Sub Committee are shown below:

Matter to be dealt with		
	Licensing Sub-Committee	Officers
Application for personal licence	Where a police	Where the applicant

Matter to be dealt with		
	objection has been received	has no unspent convictions
Application for provisional statement	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application for premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary premises licence / club premises certificate	Where representations have been received and not withdrawn	Where representations were not received or have all been withdrawn
Application to vary designated premises supervisor	Where a police objection has been received	Where an objection was not received
Request to be removed as designated premises supervisor		✓
Application for transfer of premises licence	Where a police objection has been received	Where an objection was not received
Application for interim authority notice	Where a police objection has been received	Where an objection was not received
Application to review premises licence / club premises certificate	✓	
Decision whether a representation is irrelevant, frivolous or vexatious		✓
Making of representation when authority is consulted by neighbouring licensing authority	✓	
Consideration of a police objection to a temporary event notice	✓	

145 Section 5 Compliance and Enforcement

It is essential that licensed premises comply with the terms of their licence as well as other requirements of the Licensing Act. Equally important is ensuring that premises not licensed to provide licensable activities are prevented from doing so.

The licensing authority works particularly closely with the Responsible Authorities, including its partners such as the Police and Fire Authority, based upon the principles of partnership working, in order to most effectively address licensing-related issues.

Enforcement action has been taken in respect of issues including unlicensed premises, underage sales, and breaches of licence condition by the Responsible Authorities such as the Police, Environmental Health and Trading Standards. The licensing authority takes a risk-based and proportionate approach to regulatory enforcement and monitoring in relation to the likely impact of the premises upon crime and disorder, public nuisance, problems concerning public safety and the protection of children from harm. Therefore, higher-risk and problem premises will be targeted for enforcement activity whereas a lighter touch approach will be adopted for low risk, well-run premises.

Failure to promote the Licensing Objectives may result in licence review and the possible implementation of sanctions by the Licensing Committee, including removal of licensable activities, reductions in hours or, ultimately, revocation of the licence. Additionally, where offences are committed, prosecution may be considered. The licensing authority and partner agencies shall continue to work with the licensed trade through the provision of advice, education and training, information, promotion of good practice and behaviour.

The principles of enforcement for the licensing authority focus on:

- Taking firm action against those who flout the law or act irresponsibly
- Assisting businesses and others in meeting their legal obligations
- Promptly acting on issues of concern to local communities.

The Responsible Authorities (see Appendix 1) are available to provide advice and support for licensees as well as members of the public in relation to any problems they may be encountering relevant to licensed premises.

- 146 All enforcement actions are taken by the range of enforcement agents located within the council's community safety and enforcement division (including the licensing service) and are governed by the council's enforcement policy. In line with best practise all enforcement actions will be fair, consistent, transparent and proportionate. A copy of our enforcement policy may be obtained from the licensing service. Licensing@haringey.gov.uk

All proactive premises inspections will be undertaken on a risk-assessed basis with resources targeted toward agreed problem and high-risk premises, which require greater attention. A lighter touch will be applied in respect of low risk premises, which are well run.

Other enforcement activities will be intelligence led using the full range of available information sources, including using complaints and referrals from the local community and reports from officers and partner agencies. As part of the "better regulation initiative" and in order to promote effective use of enforcement resources and reduce the burden on business, the various enforcement agencies involved may from time to time look at references normally dealt with by other relevant agencies during the course of premises visits. Where issues are identified under those other agencies remits (for instance where a licensing officer notes a fire safety matter) this will be brought to the attention of the person in charge and the matter may be referred on to the agency involved. Where appropriate advice and guidance will be given.

- 147 This approach is supported and facilitated by the partnership night-time economy team; regular liaison meetings between the licensing service and the police licensing teams; meetings of the primary responsible authorities; and through the partnership tasking group, and local licensing enforcement group. All complaints and referrals made to such liaison meetings will be investigated appropriately. The night-time economy team also intends to provide a high-visibility reassuring presence and to establish good working relationships with venue front of house and management staff. Random visits will be made to premises to further these aims.

Investigations may be undertaken through a range of means including overt and covert operations. This could include covert observations on premises to ensure opening hours restrictions are being complied with. In addition, weights and measures officers from the council's trading standards service or officers from the police authority will carry out covert test purchases of age restricted products including alcohol. This means underage, or young looking, volunteers are deployed to attempt to buy age restricted products or services. These tests are conducted to check compliance with the law and age verification policies (eg Challenge 25 scheme).

- 148 Additionally, this authority recognises the important role played in preventing crime and disorder by the Security Industry Authority by ensuring that door supervisors are properly licensed and, in partnership with the police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This authority will look to co-operate with the SIA as far as possible and as part of this co-operation has authorised officers to act under the powers of the Private Security Industry Act 2001.

