

MUNICIPAL YEAR 2005/2006 REPORT NO. **289**

**MEETING TITLE AND DATE:**

Licensing Committee  
30 January 2006

**REPORT OF:**

Director of Environment, Street  
Scene and Parks

**Agenda – Part:**

**Item:**

**Subject: Monitoring Report on the  
Council's Licensing Functions**

**Wards: All**

**Cabinet Member consulted:**

**Contact officer and telephone number:**

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**1. EXECUTIVE SUMMARY**

- 1.1 This report provides information and identifies activities undertaken to discharge the Council's licensing functions for the period 1 January 2005 to 31 December 2005.

**2. RECOMMENDATIONS**

- 2.1 That the Licensing Panel notes the report;
- 2.2 That a further report be brought to a future meeting identifying
- (1) the categories, opening times and geographical distribution of premises licences granted under the Licensing Act 2003;
  - (2) the impact upon crime and disorder, live music and dancing.

### **3. LICENCES ISSUED BY THE COUNCIL JANUARY TO DECEMBER 2005**

3.1 The Licensing team have processed 2472 licences between 1 January and 31 December 2005.

3.2 A summary of the licences issued is provided in Appendix 1.

### **4. LICENSING ACT 2003**

#### **4.1 Premises Licences and Club premises certificates**

4.1.1 The Licensing Act 2003 was enacted on 6 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

4.1.2 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

4.1.3 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).

4.1.4 A summary of the applications which have been received to 31 December 2005 is as follows:-

- 689 Premises applications have been received
- 226 applications were scheduled to be heard at panel of which 132 applications were heard by the panel and 94 were withdrawn/determined under delegated powers before they went to panel
- 97% of applications (128) had been subject to responsible authority representations
- Approximately 50% have been subject to interested party representations (over 1000 individuals)
- Of the 132 applications heard by panel
  - Approximately 10% have been substantially rejected
  - Approximately 15% granted in full
  - Approximately 75% granted in part

4.1.5 Appendix 2 provides details an analysis of the hours granted for 161 of the premises licences applications.

4.1.6 There have been 19 appeals against the licensing panel's decisions been lodged to date. Of which:-

- 2 have been heard. One was upheld but modified and the decision of the other is pending
- 3 have been withdrawn by the applicants
- 14 are scheduled to be heard between January and March 2006.

## **4.2 Personal Licences**

4.2.1 The Licensing Act establishes a regime for the granting of personal licences to individuals to supply, or to authorise the supply of alcohol. All premises authorising the supply of alcohol must have an identified personal licence holder known as the designated premises supervisor. This person will usually be responsible for the day-to-day running of the premises. All supplies of alcohol under a premises licence must be made by or under the authority of a personal licence holder.

4.2.2 The Police are statutory consultees and if they consider that there is a risk to the prevention of crime and disorder licensing objective they can make a representation and the matter is referred to the Licensing Panel to determine. The Licensing Panel has heard 4 cases regarding personal licences where the Police raised a representation and 3 applications were rejected and 1 was granted.

## **4.3 Temporary Events**

4.3.1 These are small-scale, temporary events of which licensable activities form part, that are allowed to take place without the need for a premises licence or club premises certificate. The event organiser (who must be over 18 years) has to notify the licensing authority, by giving a "temporary event notice" (TEN). There are certain limitations imposed on this system. These include:

- No more than 499 people (including staff/organisers) attending at any one time
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder for the sale of alcohol, in which case they can give 50
- A limit of 12 temporary event notices may be given in respect of any particular premises in a calendar year
- An event may last for no more than 96 hours
- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises of 15 days.

4.3.2 The Police are statutory consultees and if they consider that there is a risk to the prevention of crime and disorder licensing objective they can serve a counter notice and the matter is referred to the Licensing Panel to determine. The Licensing Panel has heard 2 cases regarding temporary events and it transpired that 1 was a private party and therefore a TEN was not required and the other was granted.

#### **4.4 SPECIAL ORDER EXEMPTIONS**

4.1 Under the previous licensing regime (Licensing Act 1964) occasional permissions known as Special Orders Exemptions (SOEs) were granted by Police. Between 1 January and 23 November 2005 there were 925 SOEs granted.

