

LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

**LICENSING POLICY
STATEMENT**

Third Edition

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1. INTRODUCTION

- 1.1 This Licensing Policy Statement ('the Policy') is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Licensing Act 2003 ('the Act').
- 1.2 The Policy relates to all licensing activities falling within the provisions of the Act, namely:
- the supply of alcohol (either sold by retail or supplied to a club member)
 - the provision of regulated entertainment
 - the provision of late night refreshment
- 1.3 Supply of alcohol includes the retail sale of alcohol, including for consumption on or off premises, with or without food, and the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club.
- 1.4 Regulated entertainment occurs where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining the audience and includes:
- a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - entertainment of a similar description
- 1.5 Late night refreshment is the provision of hot food and/or drink between the hours of 23:00 and 05:00.
- 1.6 The Policy takes into account Guidance ('the Guidance') issued by the Secretary of State for Culture, Media and Sport ('the Secretary of State') under section 182 of the Act.
- 1.7 The Policy supports the Council's Corporate strategy of 'Putting Enfield First' by making Enfield:
- a safer place to live, work, study and do business
 - cleaner and greener
 - economically successful and socially inclusive
 - improving the quality of life

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

3. POLICY STATEMENT

- 3.1 The purpose of the Policy is to inform Members, applicants, residents and businesses of the key principles under which the Council will make licensing decisions.
- 3.2 Every application considered by the Council under this Policy, will be considered on its merits where relevant representations are made in respect of any application and a hearing is convened and regard is given to the Act and the Guidance and any supporting regulations.
- 3.3 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees and in the vicinity of premises.
- 3.4 *The Crime and Disorder Act 1998 promotes the practice of partnership working to reduce crime and disorder and places a statutory duty on police and local authorities to develop and implement a strategy to tackle problems in their area. In doing so, the responsible authorities are required to work in partnership with a range of other local public, private, community and voluntary groups and with the community itself.*
- 3.5 *This approach recognises that both the causes of crime and disorder and the interventions required to deliver safer, more secure communities lies with a range of organisations, groups and individuals working in partnership. Crime reduction is not solely the responsibility of the police.*
- 3.6 *For people in the community the quality of their life in their neighbourhoods is affected by a whole range of influences. Quite rightly, they do not apportion responsibility for solutions uniquely to each individual agency and as part of our own community, we recognise situations in which the actions of one agency can positively contribute to the work of another. Local organisations working together can collectively provide interventions and responses to tackle problems and provide earlier, more effective solutions.*

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others):
- The Chief Officer of Police
 - The London Fire and Emergency Planning Authority
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - Bodies representing businesses and residents in the Council's area

5. DEFINITIONS

- 5.1 'Interested Party' is defined in section 13(3) of the Act and means any of the following:
- a person living in the vicinity of the premises
 - a body representing persons who live in that vicinity
 - a person involved in a business in that vicinity
 - a body representing persons involved in such businesses
- 5.2 'Responsible Authority' is defined in section 13(4) of the Act and means any of the following:
- the chief officer of police for any police area in which the premises are situated
 - the fire authority for any area in which the premises are situated
 - the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated
 - the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
 - the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health
 - a body which (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters
 - any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
 - in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State
 - a person prescribed for the purposes of this subsection.
- 5.3 'Provisional statement' means a statement issued under section 31(2) or (3) (c) of the Act, which relates to premises that are about to be constructed, extended or otherwise altered.

- 5.4 The Council regards 'irresponsible price promotions' as those that encourage people to drink faster and more than they would when normal pricing arrangements apply.
- 5.5 'Significant event' is deemed by the Metropolitan Police Service to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

6. THE BOROUGH OF ENFIELD

- 6.1 Enfield is London's northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 115,000 homes. Another third is Green Belt land (predominantly in the north and west) comprising country parks, farmland and open land (including urban parks, sports fields, golf courses, allotments and school playing fields). There are also fifteen conservation areas. The Borough has a population of 281,775 (Office of National Statistics 2001 census updated 2002).

7. CHILDREN

- 7.1 The Act imposes certain controls by way of criminal penalty relating to the access to certain premises by unaccompanied children. In addition, Policy may create further restrictions for certain premises relating to access by children.
- 7.2 The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on premises and seeks to encourage their access to constructive leisure pursuits that support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the purposes of the Licensing Objectives.
- 7.3 The Council will not therefore impose conditions that restrict or prevent access by children unless this is necessary to promote the Licensing Objectives. It will however seek to ensure that children are not permitted to remain at or enter certain premises after a specified cut-off time or times.
- 7.4 In determining a specified cut-off time, the committee will take into account:
- the concerns of Responsible Authorities and Interested Parties who have made representations
 - the steps set out in an operating schedule that the licensee will take to meet the Licensing Objectives having regard to the nature of the premises or events for which the licence is required

7.5 POLICY No. 1

For premises supplying alcohol for consumption off premises, the Council normally requires applicants to have arrangements to ensure that children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

NB. The age-limit of 14 years is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications.