However, it remains the over-riding intention of this authority, the police and the other relevant enforcement agents to work together at all times with responsible licence holders and operators to help run successful venues and facilities that play a positive role within the local community. We will look to provide support, advice and education and give early warning of any concerns identified at any premises. In return we expect licence holders to act responsibly and work together with us. However, the authorities will use the range of enforcement powers made available under the Act where individuals act with disregard to their responsibilities.

In demonstration of this, this authority will provide induction meetings with new licensed operators, intended to make clear the responsibilities of and expectations made of operators and the support that can be expected in return.

This authority also supports pub and club watch and is willing to support business led initiatives intended to help promote the licensing objectives. Together we will ensure that Haringey remains a great place to live, work and visit.

149 Review Procedures

Reviews represent a key protection for the community where premises present problems associated with the licensing objectives, allowing interested parties, local councillors or representatives and responsible authorities to apply in writing to the Licensing Authority for a review of a premises licence or club premises certificate.

The Licensing Authority may, at any time, reject any ground for review if it is satisfied that the request for review does not relate to the licensing objectives or is frivolous, vexatious or repetitious.

The review process will not be allowed to be used as a 'second bite of the cherry' where the decision of the Licensing Authority is disagreed with. In other words, where a licence has been granted or varied and an aggrieved interested party chooses not to appeal but elects instead to review the premises licence/certificate shortly after the Licensing Sub-Committee's decision.

In general the Licensing Authority would expect a period of at least 12 months to elapse before a second review may be considered in relation to the same premises on similar grounds to a previous review (other than for closure orders) or where very serious incidents which impact on the licensing objectives occur within 12 months of the previous review.

The Licensing Sub-Committee must, having regard to an application and any relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. It is able to:

- (a) modify the conditions of the licence (The conditions of the licence are modified if any of them is altered or omitted or any new condition is added);
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months; and
- (e) revoke the licence.

The Licensing Sub-Committee or Licensing Authority must follow Guidance and relevant case law in respect of those reviews issued by responsible authorities that follow successful prosecutions. Applicants may find that, where existing closing times are causing problems in their areas, the police may request fixed closing times or staggered closing times or zoning.

150 Guidance to residents and Other parties on Reviews.

Problems with existing premises

this Licensing Policy provides details on the enforcement approach by Haringey and there are a range of enforcement measures available for agencies that can be used depending on which is most appropriate to the issues to be addressed. Any person that is encountering problems related to a licensed premises should contact the licensing authority in the first instance to report the problem.

Additionally, any person can apply in their own right for a review of a licence.

The licensing authority encourages licensed premises, local residents and businesses to work together in achieving the promotion of the Licensing Objectives and it can be constructive for local residents to approach the manager of the licensed premises in the first instance. Alternatively, any problems can just be reported to the licensing authority for them to address with the premises on your behalf.

153 Petitions

While there is no prescribed format for petitions and the licensing authority has no power to prescribe the form of petitions, it is suggested that individuals may find the following format useful for petitions submitted in respect of a licence application.

Each page should include:

- i) The premises' name and address
- ii) The details of the application
- iii) The prayer of the petition, i.e. what the basis of it is
- iv) The full name and address (in print) and signature of each person supporting the petition. Appropriate weight will be given to petitions having regard to the above.

Petitions in respect of an application shall only be accepted if submitted by either a Responsible Authority or person who has made a relevant representation, or by the applicant. Where a petition is received, it shall be considered as support for the representation (or application) it was submitted with; the licensing authority will not consider each signatory as a representation and so shall not contact each individual signatory.

154 Ability to re-instate conditions relating to Live Music upon Review

The Licensing Authority may reinstate or impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises, where it can be demonstrated that live music has undermined the promotion of the licensing objectives and such action is considered to be appropriate.

155 Summary Reviews

Where a licensed premises is considered to be associated with serious crime or serious disorder or both, the Chief Officer of Police can apply to the relevant Licensing Authority for a summary, or expedited, review of the premises licence. Within 48 hours of receipt of that application the Licensing Authority must consider whether it is appropriate to take interim steps pending the determination of a review of the premises licence. Within 28 days after the day of its receipt, a full review hearing must be held.

Interim steps can include:

- a. the modification of the conditions of the premises licence,
- b. the exclusion of the sale of alcohol by retail from the scope of the licence,
- c. the removal of the designated premises supervisor from the licence; and/or
- d. the suspension of the licence.

If the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the Licensing Authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations.

However, this authority recognises that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by individuals once they leave licensed premises and beyond the direct control of the individual, club or business, holding the licence. Nevertheless, it is a key aspect of such control and licensing law will always be a part of the holistic approach to the management of the evening and night-time economy in town and city centres.

The council will use its full range of powers, engage all relevant responsibilities and work with all partners to deliver the licensing objectives.

