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LICENSING COMMITTEE

Thursday 16 March 2006 at 8.30 pm
Council Chamber, Civic Centre

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Councillors: John Boast (Chairman), Penny Heathwood (Vice-Chairman), Ann Zinkin (Vice-Chairman), Chris Bond, Jayne Buckland, Bambos Charalambous, Andreas Constantinides, Annette Dreblow, John Egan, Norman Ford, Vivien Giladi, Robert Hayward, Alex Mattingly, Anne-Marie Pearce and Terence Smith.

AGENDA – PART 1

1. **WELCOME & INTRODUCTIONS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST** (Pages 1 - 2)

Members of the Council are invited to identify any personal or prejudicial interests relevant to items on the agenda. A definition of personal and prejudicial interests has been attached for members' information.

Attached as A

4. **MINUTES** (Pages 3 - 6)

To receive and confirm the minutes of the last meeting held on Monday 30 January 2006.

Attached as B

5. **MONITORING REPORT ON THE PREMISES LICENCES ISSUED UNDER THE LICENSING ACT 2003** (Pages 7 - 32)

To receive a report from the Director of Environment & Street Scene providing a monitoring update on the number and impact of Premises Licences issued under the Licensing Act 2003.

(Report No.328)

Please note Appendix A of the above report has been provided in colour for members of the Committee.

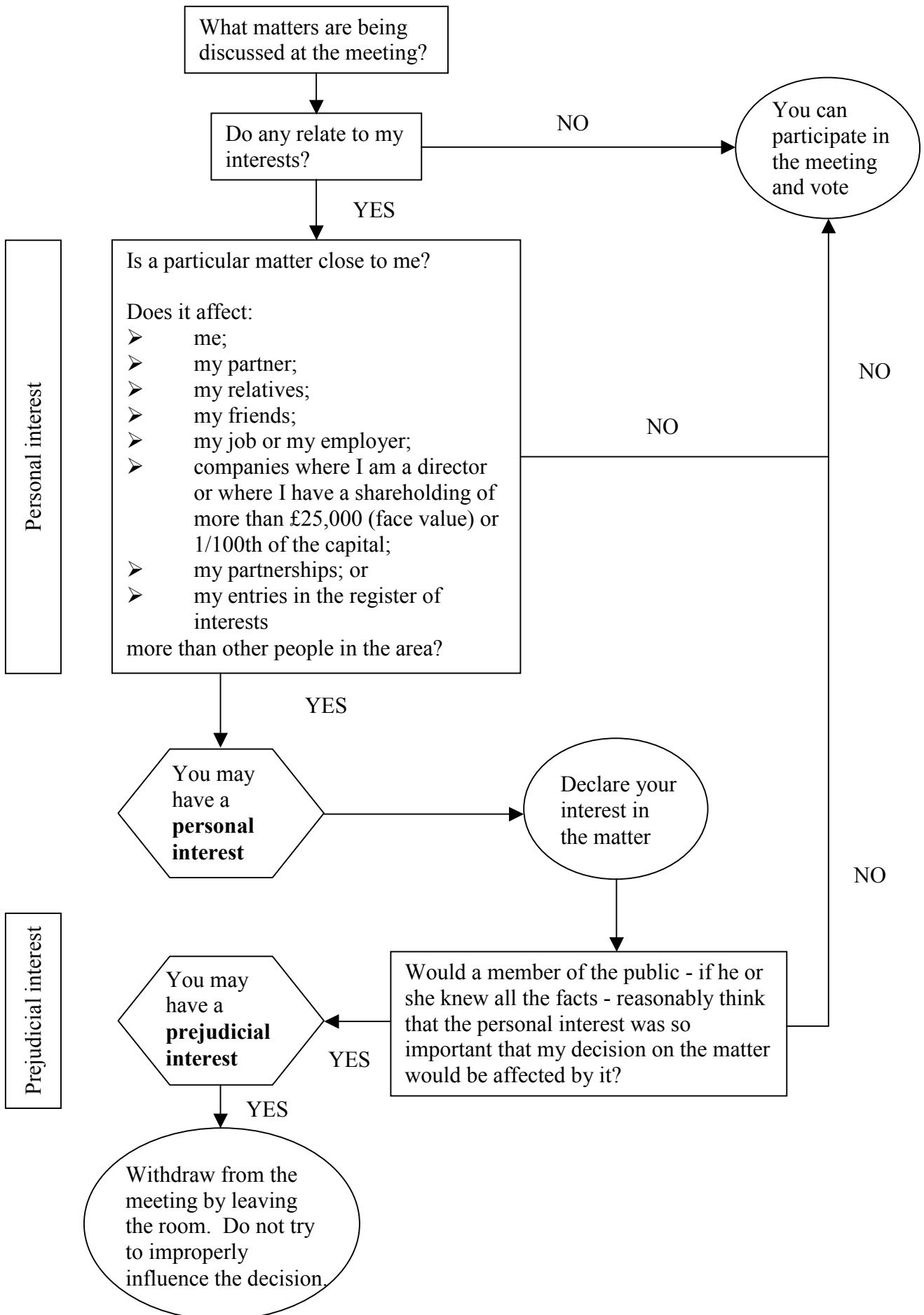
6. EXCLUSION OF THE PRESS AND PUBLIC

TO CONSIDER PASSING A RESOLUTION UNDER SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972, EXCLUDING THE PRESS AND PUBLIC FROM THE MEETING FOR ANY ITEMS OF BUSINESS LISTED ON PART 2 OF THE AGENDA ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN THOSE PARAGRAPHS OF PART 1 OF SCHEDULE 12A TO THE ACT, AS ARE LISTED ON THE AGENDA

(Please note there are no items due to be considered in Part 2 of the agenda unless any item is transferred from Part 1)

A

DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF



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LICENSING COMMITTEE - 30.1.2006

B**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE
HELD ON MONDAY, 30 JANUARY 2006****COUNCILLORS**

PRESENT	John Boast (Chairman), Bambos Charalambous, Andreas Constantinides, John Egan K.S.G, Norman Ford, Vivien Giladi, Penny Heathwood, Alex Mattingly, Terence Smith and Ann Zinkin
ABSENT	Chris Bond, Jayne Buckland, Annette Dreblow, Robert Hayward and Anne-Marie Pearce
CO-OPTED	(none)
OFFICERS:	Ray Brewer, Sue McDaid (Environmental Health & Regulation) and Charlotte Palmer

1127**WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Boast, welcomed everyone to the meeting.

1128**APOLOGIES FOR ABSENCE**

NOTED that

1. Apologies for absence had been received from Councillors Bond and Dreblow.
2. Apologies for lateness were received from Councillors Zinkin, Heathwood, Constantinides, Giladi and T Smith.

1129**DECLARATIONS OF INTEREST**

There were no declarations of interest made.

1130**MINUTES**

RECEIVED the Minutes of the last meeting that was held on 19th April 2005.

RESOLVED that these Minutes be confirmed as a correct record and signed.

1131**EXTENSION OF CONTROLLED ALCOHOL ZONES**

LICENSING COMMITTEE - 30.1.2006

RECEIVED the report of the Director of Environment, Street Scene and Parks (No. 288) proposing the introduction of new controlled alcohol zones and noting that the Licensing Committee had delegated power to agree the extension of controlled alcohol zones, subject to a statutory consultation process.

NOTED

1. That the current proposals excluded Trent Park as there were yet a few issues to be resolved.
2. The explanation of the five-phase approach to implementation of the zones.
3. The phase 1 proposal to introduce a rough guide of 100m radius zone around London Underground and rail stations, stretched to include any nearby licensed premises.
4. The intention to include some parts of the Welsh Estate, subject to receipt of evidence of need from the Police.
5. The boundaries of open spaces and parks would constitute the zone boundaries.
6. The recommendations as set out in paragraph 2 of the report.
7. Councillor Charalambous' request that Palmers Green Station be included in the proposals.
8. An explanation of the figures in brackets on pages 17 – 18. These were the number of access points where notices would be posted.
9. The typographical error on page 10 of the report. The sentence should read '....Great Cambridge Road to the Hertford Road'.
10. Any minor amendments to the zones could be actioned under Delegated Powers.
11. It was anticipated that implementation of the first phase would be by the Spring of this year. Consultation on all five phases would be carried out simultaneously with the erection of signs prioritised over intervals of weeks rather than months.
12. The concerns raised by Councillor Mattingly that the Police might not have the resources to cope with an extension to the controlled alcohol zones. It was understood that Police support was sought before the implementation of any of the proposed zones.
13. Councillor Mattingly asked whether there was a need for a Byelaw rather than an extension of these zones throughout the borough. It was confirmed that the need for these zones was evidence based with 'hot spots' identified.
14. Councillor Egan raised the issue of signage and said that the current wording did not reflect the powers of the Community Police Support Officers. Officers undertook to address this issue.

RESOLVED that

- (1) The contents of the report be noted;
- (2) The introduction of the recommended controlled alcohol zones be agreed; and

LICENSING COMMITTEE - 30.1.2006

- (3) The new controlled alcohol zones include the area around Palmers Green Station.

1132

MONITORING THE COUNCILS LICENSING FUNCTIONS

RECEIVED the report of the Director of Environment Street Scene and Parks (No. 289) providing information and identifying activities undertaken to discharge the Council's licensing functions for the period 1 January 05 to 31 December 05.

NOTED

1. The typographical error on 2.1 of the report. Replace 'Panel' with 'Committee'.
2. A future report would be submitted to the Committee with further statistics and information.
3. Reports 288 and 289 would be considered at the next meeting of the Environment Parks and Amenities Scrutiny Panel on 7th February. This was welcomed by the Chairman.
4. In answer to a question put by Councillor Charalambous, it was confirmed that Officers were preparing for the new Gambling Act. A draft policy would be in place by Summer 06 after being considered at this Committee by April/May.
5. Officers clarified the analysis samples as set down on page 10 of the report. Officers undertook to prepare a more in-depth analysis for consideration at the next meeting of this Committee.
6. Councillor Mattingly referred to the Amusement with Prizes Permits (AWP machines) as set down in paragraph 4.7 of the report. It was clarified that Officers would not normally refer the presence of one or two machines to the Licensing Panel for their consideration. AWP machines could not legally be placed in premises that did not sell alcohol.
7. Councillor Egan explained the background of why one application had been referred back to the Local Authority.
8. It was Councillor Constantinides wish that should a high number of Local Authority Licensing decisions be overturned at appeal, Officers should compare Enfield's policies with those of other Authorities to see whether ours could be strengthened.
9. Officers undertook to investigate the most appropriate way of communicating with Licensing Panel Members reasons why any applications they had heard, had been over turned on appeal.

RESOLVED that

- (1) Those decisions delegated to officers in respect of AWP machines be the subject of regular reporting to the Licensing Committee;
- (2) The Licensing Committee receives feedback on Local Authority licensing decisions overturned by Appeal with a view to strengthening any areas of weakness within the licensing process;

LICENSING COMMITTEE - 30.1.2006

- (3) A further meeting of this Committee be arranged to take place before the end of the current Municipal Year; and
- (4) A vote of thanks was extended to all Officers within the Licensing Team on the efficient way they had carried out their difficult and heavy duties over the past twelve months. The Chairman also personally thanked those Members who had sat on the many Licensing Panels that had taken place over the past months.