#### **4.5 FIREWORKS LICENSING**

4.5.1 The Manufacture and Storage of Explosives Regulations 2005 introduced revised registration and licensing requirements for the storage of fireworks. The Trading Standards Team and other staff in Environmental Health and Regulation undertook firework patrols between 26 October to 6 November 2005. There were 168 firework calls received which was a 26% decrease from 2004.

4.5.2 There was an increase in enforcement:

- 7 Fixed Penalty Notices were served for letting off fireworks
- 5 arrests for a firework related incident
- 1 business had fireworks seized for selling without a licence and is subject to legal proceedings.

4.5.3 One business was refused a licence because the storage arrangements for fireworks were unsafe.

## 4.6 AGE RESTRICTED SALES

4.6.1 These are planned test purchase of products such as alcohol, tobacco, solvents, fireworks and video recordings with child volunteers working under the strict Home Office guidelines and the supervision of Trading Standards staff.

4.6.2 The results for the period January to December 2005 are as follows:-

Total Number of attempts to test purchase: 172

Total percentage overall of sales made: 19% (33)

Age restricted products sales	No. of Sales	Percentage sales
Alcohol	23	23%
Cigarettes	1	5%
Knives	6	25%
Lighter Fuel	1	50%
Video/Games	2	22%
Fireworks		0
<b>Total</b>	<b>33</b>	<b>19%</b>

4.6.3 The number of sales have decreased from the previous period January to December 2004 when the total percentage overall of sales made was 25%. The advice and enforcement campaigns of the Trading Standards Team and the work of the 'Safer Business Safer Streets' Project Co-ordinator will have contributed to this.

## 4.7 AMUSEMENT WITH PRIZES PERMITS

4.7.1 The responsibility for the issuing of these permits was transferred from magistrates courts to Licensing Authorities on 24 November 2005.

4.7.2 Amusements with prizes machines (AWP machines), more commonly known as fruit or slot machines, were authorised by permits for individual premises, granted under Section 34 of the Gaming Act 1968. Local authorities were already responsible for issuing these permits for lower value AWP machines in amusement arcades.

4.7.3 The Licensing Act 2003 transferred the additional responsibility of authorising AWP machines in alcohol-licensed premises to local authorities. The main type of AWP machine covered by the change is the "all cash" fruit machine, which has a maximum stake of 30p and a maximum prize of £25.

4.7.4 The Council has received 6 applications to date.

## **4.8 ENFORCEMENT**

### **4.8.1 Age related sales of alcohol, public entertainment and late night cafes**

Appendix 3 details enforcement action taken in respect of age related sales, public entertainment and late night cafes between 1 January 2005 and 31 December 2005.

### **4.8.2 Licensing Act 2003**

Enforcement visits commenced soon after 24 November 2005. Approximately 110 visits have been made out of hours between November 2005 to date to undertake observations, enforcement visits and to investigate complaints about licensed premises. In the first weekend of enforcement, a premises agreed to close as they were not compliant with the conditions attached to their licence which granted the premises extended trading hours (beyond 23:00).

There were a very small proportion (0.5%) of premises that were unlicensed on 24 November 2005 and are the subject of investigations with a view to formal action. There are also a number of premises that are the subject of investigation for suspected breaches of their licence conditions with a view to formal action.

### **4.8.3 Enforcement campaigns concerning licensed premises**

Operation Lema I and II:

Operation Lema II ran between February and March 2005 and the purpose was to promote Enfield's 'Responsible Licensee Scheme' amongst liquor licensed premises. This involved 63 visits to 'On-licenced' premises and 70 visits to 'Off-licenced' premises.

Operation Leo/Pridian:

This ran between June and July 2005 and was a joint operation with the Police to target 'high risk/problem' liquor licensed premises. This involved 57 visits to premises resulting in a number of observations concerning noise, antisocial behavior etc. and 3 fixed penalty notices were issued for underage drinking/sales to minors, 2 for drinking in alcohol control zones and 8 doormen were reported for not displaying their identification badges. There were 2 arrests.

