



London Borough of Enfield

Report Title	Presentation of the revised Licensing Policy, Gambling Policy, Casino Resolution & Sexual Entertainment Venue Resolution.
Report to	Licensing Committee
Date of Meeting	7th October 2024
Cabinet Member	Cllr Susan Erbil, Cabinet Member for Planning and Regulatory Services
Executive Director / Director	Perry Scott - Executive Director of Environment and Communities Doug Wilkinson – Director of Environment & Street Scene
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Ward(s) affected	All
Key Decision Number	KD 5740
Classification	Part 1

Purpose of Report

1. It is a statutory requirement to have a Statement of Licensing Policy (“Licensing Policy” Appendix A) and a Statement of Principles for Gambling Licensing (“Gambling Policy” Appendix B), and to review every 5 years and 3 years respectively. This will be the 7th edition of the Licensing policy and the 7th edition of the Gambling Policy.
2. The purpose of the report is to present the Licensing Policy and the Gambling Policy post public consultation to the Licensing Committee prior to the report going to Cabinet with a recommendation to Full Council for adoption. Each policy has been updated and amended to reflect the need and aims of Enfield, its residents and businesses, and taking into consideration the consultation responses received. The policies are attached to this report.

3. A public consultation on both policies was carried out between the 17th of May and the 11th of August 2024.

Recommendations

That the Licensing Committee notes and recommends the following should be adopted by full Council:

- I. The Statement of Licensing Policy (Appendix A) to come into effect on the 28th of January 2025.
- II. Retention of the existing four Cumulative Impact Zones in Upper Edmonton, Enfield Highway, Enfield Town and Southgate.
- III. Introduction of two new Cumulative Impact Zones in Bowes and Palmers Green.
- IV. Removal of the core hours in all Cumulative Impact Zones making them all 24 hours.
- V. Retention of the refusal to adopt the Sexual Entertainment Venues provisions under the Policing and Crime Act 2009. Presented in Annex 11 of the Licensing Act Policy.

And that the Licensing Committee notes that the following proposals will be submitted to Cabinet prior to their onward submission to Full Council for approval:

- VI. The Statement of Principles for Gambling (Appendix B)
- VII. Introduction of two new Gambling Vulnerability Zones in Edmonton and Enfield Highway.
- VIII. Retention of the nil casino resolution as set out in section 3.5 of the Gambling Policy.

Background

4. The existing Licensing Act 2003 policy was last approved at full Council in 2019 and came into effect in January 2020. The Gambling Act 2005 policy was last approved at full Council in November 2021 and came into effect in January 2022.
5. Engagement with key Enfield stakeholders took place in early February 2024. This included Police Licensing, the Licensing Team and Public Health. Early views on both policies and the Cumulative Impact Assessment were collected and considered in drafting the pre-consultation draft of the Licensing Policy, the Gambling Policy and the Cumulative Impact Assessment.
6. Following the public consultation, we received 20 responses in relation to the Licensing Policy and 4 responses to the Gambling Act Policy.

7. Consultation responses for the Licensing Policy outlined support for the proposed Cumulative Impact Zones and noted concerns regarding better training and awareness relating to preventing and addressing violence against women and girls.

8. The table below outlines the concerns and changes made to reflect them.

Section	Change to Licensing Act Policy	Reference in policy
Cumulative Impact Zones: Times	Address concerns regarding an accumulation of licensed premises operating in the daytime by removing the core hours for the CIZs so the CIZs operate at all hours.	Section J: Page 25
Cumulative Impact Zones: Conditions	Address issues relating to public nuisance caused by blocking of footpaths and concerns regarding intimidation of women – by creating new model conditions for CIZ areas. Additional model conditions: <ul style="list-style-type: none"> • training of staff relating to protection of women, girls and vulnerable people, • designation of smoking area, and • entry and exit of premises. 	Appendix 9: Page 57 & 58.
Violence against Women and Girls	Additional wording in Section L on page 27 has been added. As follows: 11.42 We expect all licensed premises to build an atmosphere of transparency and safety for women who work at night and engage in leisure in the licensed trade. This may include challenging behaviour that enables intimidation and violence against women in the licensed trade and providing support to those that experience these behaviours in licensed premises. Training for staff to support this is recommended.	Section L: Page 27

9. Following the consultation there are some changes to the Gambling Policy. All four responses were generally supportive. Three responses recommended adding Palmers Green as a Gambling Vulnerability Area. The reasons for not including Palmers Green are outlined in the next paragraph.

10. A proposal by responders for the inclusion by of Palmers Green into the Gambling Vulnerability Area is not supported by the evidence in the Local Area Profile. The Palmers Green Area has approximately 8 gambling premises, the Gambling Vulnerability Area, as mapped, has 31 gambling premises within it. As outlined in the Local Area Profile, Palmers Green is in the lower vulnerability range for mental health and wellbeing, Index of Multiple Deprivation, unemployment rates and receipt of Universal Credit.