MUNICIPAL YEAR 2005/2006 REPORT NO. **328**

MEETING TITLE AND DATE:

Licensing Committee
16 March 2006

REPORT OF:

Director of Environment, Street
Scene and Parks

Agenda – Part: 1	Item: 5
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<p>Subject: Monitoring Report on the Premises Licences issued under the Licensing Act 2003</p>

<p>Wards: All</p>

<p>Cabinet Member consulted:</p>

Contact officer and telephone number:

Sue McDaid 0208 379 3680

E mail: sue.mcdaid@enfield.gov.uk

1. EXECUTIVE SUMMARY

1.1 This report provides information concerning:

- (i) The categories, opening times and geographical distribution of premises licences granted under the Licensing Act 2003; and
- (ii) The impact upon crime and disorder, live music and dancing and
- (iii) Information about appeals lodged against licences determined by the licensing authority

2. RECOMMENDATIONS

2.1 That the Licensing Panel notes the report.

2.2 That the report be submitted to the Planning Committee to provide information regarding licensed premises as required by the guidance issued under section 182 of the Licensing Act 2003.

3. INTRODUCTION: LICENSING ACT 2003 - PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3.1 The Licensing Act 2003 was enacted on 7 February 2005 and came into force on 24 November 2005. It brought together a number of licensing regimes. Previously, separate licences were required for the sale of alcohol, late night refreshment and various entertainments. The Act requires the licensing of premises for the:

- Provision of alcohol,
- Provision of late night refreshment; namely the supply of hot food or hot drink between 2300 and 0500 hours, and
- Regulated entertainment namely:
 - The performance of a play
 - An exhibition of a film
 - An indoor sporting event
 - Boxing or wrestling entertainment
 - A performance of live music
 - Any playing of recorded music
 - A performance of dance
 - Or entertainment of a similar description to live music, recorded music or dance

3.2 Licensing authorities must carry out their functions with a view to promoting four licensing objectives. These are:

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

3.3 Licensing authorities must decide applications in connection with premises licences and club premises certificates on the basis of the steps it considers necessary to promote these objectives having considered any representations made by the responsible authorities (such as the Police, Fire Brigade, Trading Standards, Environmental Health, Planning and Child Protection Services) and interested parties (residents and businesses in the vicinity).

4. THE CATEGORIES, OPENING TIMES AND GEOGRAPHICAL DISTRIBUTION OF PREMISES LICENCES GRANTED

4.1 Figure 1 in Appendix A shows the location of licensed premises by the type of premises and shows that there are concentrations of premises along the major roads in the borough such as Hertford Road, Green Lanes, Cockfosters and Enfield Road and the roads in Enfield Town and Southgate Circus.

4.2 Figure 2 in Appendix A shows the location of licensed pubs and clubs in the borough. The highest concentration of these premises as shown by red hotspots on the map are Enfield Town, Chase Side Enfield, Southgate Circus, Church Street and Hertford Road in Edmonton, around the junction of

Hertford Road and Southbury Road in Ponders End and on Hertford Road at Enfield Highway and at Turkey Street.

- 4.3 The highest concentration for all licensed premises (as shown in figure 3 of Appendix A) is in Southgate Circus, Enfield Town, Hertford Road at Enfield Highway and at Turkey Street and Green Lanes.
- 4.4 Figure 4 in Appendix A shows that the majority of premises (72%) of premises applied to only convert their licences. 28% of premises applied to vary their licence (this figure also includes new applications for premises).
- 4.5 Figure 5 in Appendix A shows the closing times of the licensed premises in hourly periods and their locations and Figure 6 shows this information in a graph. 31% of licensed premises are closed by 2300 hours, 57% of premises are closed by 0000 hours and the vast majority of premises (91%) are closed by 0100 hours. 2% of premises are licensed to open 24 hours.
- 4.6 Figure 7 in Appendix A shows the closing times for premises which only converted and those that varied (or were new applications). 23% of all premises that varied or applied for new licences are closed by 0000 hours, 69% by 0100 hours and 86% by 0200 hours.
- 4.7 Figures 8 to 16 in Appendix A show the number and location of premises' closing times banded in hourly periods.

5. IMPACT OF THE LICENSING ACT ON CRIME AND DISORDER AND ON LIVE MUSIC AND DANCING

5.1 Live Music and Dancing:

- 5.1.1 The guidance issued under section 182 of the Licensing Act 2003 requires that Licensing Authorities should monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. The guidance advises that 'care is needed to ensure that only necessary, proportionate and reasonable licensing conditions impose any restrictions on such events. Where there is any indication that such events are being deterred by licensing requirements, statements of licensing policy should be re-visited with a view to investigating how the situation might be reversed. '
- 5.1.2 Consideration has therefore been given to the impact of the Licensing Act on live music and dancing. However, it is not yet possible to measure this impact because it is not known how many of the pubs and private members clubs provided such entertainment previously. Prior to the introduction of the Licensing Act pubs were permitted to have up to two live performers without the need for a public entertainment licence. It is not known how many of the 129 pubs in the borough utilised this provision. Twenty-two of these pubs also had public entertainment licences so could provide dancing and more than two live performers. Private members clubs were not required to hold a licence for live music and dancing so the numbers of such clubs providing this entertainment is unknown.

5.1.4 It will however be possible to compare the numbers of premises providing live music and dancing year on year from the end of this year.

5.1.5 The table below provides information for future comparison of the numbers of pubs/bars/night clubs and other types of club now providing live music and/or dancing and/or performance of dance.

Premises Type	Total Number of premises in borough	Total licensed for live music and dancing (PEL) prior to 24/11/05	Number licensed for live music and/or dancing and/or dance performance after 24/11/05
Pubs, bars and night clubs	@129	22	70
Clubs (private members, tenants associations, sports and social clubs not church or school halls)	@163	Not applicable/not known	62

5.2 Crime and Disorder:

5.2.1 The guidance issued under section 182 of the Licensing Act 2003 requires that licensing committees provide regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

5.2.2 It is too soon to make useful comparisons of crime and disorder before and after the implementation of the Act. However, figure 17 in Appendix A shows the reports of noise and other complaints received by the Licensing authority and crime and disorder statistics from the police for November to January 2004 and 2005. The data for Hertford Road and Fore Street for the period 1/11/05 to 8/1/06 is still being verified.

5.2.3 One premises in Enfield has seen an increase in the number of reports of crime/disorder and complaints and is now the subject of formal action.

6. APPEALS

6.1 There have been 20 appeals against the licensing panel’s decisions lodged to date. Of which:-

- 5 have been heard of which the magistrates:
 - Upheld the Licensing Committee’s decision in 2 appeals

- Amended the Licensing Committee's decision in 3 appeals by extending the opening hours and removing some of the conditions which had been attached to the licence
- 6 have been withdrawn by the applicants/interested party
- 3 were negotiated and therefore the appeals did not proceed
- 6 are yet to be heard; 3 of which are scheduled for hearing in May 2006 and the other hearing dates are not yet set.

6.2 Appendix B contains a table showing details of the appeals lodged.

7. BACKGROUND

Not applicable

8. ALTERNATIVE OPTIONS CONSIDERED

Not Applicable

9. REASONS FOR RECOMMENDATIONS

Not Applicable

10. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS

10.1 Financial Implications

Not Applicable

10.2 Legal Implications

Not Applicable

10.3 Property Implications

Not Applicable

11. PERFORMANCE MANAGEMENT IMPLICATIONS

Not Applicable

12. PUTTING ENFIELD FIRST

The Monitoring Report can be seen to contribute towards the following aim:

Aim 3: A safer Enfield to live, work, study and do business.