AMEC 4 Campaign:

The Home Office/Police AMEC (Alcohol Misuse Enforcement Campaign) campaign ran in December 2005. This campaign was regarding age related sales, drink-drive, antisocial behavior around licensed premises. Some joint visits were undertaken between the Police and Trading Standards and the

police and licensing enforcement staff. The results of this campaign are not yet available.

#### **4.8.4 Special Treatment Licence enforcement**

One premises is under investigation with a view to formal action for suspected breaches of its special treatment licence.

### **4.9 DESIGNATED ALCOHOL CONTROL ZONES**

4.9.1 The London Borough of Enfield currently has ten areas designated under this legislation.

4.9.2 In addition to the existing alcohol control zones of Enfield Town and Edmonton, the orders granted on 10 November 2004 by Enfield's Licensing Committee became effective on 1 June 2005 for the following areas: Bush Hill Park, Enfield Town Extension, Enfield Wash, Ponders End, Southgate, New Southgate, Green Lanes and Winchmore Hill.

4.9.3 The Safer Neighbourhoods Parks Unit have statistics for enforcement taken in the alcohol control zones in the Town Park and Pymmes Park and 53 verbal warnings and 17 fixed penalty notices have been issued for alcohol between 1 July and 31 December 2005.

### **4.10 FORTHCOMING LEGISLATION:**

#### **4.10.1 Gambling Act 2005:**

This will be implemented in September 2007. The Licensing Authority will become responsible for gambling premises only and the Gambling Commission will license operators and individuals.

#### **4.10.2 Charities Act:**

This will transfer the responsibility for the licensing of street and house collections from the Police to local authorities.

#### **4.10.3 Animal Welfare Bill/Act:**

The implementation date for this is not yet known but may be this year. The Act will extend the scope of premises that will need to be licensed, inspected and enforced for animal welfare purposes.