Other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises include:

- Planning controls;
- The co-ordinating and tactical resourcing roles played by the likes of the partnership tactical tasking group (TTG).
- Enforcement Response Team, all of which aim to create a safe, clean and green environment through partnerships between the council and the community;
- The provision of CCTV surveillance across the borough; improved street lighting; late night public conveniences; street cleaning and litter patrols;
- The introduction of the alcohol control areas, (Public Space Protection Orders (PSPOs)) in designated wards of the borough, which brings greater powers to penalise and confiscate alcohol from nuisance drinkers;
- Enforcement powers under the Environmental Protection Act 1990 to deal with statutory nuisance arising from noise, odours and artificial light;
- Enforcement powers to curb disorder and anti-social behaviour including the issue of fixed penalty notices;
- Enforcement powers to prosecute personal licence holders or members of staff who sell alcohol to persons who are drunk or sell alcohol to under-age children;
- Enforcement powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or nuisance emanating from the premises causing a nuisance. This together with the ability to extend the closure via the magistrates' court and initiate a review hearing where appropriate;

- Commitment to Haringey's Responsible Retailers Scheme. The Responsible Retailers Scheme, designed by Haringey Council, encourages traders to support efforts to make Haringey a healthier and safer place by adopting responsible selling practices. As a Responsible Retailer, licensees will commit to doing everything they can to prevent their business from selling age restricted products to underage minors, agree not to sell the most harmful forms of alcohol such as super strength ciders, larger and beer which is 6.5 ABV or above.
- The establishment of local pub-watch, club-watch and similar schemes. Information about pub-watch can be obtained through their web site on www.nationalpubwatch.org.uk;
- Encouragement of socially responsible licensed operations through schemes such as the Haringey Safeguarding to prevent child sexual exploitation, Safer Clubbing schemes.
- The best practice demonstrated and supported by the Purple Flag, Best Bar None and other similar award schemes.
- Early morning restriction orders
- Declaration of a Late Night Levy in the area.

156 Alcohol in Public Places

The Authority has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. The Authority will keep designated areas under review. Currently, the Authority has designated most of the main town centres and green spaces as places where alcohol may not be consumed publicly if the individual is causing annoyance or nuisance (anti social behaviour).

In considering licence applications and reviews, the Authority will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol in open containers for consumption off the premises and unauthorised removal of alcohol in open containers, which have been supplied for consumption on premises.

157 Pubwatches and Off-licence Forums

Such schemes are demonstrations of good practice by the licensed trade and are supported by the Council as well as partner agencies such as the Police and the NHS. Haringey will encourage licensees to participate in such local groups, or for them to seek to establish new ones where none currently exist. We will endeavour to provide as much support as possible to any members of the trade looking to work together with neighbouring residents and businesses to ensure the promotion of the Licensing Objectives.

158 Best Bar None

1.31 The Best Bar None is an awards scheme for licensed premises, currently running in over 80 locations across the UK. Best Bar None schemes provide an incentive for the operators of licensed premises to improve their standards of operation to the level of a commonly agreed national benchmark.

CONTACT DETAILS

THE LICENSING SERVICE

Advice and Guidance

Further details of the licensing application processes and copies of application forms

can be obtained from the licensing service. You can contact the service

In writing

The Licensing Service

Alex House, Level 6, 10 Station Road, Wood Green, London N22

By phone: Customer service centre on

028489 1335

By e-mail: licensing@haringey.gov.uk

By visiting the web site: <http://www.haringey.gov.uk>

Responsible Authorities –APPENDIX 1A

Licensing Authority London Borough of Haringey Licensing Team Level 6 Alexandra House 10 Station Road London N22 7TR Tel: 0208 489 8232 Fax: 0208 489 5528 Email licensing@haringey.gov.uk	Police Metropolitan Police Service Quicksilver Patrol Base Unit 1 Quicksilver Place Western Road Wood Green London N22 6UH Tel: 0203 276 0150 Fax: 0203 276 0140
Fire LFEPA Fire Safety Regulation: North West Area 1 London Fire Brigade 169 Union Street London SE1 0LL Tel 0208 555 1200 X53252	Childrens and Young Peoples Service. River Park House 225 High Road , Wood Green London N22
Planning & Regeneration Service Group Level 2 River Park House 225 High Road Wood Green London N22 8HQ Tel: 0208 489 1000 Fax: 0208 489 5220 Email: development.control@haringey.gov.uk	Health, Safety & Food Protection Group Level 6 Alexandra House 10 Station Road London N22 7TR Tel: 0208 489 8229 Fax 020 8489 5528 Email frontline@haringey.gov.uk
Trading Standards Level 6 Alexandra House 10 Station Road	Building Control Level 6 River Park House 225 High Road

London N22 7TR Tel 020 8489 5134 Fax 020 8489 5554 Email tradingstandards@haringey.gov.uk	Wood Green N22 8HQ Tel 020 8489 5504 Fax 020 8489 5229 Email building.control@haringey.gov.uk
Director of Public Health London Borough of Haringey Level 4 River Park House 225 High Road London N22 8HQ	The Enforcement Response Service (Noise) Level 6 Alexandra House 10 Station Road Wood Green N22 7TR Tel: 020 8489 1000 Email: enforcement.response@haringey.gov.uk