Background Papers

None

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LOCATION OF PREMISES LICENSES IN ENFIELD BY MAIN USE

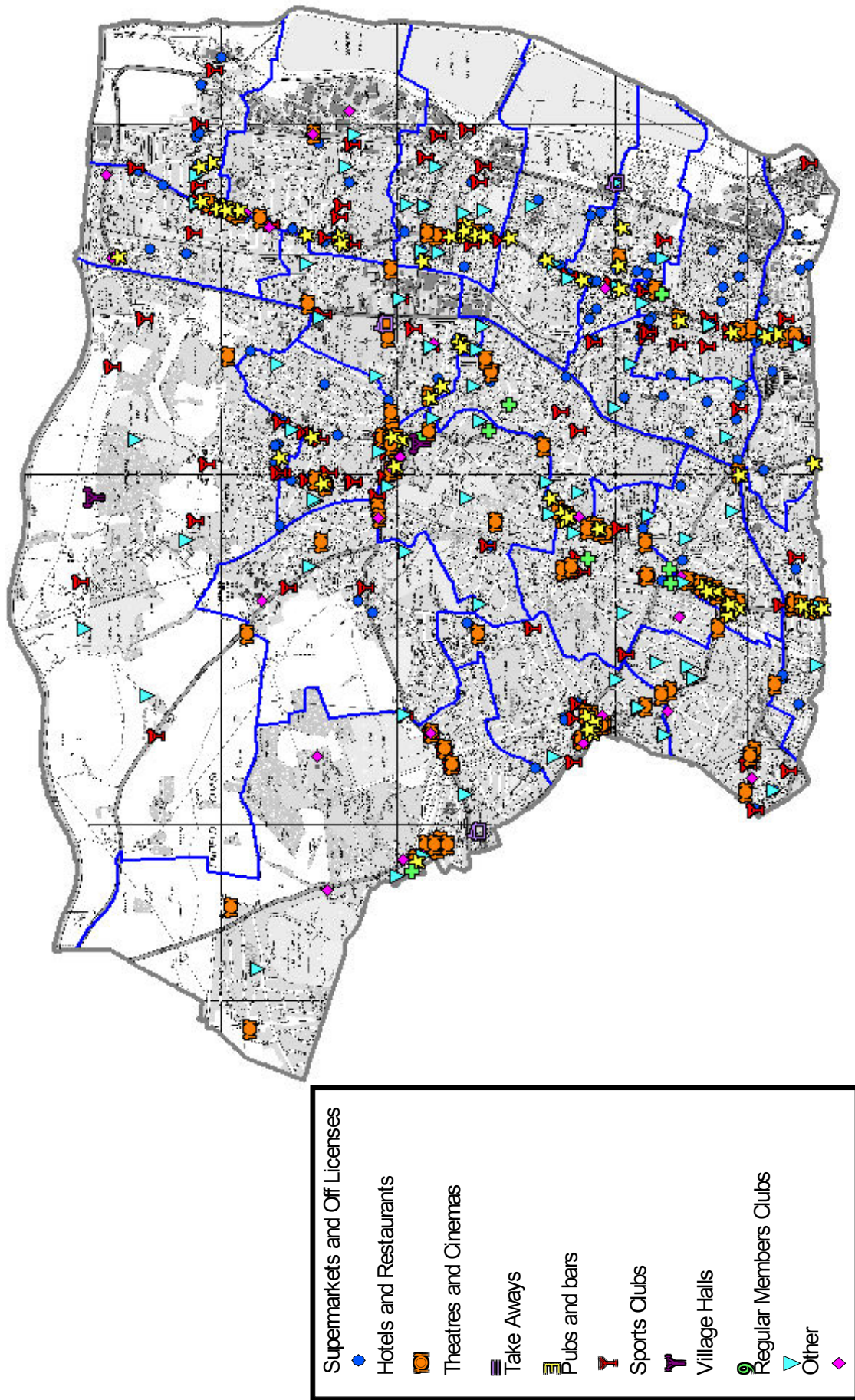
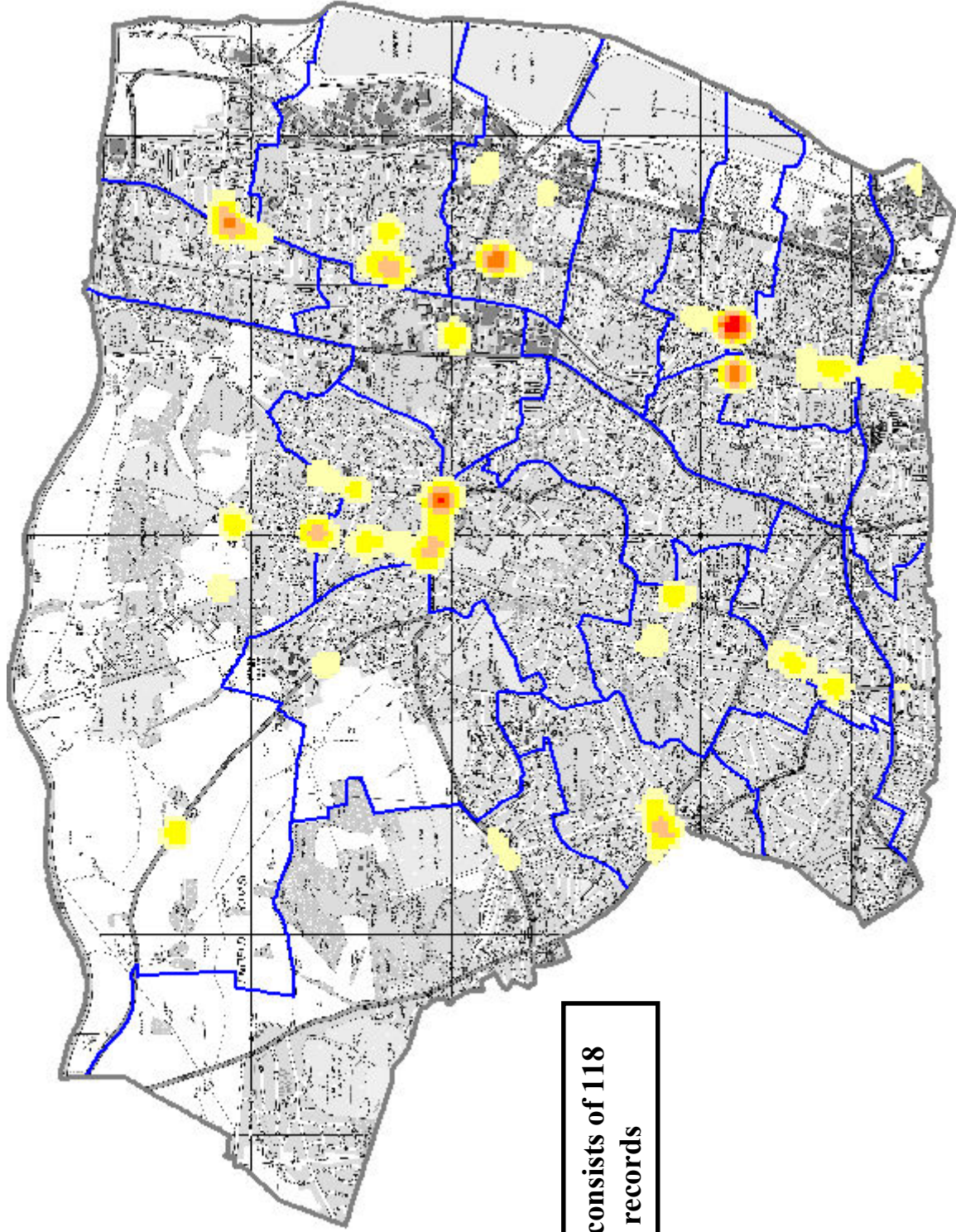


FIGURE 1

HOTSPOT MAP OF PUBS AND BARS IN ENFIELD



Map consists of 118 records

FIGURE 2

HOTSPOT MAP OF ALL PREMISES LICENSES IN ENFIELD

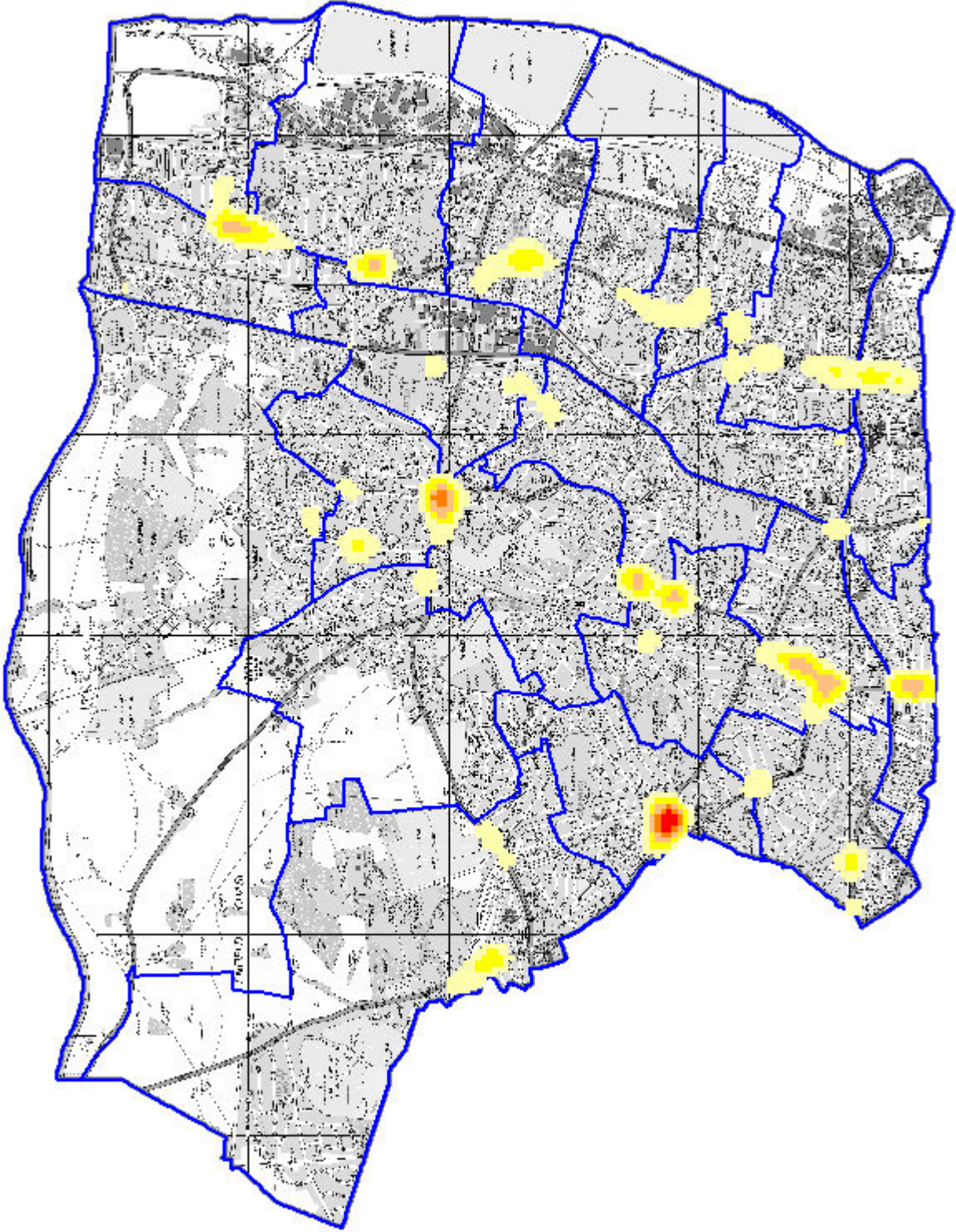
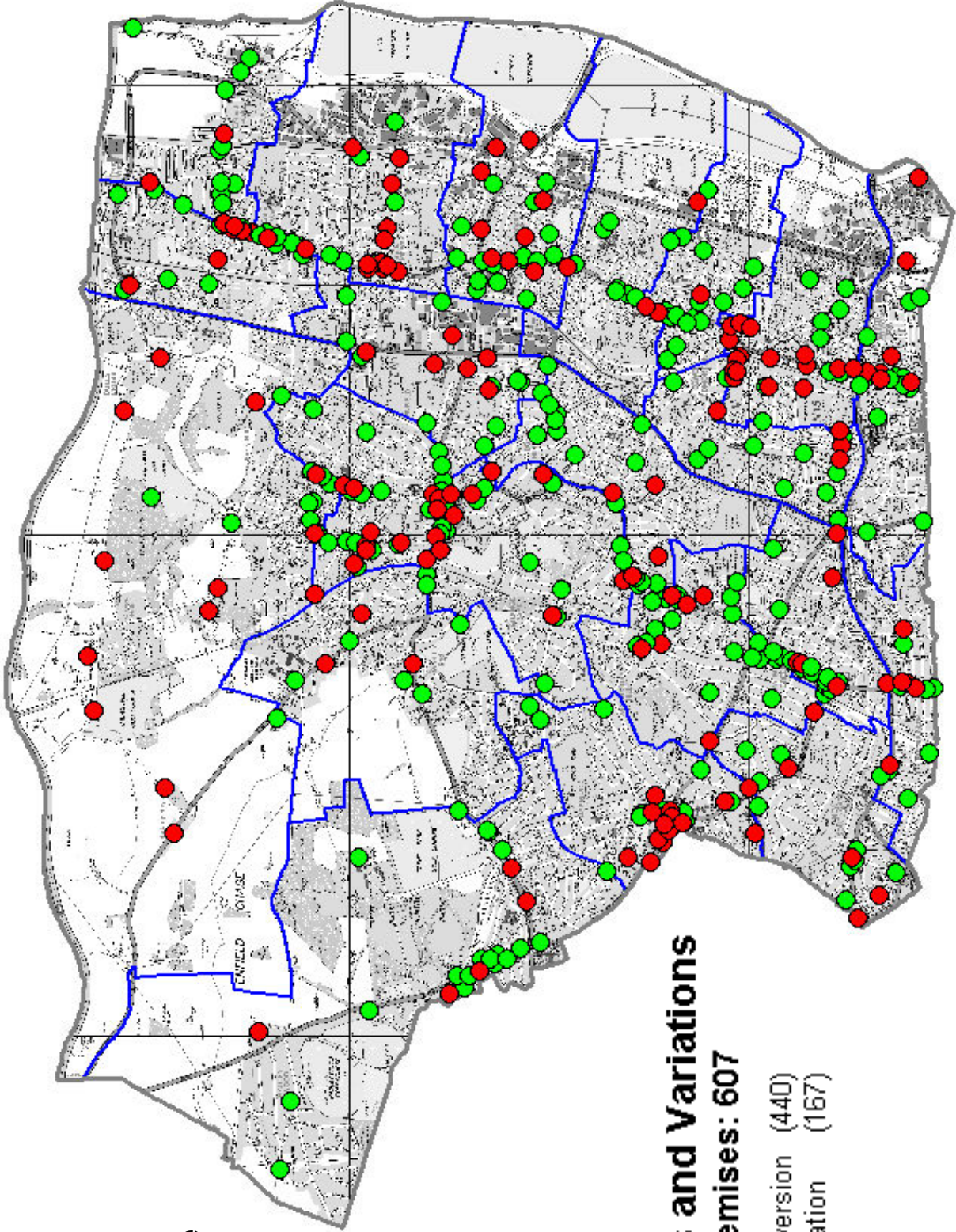


FIGURE 3

PREMISES LICENSES

28% of Premises Licence holders have varied their hours (licence in some way) since.