## **BACKGROUND**

Not applicable

### **4. ALTERNATIVE OPTIONS CONSIDERED**

Not Applicable

### **5. REASONS FOR RECOMMENDATIONS**

Not Applicable

### **6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

#### **6.1 Financial Implications**

Not Applicable

#### **6.2 Legal Implications**

Not Applicable

#### **6.3 Property Implications**

Not Applicable

### **7. PERFORMANCE MANAGEMENT IMPLICATIONS**

Not Applicable

### **8. PUTTING ENFIELD FIRST**

## **Background Papers**

None

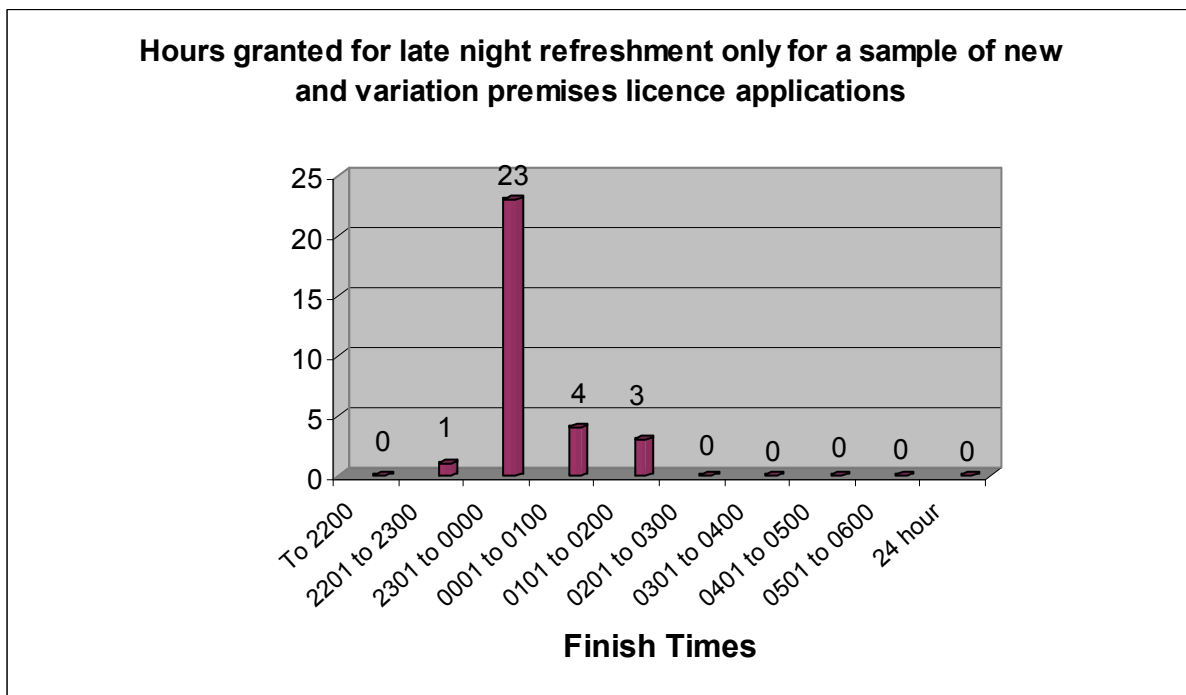
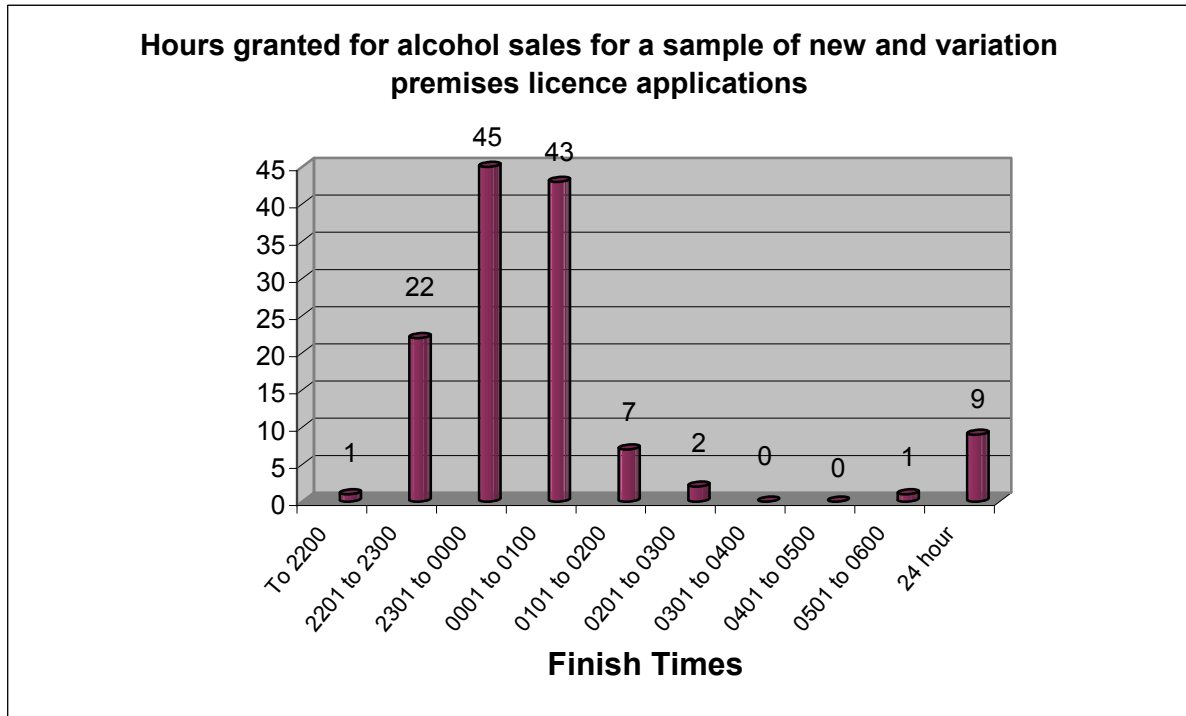