7.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply:

- where adult entertainment is provided
- where there have been convictions of the current management for serving alcohol to minors
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
- where there is a known association with drug taking or dealing
- where there is a strong element of gambling on the premises
- where the supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided at the premises

7.7 In order to protect children, the Licensing Committee or Sub-Committee's options would include, among other things, requiring conditions relating to:

- requirements for the production of proof of age cards or other age identification before sales are made
- limitations on the hours when children may be present
- age limitations below 18
- limitations or exclusions when certain activities are taking place
- access limited to parts of the premises
- requirements for accompanying adults
- full exclusion of people under 18 from the premises when any licensable activities are taking place

7.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.

7.9 Conditions may be imposed on licences for premises where children will be present during regulated entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.

7.10 Children and cinemas

7.10.1 The Council will require licensees to include in their operating schedules arrangements for restricting the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification or the Council, as the case may be.

- 7.10.2 In respect of all premises licences and club premises certificates that authorise the exhibition of films to children, a mandatory condition will be required for the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 or by the Council.
- 7.10.3 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions from the Guidance.
- 7.10.4 It is not the Council's intention to re-classify films that have been classified by a body designated under section 4 of the Video Recordings Act 1984. However, the Council reserves the right to do so in exceptional circumstances.

8. LICENSING HOURS

- 8.1 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives.
- 8.2 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise.
- 8.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 8.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received and a hearing takes place.
- 8.5 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work.

8.6 POLICY No. 2

There is a strong presumption that the Council will not license premises to permit persons under the age of 18 to be present on premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises.

8.7 'Off sales'

- 8.7.1 The Guidance recommends to Licensing Authorities that shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Licensing Objectives.
- 8.7.2 Whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises.
- 8.7.3 Licences for the sale of alcohol for consumption off premises, particularly late night sales, will be resisted and/or limitations may be imposed in the case of specific premises known to be or likely to be, a focus of crime and disorder, nuisance or those presenting a risk of harm to children.

8.8 Late Night Takeaway Premises

- 8.8.1 Applications for premises offering late night take away food and drink will be considered on their individual merits and in the absence of relevant representations shall be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and conditions that are mandatory under sections 19 to 21 of the Act.
- 8.8.2 However, the impact upon the licensing objectives from people gathering at such premises, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity.
- 8.8.3 The cumulative effect of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require takeaway premises to provide litterbins in order to prevent the accumulation of litter.

9. LICENCE APPLICATIONS AND REVIEW

- 9.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to: the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.
- 9.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.
- 9.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

10. OPERATING SCHEDULES

- 10.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives. Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules, how they will meet the Special Factors for Consideration below.

11. CONDITIONS

- 11.1 When relevant representations are made by a Responsible Authority or Interested Parties, the Committee may impose conditions on licences. Any such conditions, which must be necessary for the promotion of the Licensing Objectives, will be specific to the individual premises and events. Conditions may be drawn from the model pool of conditions in the Guidance.
- 11.2 Special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office and model conditions from the Guidance. Where these conditions are to be imposed advice may be sought from appropriate bodies such as the Enfield Drug Action Team and the Police, who it is envisaged will make representations on such applications.
- 11.3 The Council will have regard to the impact of licensable activities at specific premises on persons living and working in the vicinity of those premises, which are disproportionate and unreasonable. These issues will mainly

concern noise, light pollution, noxious smells, litter and vermin and pest infestations. Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of 'interested parties'. Special conditions and other limitations may be considered necessary where customers may be inclined towards carelessness and anti-social behaviour as a result of consuming alcohol.

- 11.4 The Council will give consideration to setting capacity limits for licensed premises or clubs where it may be necessary for public safety or otherwise to prevent over-crowding which may lead to disorder and nuisance. Where applicable, further consideration will also be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled.
- 11.5 The Council recognises proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, including for example, opera, jazz and the performance of a wide range of traditional and historic plays, contemporary music and other arts.

12. SPECIAL FACTORS FOR CONSIDERATION

- 12.1 **Prevention of Crime and Disorder** - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including:
- crime prevention design, including adequate lighting of car parks and CCTV
 - text/radio pagers
 - door supervision, including arrangements for screening for weapons and drugs
 - other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened and plastic 'glasses'; and bottle bins)
 - drug dealing and abuse
 - prostitution and indecency
 - methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises
 - methods to discourage taking alcohol off the premises in open containers
 - methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods
 - capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit
 - appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol
 - irresponsible alcohol promotion.