72% have not varied at all.



**Conversions and Variations
Total Premises: 607**

- Conversion (440)**
- Variation (167)**

FIGURE 4

CLOSING TIMES OF LICENSED PREMISES IN ENFIELD

Please note: All times are based on the closing time to the public on a Friday night.

#	24 Hours
#	06:01 to 07:00
#	04:01 to 05:00
#	03:01 to 04:00
#	02:01 to 03:00
#	01:01 to 02:00
#	00:01 to 01:00
#	23:01 to 00:00
#	22:01 to 23:00
#	21:01 to 22:00
#	20:01 to 21:00
#	18:01 to 19:00

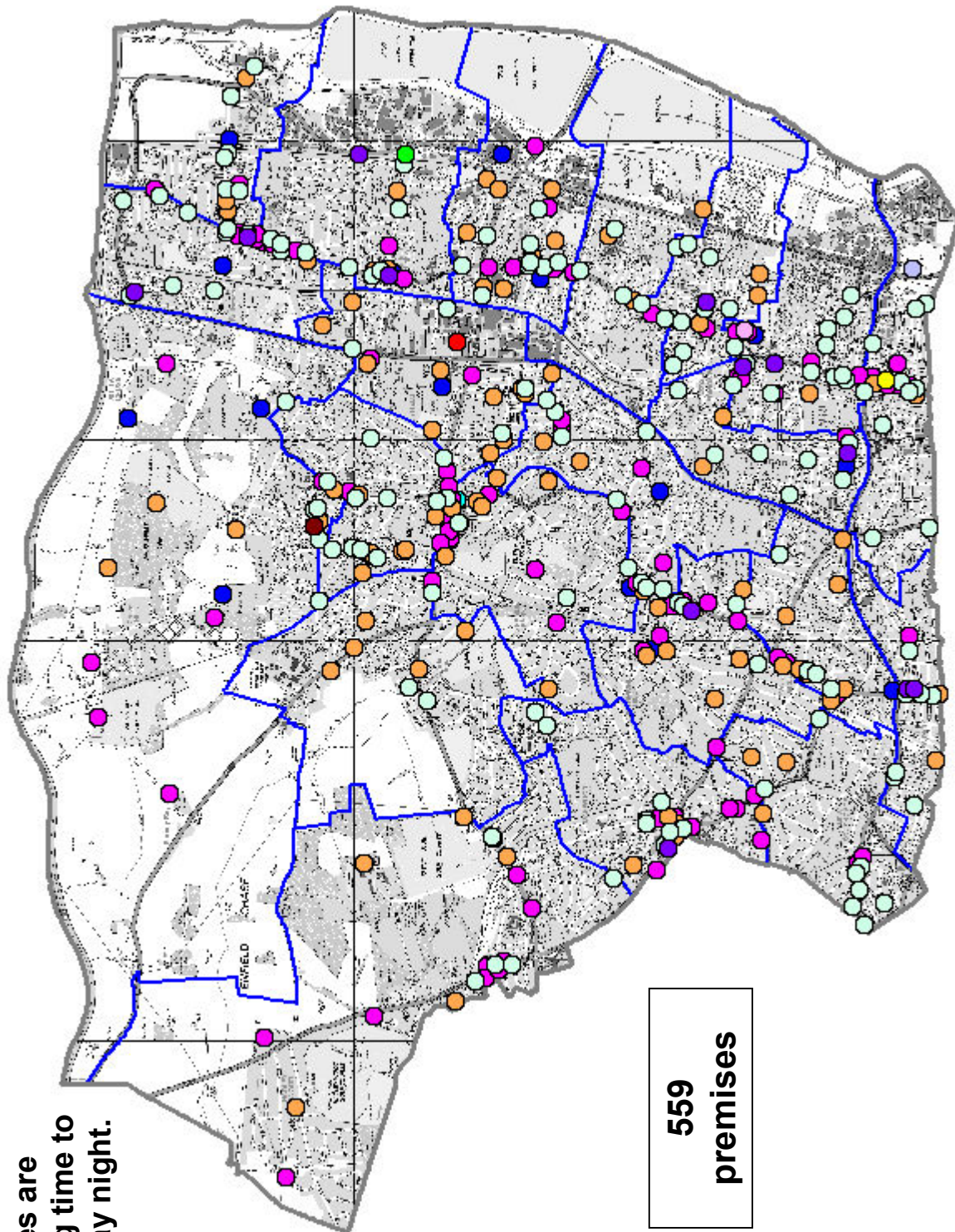


FIGURE 5

CLOSING TIMES OF LICENSED PREMISES IN ENFIELD

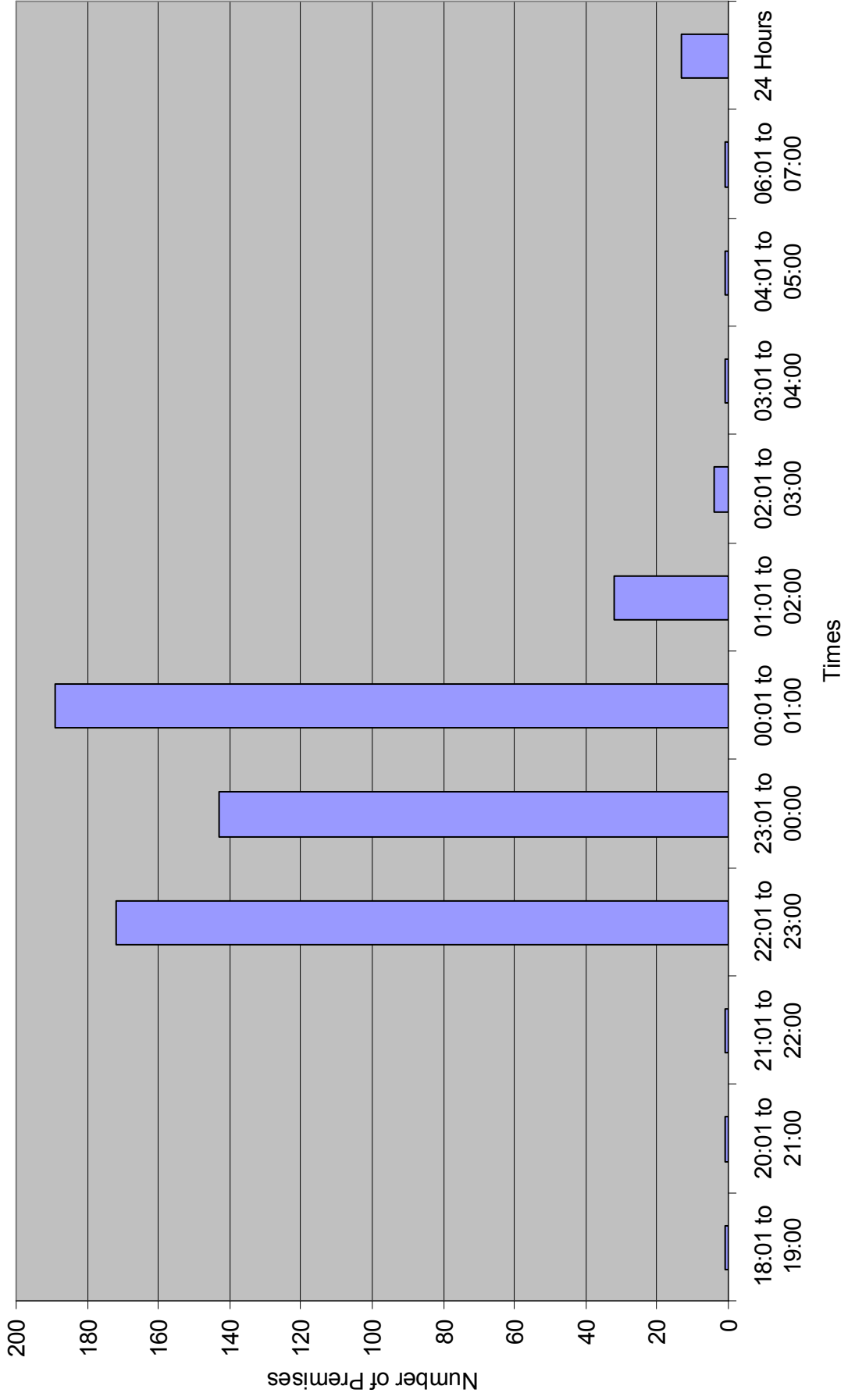


FIGURE 6

CLOSING TIMES FOR VARIED AND CONVERTED PREMISES IN ENFIELD

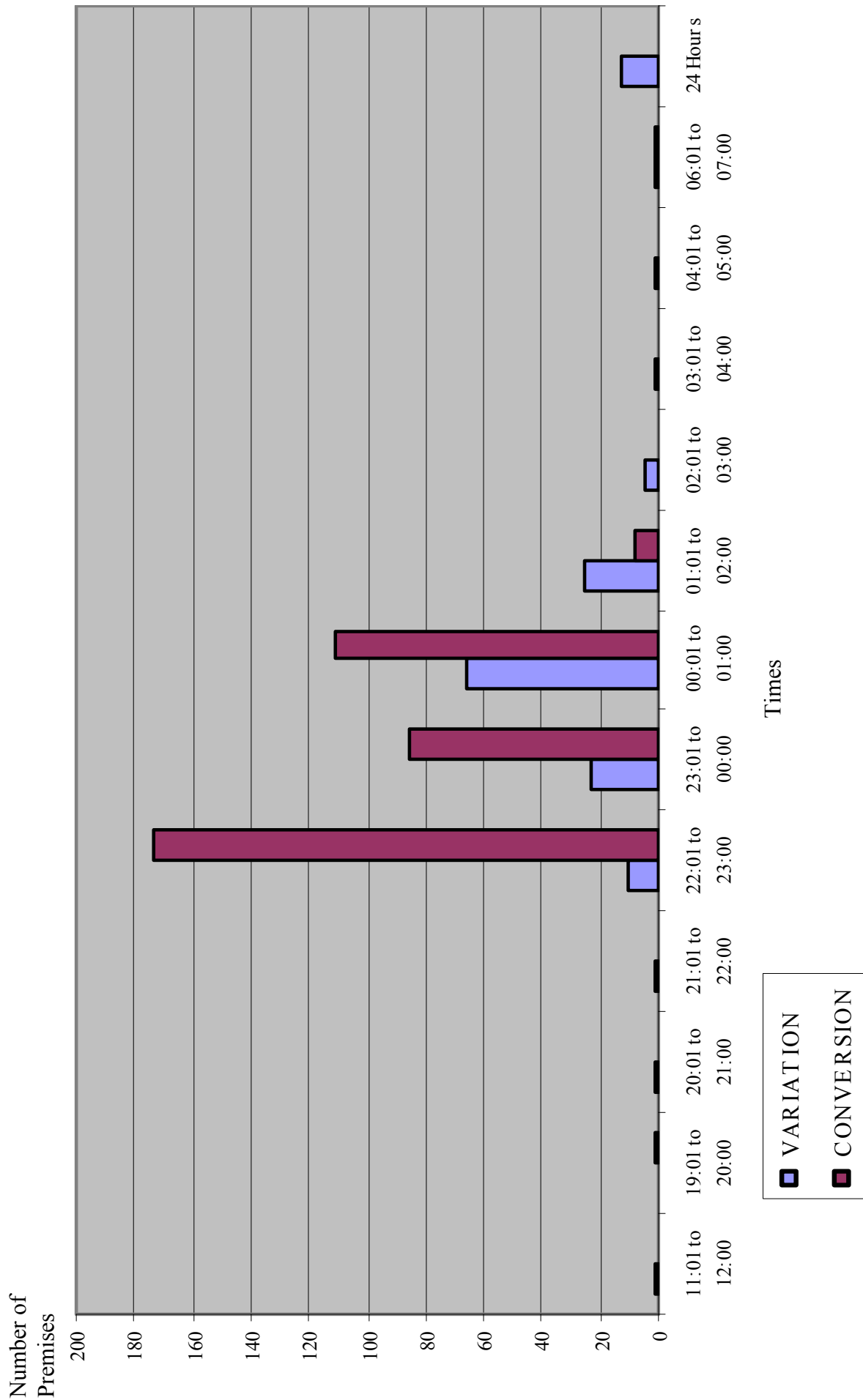


FIGURE 7

Premises Open 24 Hours

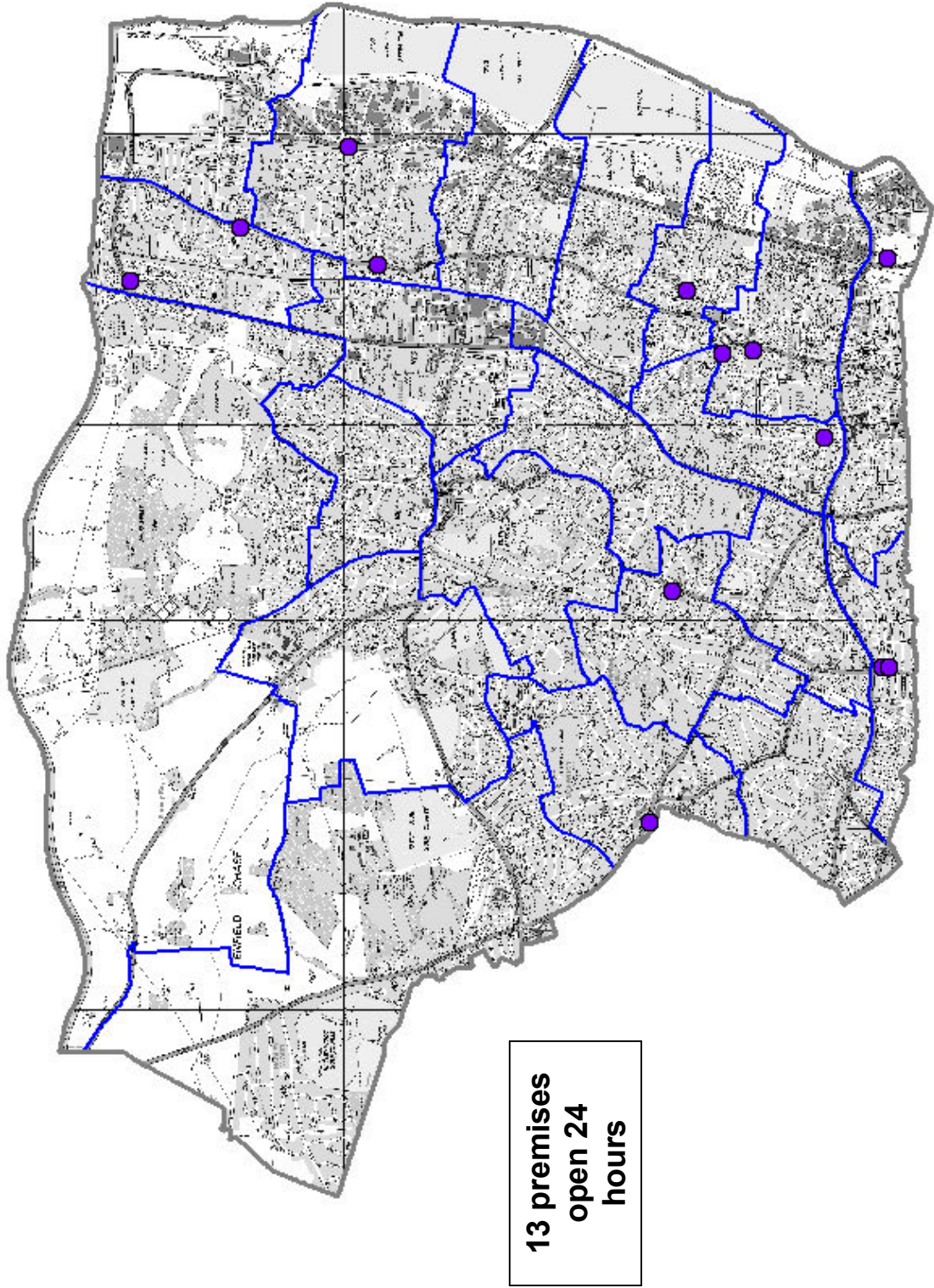
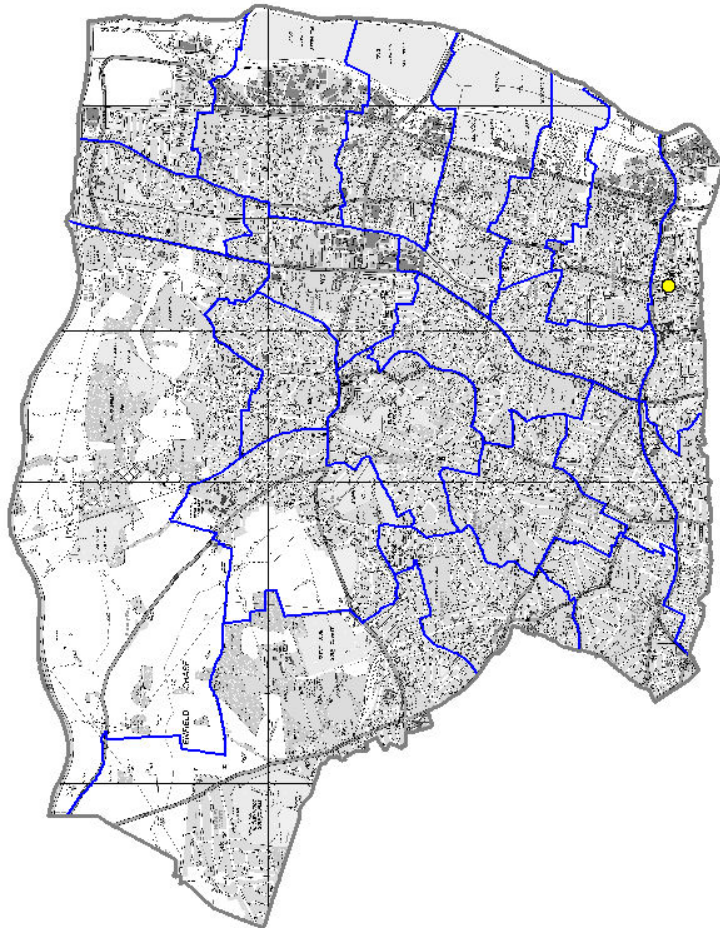


