

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

**Subject: Monitoring Report on the
Premises Licences issued under the
Licensing Act 2003**

Wards: All

Cabinet Member consulted:

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