12.2 **Public Safety** - the means by which risk to public safety will be or is prevented by the effective management and operation of the licensed activities including:

- whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it
- whether the applicant has carried out a risk assessment as to the maximum number of people who can attend the premises safely and evacuate it in an emergency
- measures to record and limit the number of persons on the premises
- the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner
- confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority
- arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency
- the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc
- for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation

12.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including:

- noise from persons smoking outside the premises
- noise from delivery vehicles
- noise from vehicles delivering and collecting customers
- noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens
- noise, anti-social behaviour and other disturbance caused by persons leaving the premises
- in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises
- congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises
- litter and accumulations of rubbish
- the removal from premises of drinking vessels and bottles
- vermin and pests
- light pollution
- use of fireworks or other explosives / special effects
- noxious smells
- arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises

- 12.4 **Protection of Children from Harm** - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including:
- the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements
 - premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present
 - the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature
 - the protection from significant gambling
 - arrangements to deter, drug taking or dealing
 - adequacy of controls on the times during which children may be present on the premises
 - the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm

13. SIGNIFICANT EVENTS

- 13.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that matters related to the licensing objectives are identified and addressed.
- 13.2 Licence holders are advised to contact the Metropolitan Police Service and enquire if the Police require that the Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be completed and submitted to them.

14. CUMULATIVE IMPACT POLICY

- 14.1 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for licensed premises. This is not a matter that may be considered by the Council in discharging its licensing functions. “Cumulative impact” concerns the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The Council has not adopted a special cumulative impact policy.

15. TEMPORARY EVENTS

- 15.1 The Act requires that a Temporary Event Notice (TEN) must be given to the licensing authority no later than 10 working days before the day on which the event begins. Nevertheless, the Council will seek the co-operation of Personal Licence holders and other people serving TENs in allowing more than the minimum required 10 days. To this end the Council strongly recommend giving (the longest possible notice) at least three months' notice to hold all but the smallest events; this will allow the Council to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.
- 15.2 Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Act, other legislation might apply. This can include:
- Health and Safety at Work etc. Act 1974
 - Fire Precautions Act 1971
 - Environmental Protection Act 1990 (Noise and nuisance)
- 15.3 Organisers of temporary events should also be aware that it is highly likely that the Council's enforcement officers will visit events held under the terms of a Temporary Event Notice to ensure compliance with legal requirements. While mindful of the Council's Enforcement Policy, the Council will normally prosecute where serious offences are detected.
- 15.4 Organisers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

16. ENFORCEMENT

- 16.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be:
- Proportionate - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised
 - Accountable - regulators must be able to justify decisions, and be subject to public scrutiny
 - Consistent - rules and standards must be joined up and implemented fairly
 - Transparent - regulators should be open, and keep regulations simple and user friendly
 - Targeted - regulation should be focused on the problem, and minimise side effects
- 16.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 16.3 The Council will adopt a risk-based inspection programme. The Council's risk model for premises licences will be based upon the Licensing Objectives.

- 16.4 The main enforcement and compliance role for the Council under the Act is to ensure compliance with the premises licences and other permissions which it authorises.
- 16.5 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web-site.

17. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 17.1 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- 17.2 The Council has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. These 'designated areas' will be kept under review by the Council.
- 17.3 The Council and its partners has produced an Alcohol Harm Reduction policy, which the Council will take into account in considering representations to licence applications and complaints from Responsible Authorities and Interested Parties seeking a review of a licence.

18. CONTACT DETAILS

Further information and advice on this Licensing Policy Statement and the requirements of the Licensing Act 2003 and related matters is available from the Council as follows:

Address : London Borough of Enfield Licensing Team, PO Box 57,
B-Block North, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578
Fax : 020 8379 2190
Email : licensing@enfield.gov.uk
Internet : www.enfield.gov.uk

ANNEX 1

Sex Establishments Explanatory Note:

This information is provided for convenience and is complementary to, but does not form part of, the Policy under the Act .

The Council has a policy in relation to sex establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended.

The Council has resolved that the appropriate number of sex establishment licences to be granted in the Borough is nil.

Any application received will be considered on its merits and the Council's policy that the Licensing Sub-Committee should exercise caution in considering any application.

ANNEX 2

Summary of Age Restrictions:

The table below summarises certain age restrictions. The list is not exhaustive and is a provided as a guide.

Type of Premises	Access or sales restriction (Source in brackets)
Premises exclusively or primarily used for the sale or supply of alcohol for consumption on the premises	No unaccompanied under 16's at any time (section 145 of the Act) No under 18's after 23:00 (Policy)
Other licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	No unaccompanied under 16's between the hours of midnight and 05:00 (section 145 of the Act)
All licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	Under 18's only until 'specified cut-off time' identified in the premises licence (where applicable) (Policy)
Off-licensed premises	No unaccompanied under 14's after 21:00 (Policy)
All premises	No sale of alcohol to under 18's (except 16 and 17 year olds where supplied as part of a table meal where an over 18 is present). (Section 146 of the Act)
Film exhibition	Restricted in accordance with film classification (Section 29 of the Act)