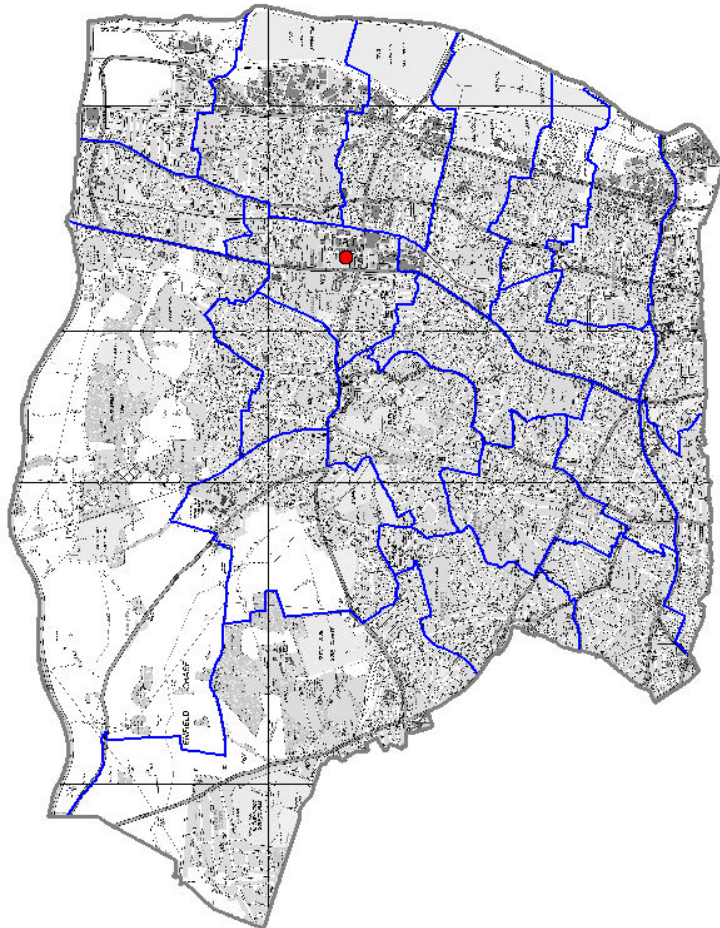
FIGURE 8

Closes between 04:01 to 05:00



Fore Street Snooker and Social Club

Closes between 06:01 to 07:00

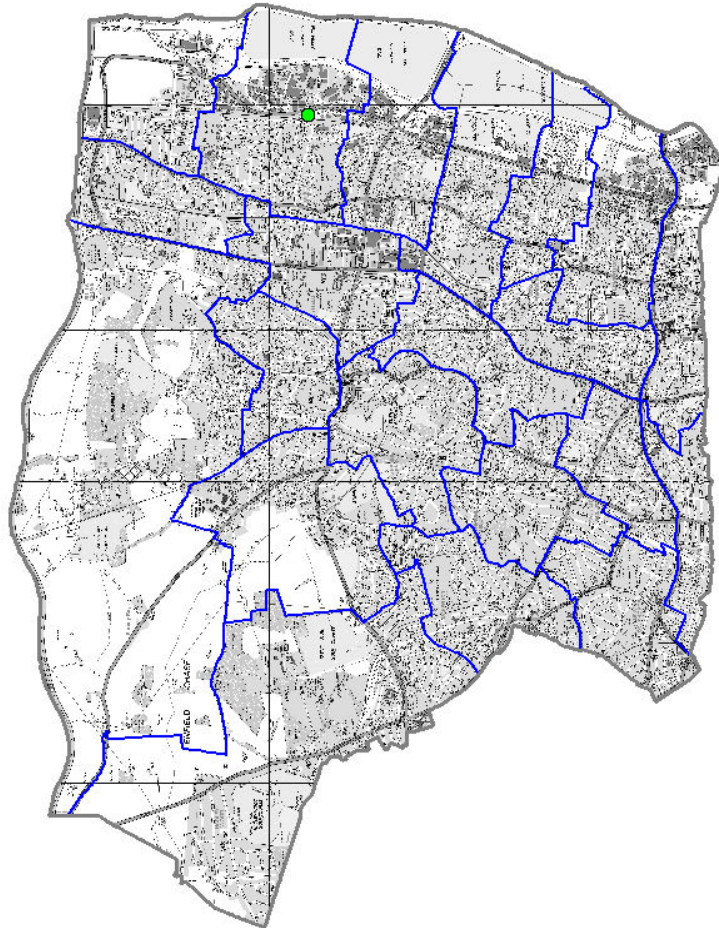


EROS

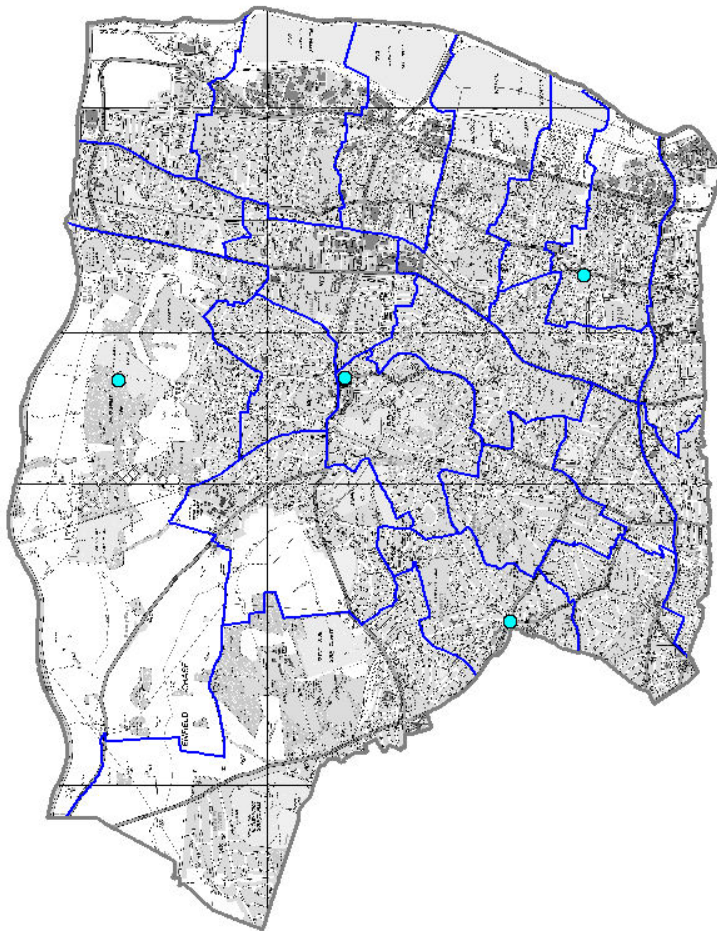
FIGURE 9

Closes between 02:01 to 03:00

Closes between 03:01 to 04:00



Brimsdwn Snooker Club



Whitewebbs Centre Ltd

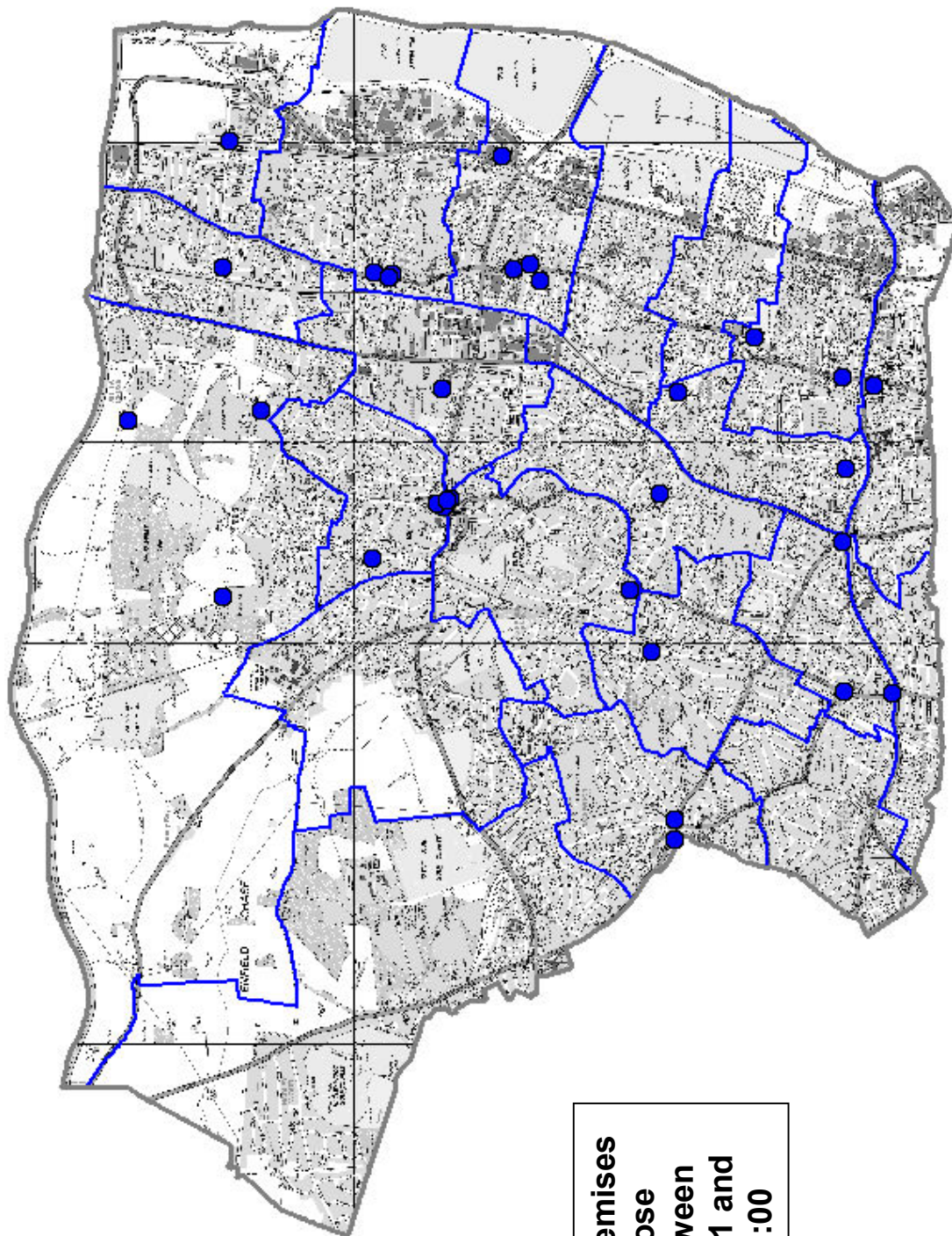
Rattlers Wine Bar

Aksu Restaurant