**Appendix 1: Licences issued between January 2005 to December 2005**

<b>Licence Type</b>	<b>Number Issued</b>
Animal Boarding	2
Annual PEL	45
Butchers	23
Civil Marriage Venue	1
Dangerous Wild Animals	3
Explosives: Annual Licence	3
Registration	90
Game Dealers	4
Hairdressers	8
Late Night Café	15
Launderette	13
Lottery	113
Occasional PEL	71
Personal	1256
Pet Shop	12
Pool Promoter	1
Premises	575
Riding Establishments	3
Special Treatment	106
Street Trading	5
Temporary Event Notice	123
<b>TOTAL</b>	<b>2472</b>

## Appendix 2: Analysis of a sample of premises licence applications

Please note: that this is analysis of 161 of the new and variation applications for premises licences. Data entry of this is ongoing and therefore does not yet allow a full analysis of all applications received.



### Appendix 3: Enforcement Actions

#### Age Related Sales of Alcohol enforcement actions

Address	Result/Date	Penalty
Costcutter Express, 33-35 Warwick Road, New Southgate, London	27/01/05 Guilty	Fine £500.00 Costs £117.50
Costcutter Express, 33-35 Warwick Road, New Southgate, London	27/01/05 Guilty	Fine £500.00 Costs £117.50
Shah Off Licence, 127 Green Lanes, London N13 4SP	24/02/05 Guilty	Fine £200.00 Costs £200.00
Alpha Wines, 84 Fore Street, Edmonton N18 2SL	24/03/05 Guilty	Fine £500.00 Costs £135.00
Alpha Wines, 84 Fore Street, Edmonton N18 2SL	24/03/05 Guilty	Fine £500.00 Costs £135.00
Enfield Food & Wines, 45 Kempe Road, Enfield EN1	14/07/05 Guilty	Fine £500.00 Costs £299.00
Enfield News, 818 Hertford Road, Enfield EN3 6UE	28/07/05 Guilty	Fine £250.00 Costs £150.00
Silver Bottle, 81a Silver Street, Edmonton N18 1RP	25/08/05 Guilty	Fine £400.00 Costs £320.00
J&J News, 111 Ordnance Road, Enfield EN3 6AG	08/09/05 Guilty	Fine £100.00 Costs £327.00
First Choice Supermarket, 55-55a Turkey Street, Enfield	08/09/05 Guilty	Fine £100.00 Costs £189.50
First Choice Supermarket, 55-55a Turkey Street, Enfield	08/09/05 Guilty	Fine £100.00 Costs £189.50
Aksu Supermarket, 10-12 Church Street Edmonton N9	09/09/05 Guilty	Fine £150.00 Costs £100.00
Aksu Supermarket, 10-12 Church Street Edmonton N9	09/09/05 Guilty	Fine £150.00 Costs £100.00
Aksu Supermarket, 10-12 Church Street Edmonton N9	09/09/05 Guilty	Fine £150.00 Costs £100.00
Hammond Wines, 177 Montague Road Edmonton N18	08/12/05 Guilty	Fine £500 Costs £482.50
Edmonton £1 Centre, 166 Fore Street, Edmonton, N18	16/12/05 Guilty	Fine £400.00 Costs £200.00
Edmonton £1 Centre, 166 Fore Street, Edmonton, N18	16/12/05 Guilty	Fine £400.00 Costs £200.00

**Please Note:** Where a premises is listed more than once this means that there was more than one person prosecuted

In addition, there were 7 formal cautions issued to persons selling alcohol to underage children.

### **Public Entertainment and late night refreshment enforcement actions**

<b>Address</b>	<b>Offence</b>	<b>Result</b>
Has Kebab Centre, 776 Green lanes, London N	Trading without a late night cafe licence contrary to Section 15(1) of the London Local Authorities Act 1990	Prosecution 27/01/05 fined £400 plus £200 costs

There were also a number of premises which were/are still being investigated with a view to formal action as follows:-

- 1 case under investigation for failure to be licensed as a butchers shop
- 1 case under investigation for suspected breaches of their public entertainment licence and sale of alcohol after their permitted hours
- 2 cases for suspected breaches of their late night cafe licence was not proceeded as the licence was not granted
- 1 case for suspected breaches of their public entertainment licence resulted in a written warning.