11. The areas outlined in the Gambling Vulnerability area are in the highest vulnerability range for mental health and wellbeing, index of multiple deprivation, unemployment rates and the receipt of universal credit. The number of premises and the levels of vulnerability do not currently meet the threshold for Palmers Green to be made a Gambling Vulnerability Area at this time. It is noted that Palmers Green and Bowes areas would be kept under review throughout the life of this policy and assessed at the next review of the Gambling Policy in three years time.

12. See Appendix F for consultation response and the Council's reply.

Statement of Licensing Policy

13. The London Borough of Enfield's Licensing Policy 2020 to 2025 is due to expire on 28th January 2025. The Council is required, under the Licensing Act 2003, to publish a Statement of Licensing Policy once every five years. Guidance on how this is to be done is detailed in the Licensing Act 2003 and in the Section 182 Guidance issued by the Home Secretary.

14. The requirement is for the Council to consult with key stakeholders and to update the Licensing Policy for changes in the legislation and guidance. The Licensing Policy has been revised to include updates to reflect this.

15. Key changes include:

- The Licensing Policy has been updated and now includes clear expectations from the Licensing Authority as to what matters applicants need to consider in drafting their applications and their operating schedules.
- New sections have been introduced to outline expectations in the following areas:
 - Addressing risks and harms to women and vulnerable people in the night-time economy (Section L);
 - Responding to the proposed Martyn's Law by outlining event and large venue safety and risk assessment (Section N).
 - The proposed introduction of two new Cumulative Impact Zones in Bowes and Palmers Green (Section J).
 - Policies outlining expectations on delivery services, (Section R) and the dispersal of patrons from premises (Section S).
- The Licensing Policy has also been updated for changes in laws and the Section 182 guidance. Including changes in pavement licences, a link to immigration status documentation and the inclusion of a policy to prepare for 'Martyn's Law'.

Sexual Entertainment Venues (SEV)

16. To continue to resolve not to adopt the sexual entertainment venues licensing in Enfield, as per Annex 11 of the Licensing Policy. To date there have been no applications for SEVs.

Statement of Principles for Gambling Licencing.

17. The Act places a legal duty on both the Commission and licensing authorities to aim to permit gambling, in so far as it is considered to be reasonably consistent with the pursuit of the licensing objectives. The effect of this duty is that both the Commission and licensing authorities must approach their functions in a way that seeks to regulate gambling by using their powers, for example, powers to attach conditions to licences, to moderate its impact on the licensing objectives rather than by starting out to prevent it altogether.
18. The London Borough of Enfield's Gambling Policy 2022 to 2025 is due to expire on 31 January 2025. The Gambling Act 2005, requires the Council, acting as the licensing authority to prepare, consult on and publish a Gambling Policy which it proposes to apply, when exercising its licensing functions under the Gambling Act 2005.
19. The Gambling Policy:
- Sets out how the Authority intends to support responsible operators and take effective actions against irresponsible operators.
 - Informs residents, business and licensed premises users, the protections afforded to the local community within the Gambling Act 2005 and by this Authority.
 - Supports the Authority in making licensing decisions.
20. A refresh of evidence around the impact of gambling has been conducted and a Local Area Profile produced (See Appendix C).
21. The revised version of the Gambling Policy reflects updated guidance and legislation. The key change is the introduction of a proposed Gambling Vulnerability Area (GVA). This is an area that is intended to address particular vulnerabilities associated with harm from gambling and problem gambling. The intention is for those seeking gambling licences in the Gambling Vulnerability Area (mirroring the current Edmonton and Enfield Highway Cumulative Impact Zones under the Licensing Policy) to provide additional reassurance as to how they will address these vulnerabilities in their operating schedule.

Gambling Vulnerability Area

22. The Local Area Profile has outlined that some areas in Enfield are of particular risk for individuals both of developing problem gambling habits and of being more vulnerable to the impacts of problem gambling than many other areas in Enfield. In particular, levels of social and economic vulnerability are higher in some areas than in the rest of Enfield. Research evidence (outlined in Appendix D: Local Area Profile) shows that the risk of developing problem gambling habits and impact of this on individuals is higher where the individuals are:

- Economically vulnerable: such as being unemployed, being in receipt of universal credit, or being in an area of high deprivation as indicators for economic vulnerability.
 - Vulnerable due to mental health issues: such as having higher levels of depression and anxiety disorder in local areas as an indicator of the higher levels of risk that may be associated with gambling in these localities.
 - Exposed to higher levels of gambling premises and availability of opportunities to gamble or experience others' gambling in their youth: such as being in proximity to schools and childcare facilities.
23. The Local Area Profile has noted that the overlap of gambling premises and particular aspects of vulnerability are located in the area that is covered by the existing Edmonton and Enfield Highway Cumulative Impact Zones (in the Licensing Policy).
24. The policy requires that applicants in these areas will be expected to pay special attention to outlining the specific measures they will put in place to limit the risk to economically vulnerable people, those vulnerable due to mental health conditions and young adults as well as children. The Authority expects this to be a specific section of their operating schedule, and to ensure that staff are trained to be aware of these vulnerabilities and to be able to implement the specific measures outlined in their operating schedule.
25. Legally both the Licensing Policy and the Gambling Policy are required to be republished prior to 28th and 31st of January 2025 respectively. Both policies have been revised in line with statutory guidance and a public consultation required by their respective legislation and represent what is required to support the work of the Council in relation to both gambling and alcohol licensing.