Southgate Kebab

FIGURE 10

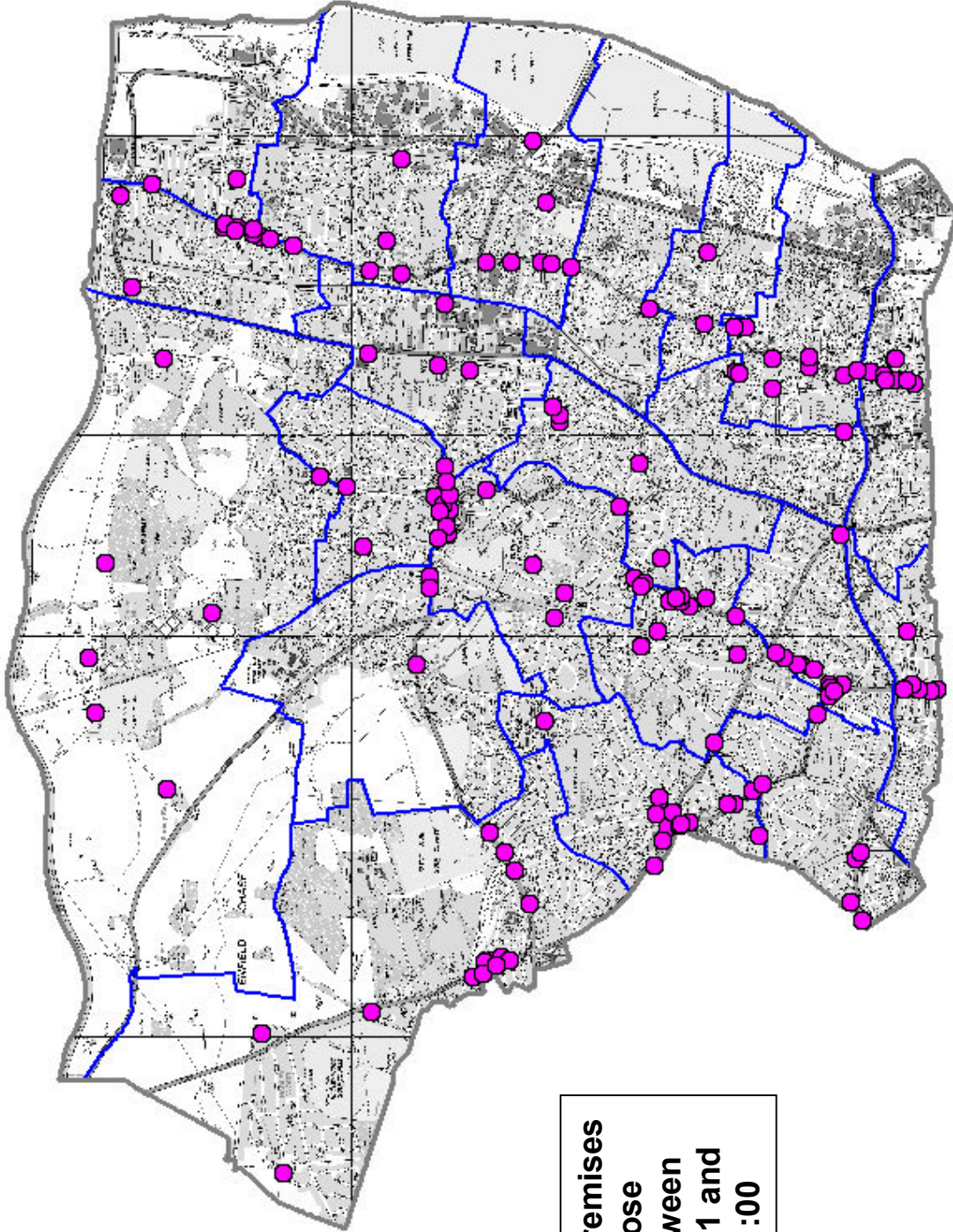
Closes between 01:01 to 02:00



32 premises
close
between
01:01 and
02:00

FIGURE 11

Closes between 00:01 to 01:00



189 premises
close
between
00:01 and
01:00

FIGURE 12

Closes between 23:01 to 00:00

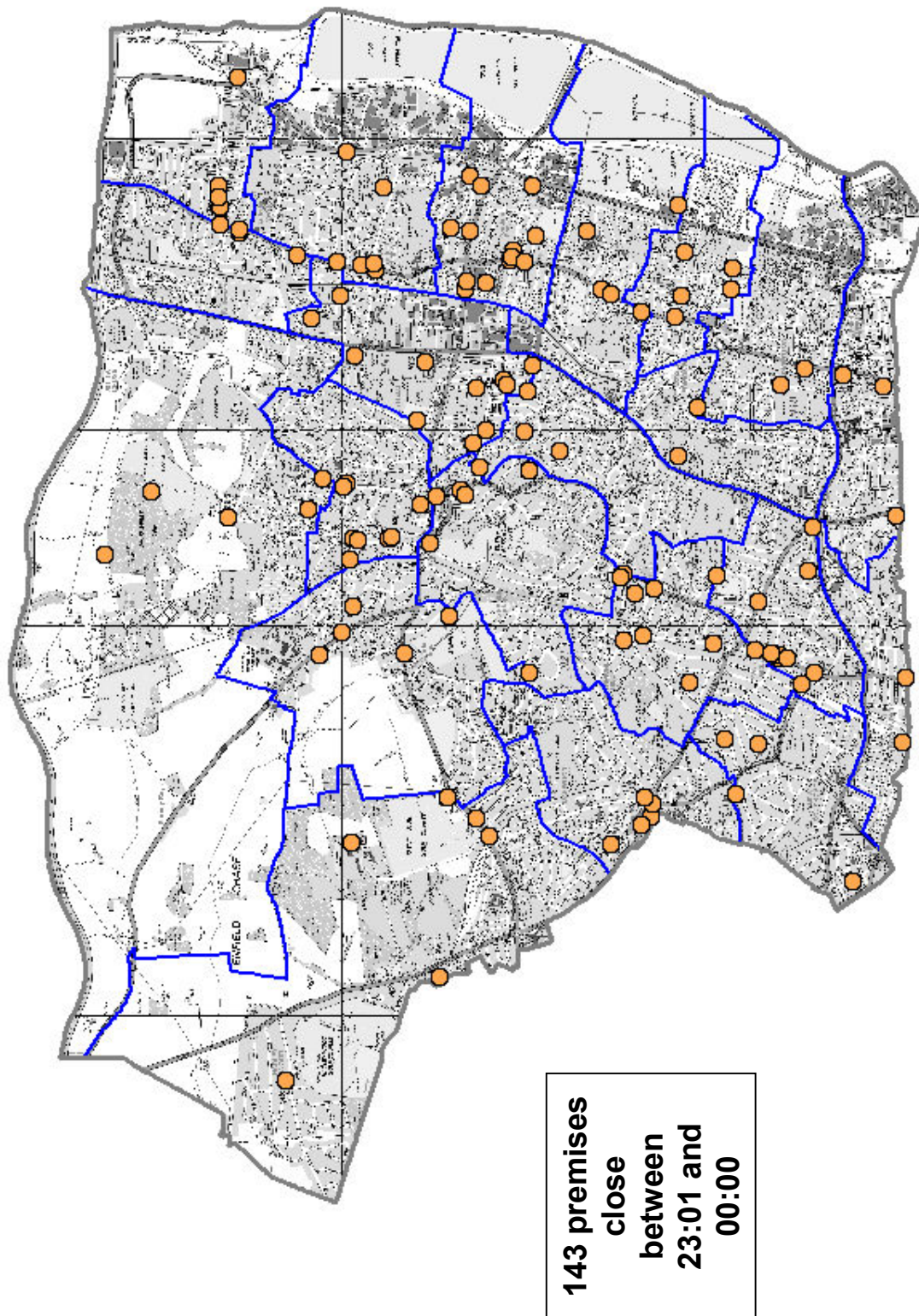


FIGURE 13

Closes between 22:01 to 23:00

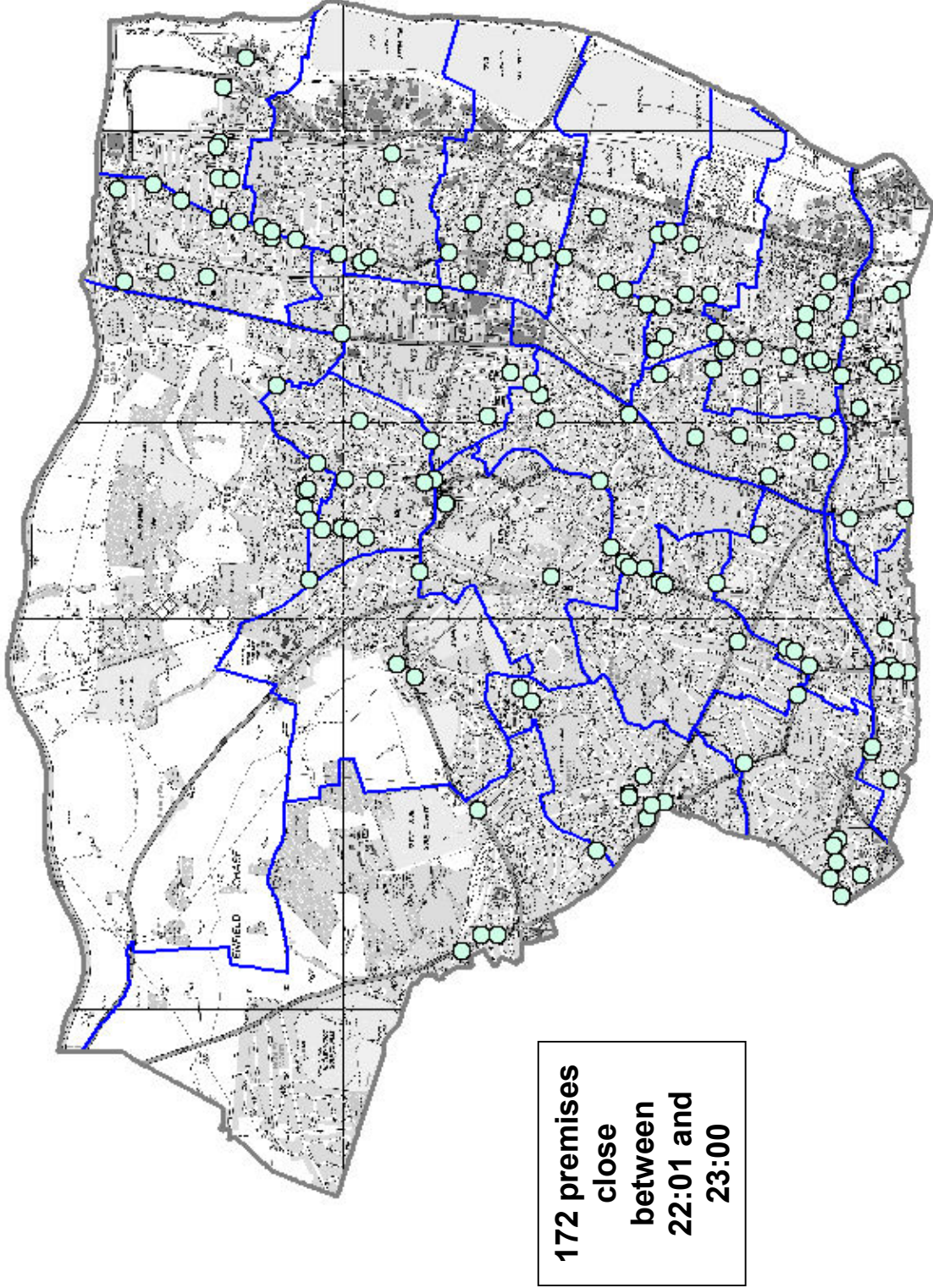
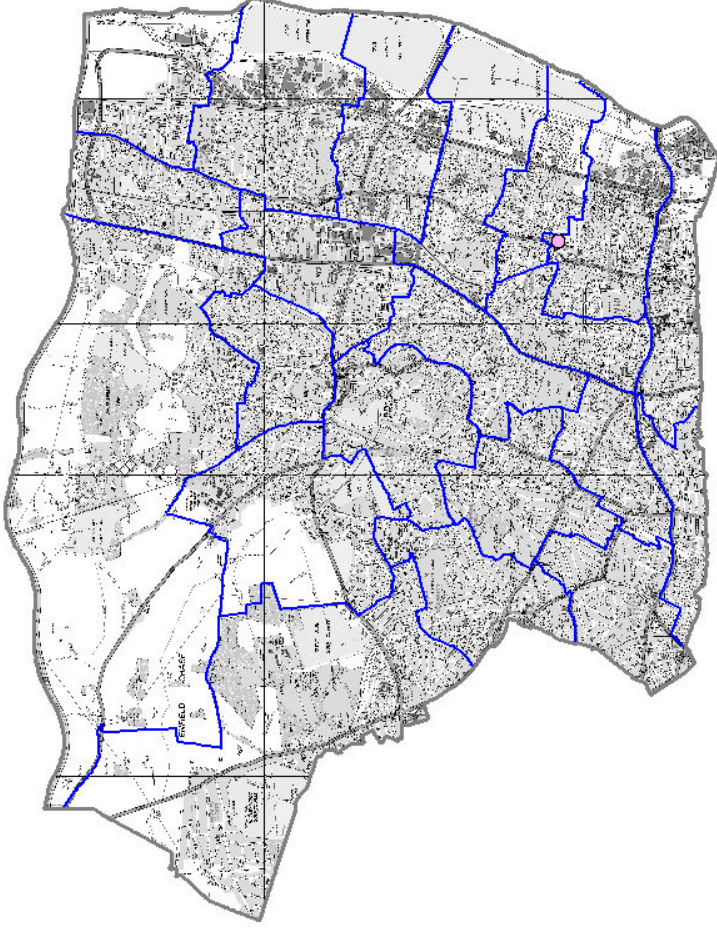


