

# Public Document Pack



## LICENSING COMMITTEE

Wednesday, 9 July 2014 at 2.00 pm  
Council Chamber, Civic Centre, Silver Street,  
Enfield, EN1 3XA

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Councillors : Daniel Anderson, Alev Cazimoglu, Dogan Delman, Nesimi Erbil, Turgut Esendagli, Peter Fallart, Christine Hamilton, Doris Jiagge, Eric Jukes, Derek Levy (Chair), Vicki Pite, George Savva MBE, Toby Simon, Jim Steven and Glynis Vince

## AGENDA – PART 1

### 1. WELCOME AND APOLOGIES FOR ABSENCE

### 2. ELECTION OF VICE CHAIRMEN

To elect two members as Vice Chairmen for the 2014/15 Municipal year.

### 3. DECLARATION OF INTERESTS

Members of the Licensing Committee are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

### 4. MINUTES (Pages 1 - 4)

To receive and confirm the minutes from the last meeting of the Licensing Committee held on 10 December 2012.

### 5. LICENSING ACT 2003 - ENFIELD'S POLICY (REPORT NO. 29)

To receive the report of the Director of Regeneration and Environment to consider amendments to the Council's Licensing Policy before it is subject to full public consultation.

**TO FOLLOW**

### 6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, 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 moved to 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 amended by the Local Government (Access to Information) (Variation) Order 2006).  
(There is no part 2 agenda)

**LICENSING COMMITTEE - 10.12.2012****MINUTES OF THE MEETING OF THE LICENSING COMMITTEE  
HELD ON MONDAY, 10 DECEMBER 2012****COUNCILLORS**

**PRESENT** Derek Levy, Alan Barker, Yusuf Cicek, Andreas Constantinides, Dogan Delman, Christine Hamilton, Elaine Hayward and Toby Simon

**ABSENT** Chris Bond, Henry Lamprecht, Anne-Marie Pearce, Chris Murphy, Michael Rye OBE, George Savva MBE and Glynis Vince

**OFFICERS:** Mark Galvayne (Principal Licensing Officer), Bob Griffiths (Assistant Director – Planning and Environmental Protection), Aled Richards (Head of Development Management), Catriona McFarlane (Legal Representative) and Jane Creer (Governance Team)

**Also Attending:** Councillor Robert Hayward

**494**

**WELCOME AND APOLOGIES FOR ABSENCE**

The Chairman welcomed everyone to the meeting.

Apologies for absence were received from Councillors Pearce, Rye, Savva and Vince.

**495**

**DECLARATION OF INTERESTS**

There were no declarations of interest.

**496**

**MINUTES**

**AGREED** the minutes of the Licensing Committee held on 23 January 2012 as a correct record.

**497**

**THE GAMBLING ACT 2005 - RESPONSE TO POLICY CONSULTATION**

**RECEIVED** a report from the Director of Environment in relation to responses to the Council's consultation in respect of two licensing proposals.

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NOTED

1. The introduction by the Principal Licensing Officer.
2. The Council had received three responses to the licensing consultation 2012, all of which were in favour of retaining the existing policies.
3. All three respondees had made comments, which were set out in Annex 3 to the report.
4. It was confirmed that there were now fewer betting shops in the borough than there were three years ago, and that the Gambling Act 2005 prohibited the Council from adopting any gambling policy to address the cumulative impact of betting shops 'clustering' together.
5. Members' comments including that none of the gambling licence applications which potentially could have been referred to the Licensing Sub-Committee had received objections, that existing policies were working, and that the consultation had endorsed the Council's gambling policy and casino resolution.

**AGREED** to recommend to Council in January 2013:

- (a) the re-adoption of the existing gambling policy; and
- (b) a further 'no casino' resolution.

**498**

**THE LICENSING ACT 2003 - ADOPTION OF THE LATE NIGHT LEVY**

RECEIVED the revised report of the Director of Environment in relation to a Late Night Levy and an Early Morning Restriction Order.

NOTED

1. The Chairman's confirmation that ten Members of the Licensing Committee attended the Licensing Master-class on 23 November 2012 and received the advice of Philip Kolvin QC.
2. The Principal Licensing Officer's confirmation that the revised report replaced the original agenda item 5 report. Further to the Licensing Master-class, the report set out recent proposals for the Late Night Levy, Early Morning Restriction Order and Locally Set Fee provisions within the Licensing Act 2003.
3. The advice of Philip Kolvin QC at the Licensing Master-class was summarised in the reasons for recommendations in the report.

**LICENSING COMMITTEE - 10.12.2012**

4. In considering whether to begin the process of establishing a Late Night Levy within the borough, it should be considered whether any existing revenue deficits may rather be addressed by way of setting fees rather than by way of introducing a Late Night Levy.
5. In considering use of an Early Morning Restriction Order, it should be considered whether other measures may address problems, such as cumulative impact policies. On 1 April 2012 the Council introduced four Cumulative Impact Policy Areas and these would be subject to review next year.
6. If circumstances changed, the authority could change the provisions.
7. In response to Members' queries, the Principal Licensing Officer advised that a national firm of licensing solicitors had published the findings of their telephone survey, which confirmed that of all licensing authorities in England, that only 7% of Councils were considering introduction of a Late Night Levy.
8. Members' debate, including comments on the lack of positive evidence of introduction by other authorities; concerns about potential detrimental effects on small independent businesses; that no good case for introduction had been made at the Licensing Master-class; and cost-benefit concerns.
9. The advice of the Principal Licensing Officer on the success of the introduction of Cumulative Impact Policy Areas in LB Enfield.

**AGREED** that

- (a) the Council should not begin the process of establishing a Late Night Levy within the borough at this time; and
- (b) the Council should not consider use of an Early Morning Restriction Order at this time.

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