Relevance to Council Plans and Strategies

26. Both policies align to Priority 2: Strong, Healthy and Safe Communities Priority and Priority 5: An economy that works for everyone in Investing in Enfield: Council plan for 2023 – 2026.
- Licensed premises will be subject to inspection to ensure that they are complying with their respective legal requirements, ensuring a fair-trading platform.
 - Any complaints regarding premises will be investigated.
 - Licensed premises will provide employment opportunities.
27. Both the Licensing Policy and the Gambling Policy are a requirement of the Council under the Licensing Act 2003 and the Gambling Act 2005. As such they are a statutory requirement for the Council.

Financial Implications

28. The purpose of the report is to present the Licensing Policy and the Gambling Policy post public consultation for adoption by Full Council. The proposed changes in both policies have no financial implications. The actual licencing fees and charges are subject to the Council's annual fees and charges full Council report – for both statutory and non-statutory fees and charges.

Legal Implications

29. Both the Licensing Policy and the Gambling Policy are a requirement of the Council under the Licensing Act 2003 and the Gambling Act 2005. As such they are a statutory requirement for the Council and failure to update them would leave the council vulnerable to challenge.

30. The report shows the council wants to continue to not grant any sexual entertainment venue licences and therefore it must re-adopt this resolution as part of the Licensing policy. Further the council wishes to extend Cumulative Impact Zones [CIZ] into new areas, therefore these too need to be added to the policy. Failure to do so would mean they that could not be brought into force.

31. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) specify that the functions of the Licensing Authority under the Licensing Act 2003 may not be carried out by the executive so this has to be approved by somebody other than the Cabinet. The Licencing Committee cannot under its terms of reference approve the policy but it can consider it and recommend it to Full Council for approval. The Cabinet will be asked to note the proposals, in the interests of completeness, when it considers the Gambling Policy. The same regulations provide, however, that the Gambling Policy under the 2005 Act may be developed by the executive but will also require approval by Full Council following a recommendation from the Cabinet. The Licensing committee does not have any powers under the Gambling Act 2005 but it will be asked to note the proposals, again in the interests of completeness, prior to it going to Cabinet.

32. Under section 166 of the Gambling Act 2005 the Council can adopt a “nil casinos” resolution. If this is not renewed every 3 years it automatically lapses. Since the Gambling Act 2005 came into force the council has always chosen to adopt such a resolution. It is also possible for any person or organisation to challenge the “nil casinos” resolution adopted by judicial review.

Equalities Implications

33. An EQIA has been completed and attached. The EQIA identifies that the policies will have a positive affect in terms of:

- Ensuring the protection of person under the age of 18 from harm,
- expectation that licensees consider ways in which they can protect vulnerable groups, including trans people, from violence, intimidation and exploitation in the night time economy and

- the introduction of Gambling Vulnerability Areas which are intended to reduce any additional impact of new gambling premises on those suffering socio-economic deprivation in the Edmonton and Enfield Highway areas.

Public Health Implications

34. Public Health is a Responsible Authority under the Licensing Act 2003 and has an interest in a well managed licensed trade as it can be effective in reducing alcohol related health and wellbeing harms.
35. It is estimated that approximately 0.5% of the adult population has a problem with gambling, 3.8% are gambling at at-risk levels, and 7% are affected negatively by others people's gambling. This would imply that some 1,200 people in the borough are problematic gamblers and that 16,800 people are affected by other people's gambling.
36. Public Health is a Responsible Authority under the Licensing Act 2003 and has an interest in a well managed licensed trade as it can be effective in reducing alcohol related health and wellbeing harms. It is anticipated that the introduction of the two new gambling vulnerability zones will support and protect those most at risk of harm whilst allowing the industry to operate. Any learning from the Vulnerability Zones may be incorporated into future guidance and policies.

Crime and Disorder Implications

37. Police are a Responsible Authority under the Licensing Act 2003 and the Gambling Act 2005, a well-managed licensed and gambling trade can help to reduce alcohol related crime and disorder and gambling related harm. Both the Licensing Act 2003 and the Gambling Act 2005 contain the prevention of crime and disorder as an objective.

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Appendices

- Appendix A Statement of Licensing Policy
- Appendix B Statement of Gambling Policy
- Appendix C Cumulative Impact Zone Review
- Appendix D Local Area Profile
- Appendix E EQIA
- Appendix F Consultation Responses and Council reply

Background Papers

- None.

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