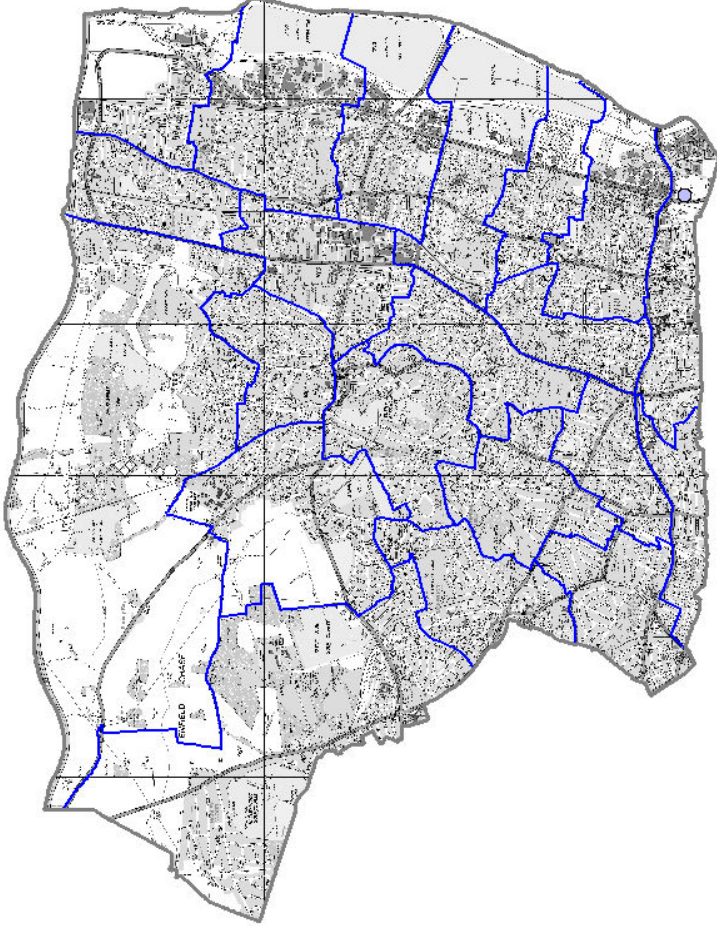
FIGURE 14

Closes between 20:01 to 21:01



Tesco (shop floor and offices), North Mall, Edmonton

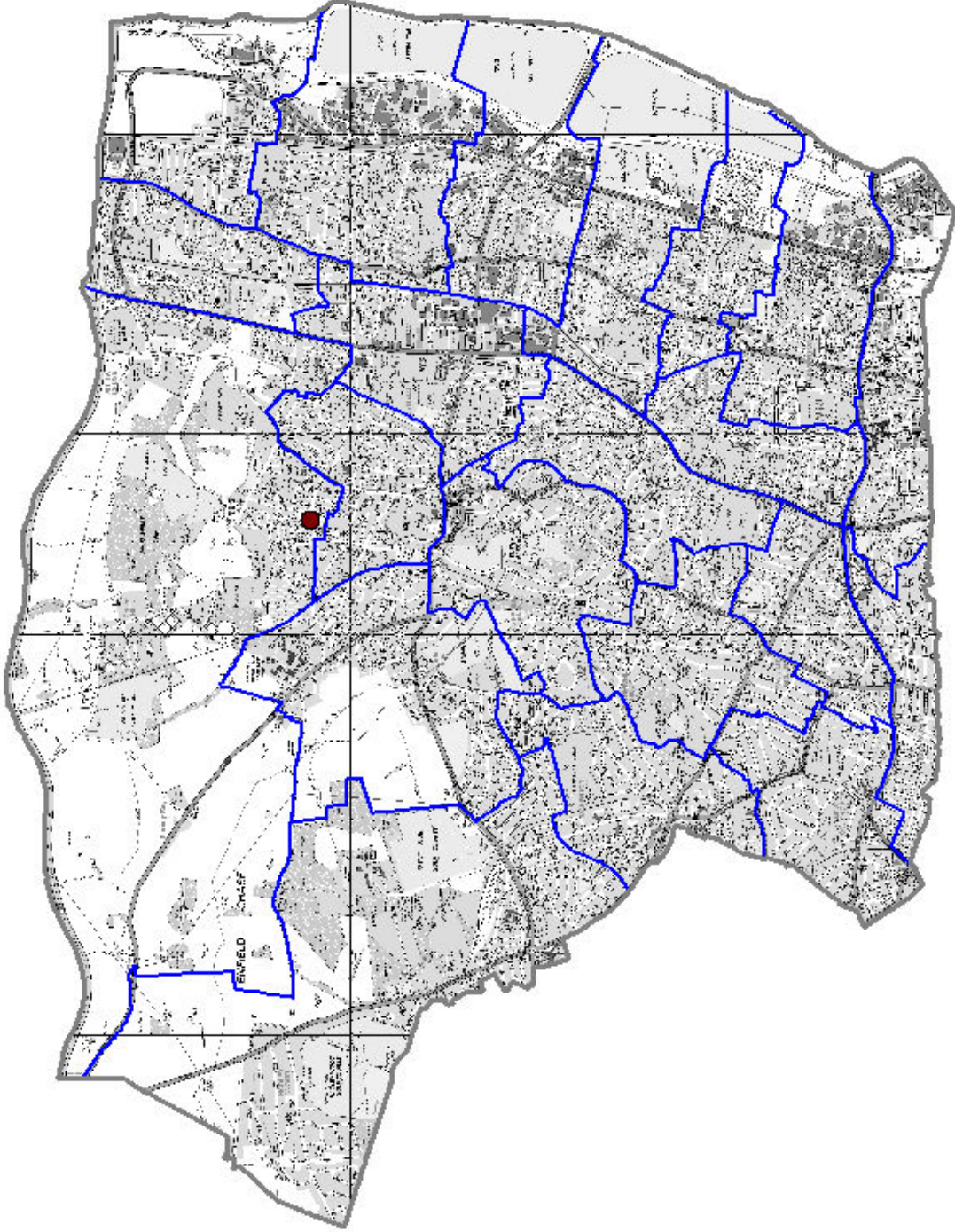
Closes between 21:01 to 22:00



IKEA

FIGURE 15

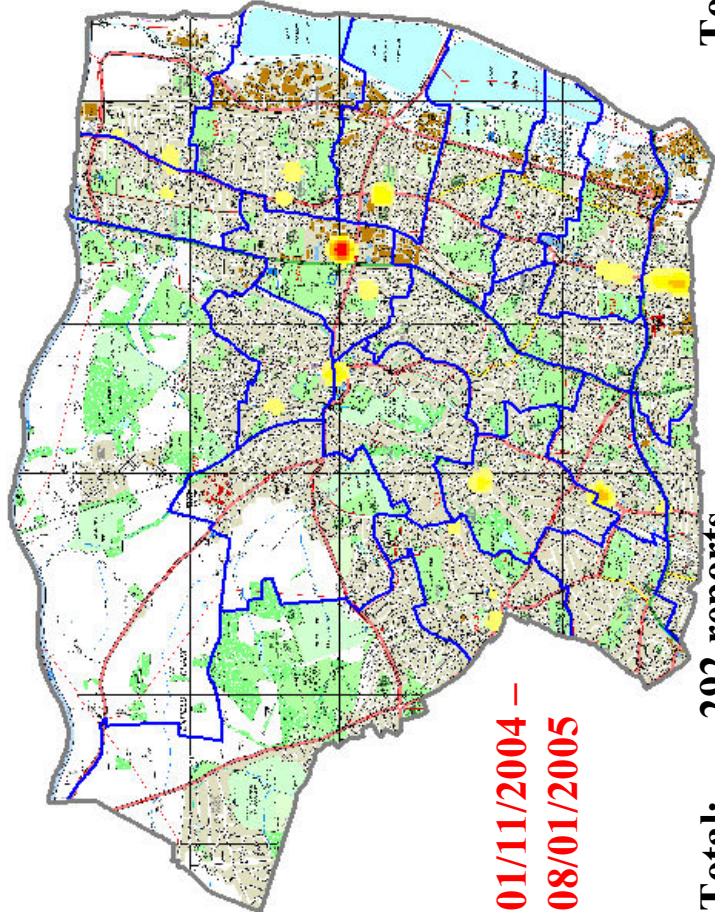
Closes between 18:01 to 19:00



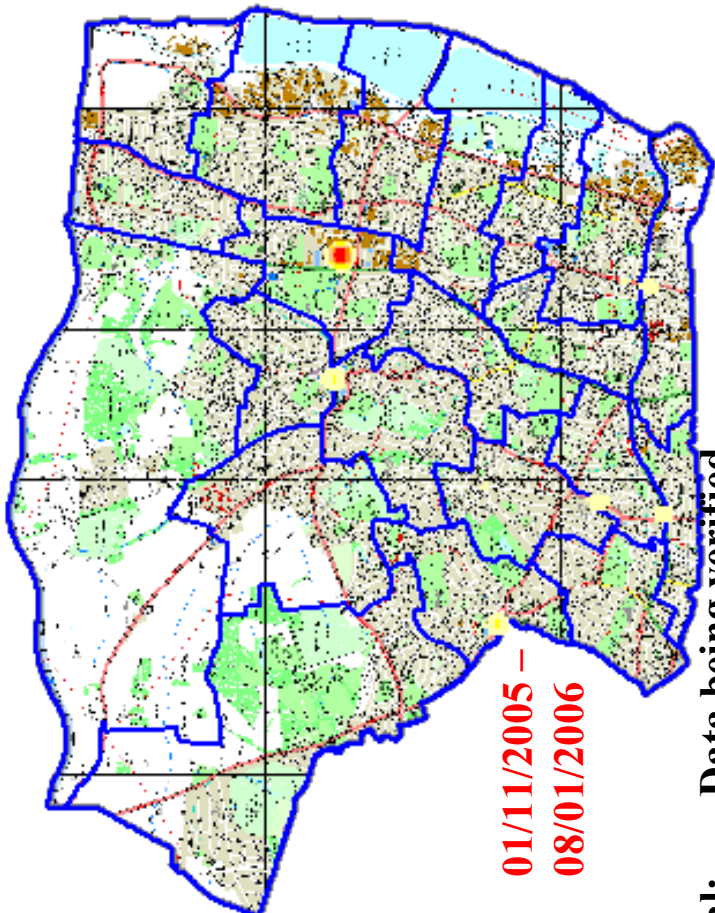
Flower, Lancaster Road

FIGURE 16

Licensed Premises Comparison 2004 with 2005



Hertford Road / Fore Street	36
A premises in Enfield	24
A premises in Palmers Green	14
A premises in Enfield	9
A premises in Southgate	5
A premises in Edmonton	2



Hertford Road / Fore Street	Data being verified
A premises in Enfield	62
A premises in Palmers Green	16
A premises in Enfield	15
A premises in Southgate	8
A premises in Edmonton	9

FIGURE 17 (Please refer to committee report for explanation)

APPENDIX B: Table showing information concerning the appeals lodged against the Licensing Committee's decisions

Premises	Ward	Responsible Authority involved	Interested parties involved	Result of Appeal
Jolly Farmers	Highlands	EH	√	Appeal Upheld – additional hours granted and some conditions removed and substituted
Kings Head	Town	EH, Police, Child Protection		Appeal Dismissed – no change to licence
Pymmes Park Inn	Edmonton Green	EH		Appeal withdrawn by applicant
Enfield Cricket Club	Bush Hill Park	EH	√	Appeal withdrawn by interested party
Hollybush	Chase	EH	√	Appeal withdrawn by applicant
Kennedys	Enfield Lock	Police		Appeal remitted back to LA
Merryhills	Cockfosters	EH		Appeal withdrawn – compromise agreement
Gilpins Bell	Upper Edmonton	EH, Police		Appeal Upheld – additional hours granted and some conditions removed
Moon Under Water	Town	EH, Police	√	Appeal withdrawn by applicant
New Crown	Southgate	EH, Police	√	Appeal Upheld – additional hours granted and some conditions removed
Woolpack	Southgate	Police, Trading Standards	√	Clarification required from applicant as to whether appeal proceeding
Beef and Barrel	Ponders End	EH, Police		Appeal withdrawn – compromise agreement
Picture Palace	Ponders End	EH		Appeal withdrawn – compromise agreement
IOs Bar and Restaurant	Southgate	EH, Police	√	Appeal withdrawn by applicant
The Old Bell	Town	EH, Police	√	Scheduled for hearing 8/5/06
Stag and Hounds	Bush Hill Park	EH, Police, Child Protection		Appeal withdrawn by applicant
Salisbury Arms	Winchmore Hill	EH, Police, Child Protection	√	Scheduled for hearing 25/5/06
Ridgeway Tavern	Highlands	EH, Child Protection	√	Scheduled for hearing 25/5/06 but date will need to be changed
Turkah Mustafa (personal Licence) Kimberley Grocers (premises Licence)	Upper Edmonton	Police, Trading Standards		Clarification required from applicant as to whether appeal proceeding

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