

## LONDON BOROUGH OF ENFIELD

### LICENSING ACT 2003

### LICENSING POLICY STATEMENT

#### Proposal for public consultation

#### Section 14 - Cumulative Impact Policy

##### Introduction

- 14.1 The Guidance issued under section 182 of the Licensing Act 2003 provides that the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in developing its licensing policy statement. Cumulative impact means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 14.2 The steps to be followed in considering whether to adopt a special policy relating to cumulative impact within the council's statement of licensing policy are as follows:
- 14.2.1 Identify concern about crime and disorder or public nuisance.
- 14.2.2 Consider whether there is good evidence that crime and disorder or nuisance is happening and is caused by the customers of licensed premises or, that the risk of cumulative impact is imminent.
- 14.2.3 Identify the boundaries of the area where problems are occurring.
- 14.2.4 Consult those specified in section 5(3) of the 2003 Act, and subject to the outcome of the consultation.
- 14.2.5 Include and publish details of the cumulative impact within the licensing policy statement.
- 14.3 The effect of adopting a cumulative impact is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

##### Identifying Concern about Crime and Disorder or Public Nuisance

- 14.4 In 2009 the Council's Community Safety Service, in partnership with the Metropolitan Police, identified two areas where there was a positive correlation between the concentrations of licensed premises and the levels of anti social behaviour and crimes of violence against the person. After due consideration, it was not considered appropriate at that time to adopt those areas as being subject to cumulative impact within the council's licensing policy.
- 14.5 Further work by the Community Safety partnership and the police has now led to the conclusion that the cumulative impact of a concentration of licensed premises in four areas of Enfield is undermining the promotion of the licensing objectives in those areas.

- 14.6 Police statistics are known to underestimate the numbers of alcohol related crime because of the high level of under reporting. Government estimates suggest that almost a half of all violent crime is alcohol related. But nationally the burden of alcohol related crime goes much wider than that, because alcohol related crime and drunken offenders place a huge burden on the police and other public services :
- 14.6.1 from approximately 10.30pm to 3.00am the majority of arrests are for alcohol-related offences
- 14.6.2 there is the potential for routine incidents of public nuisance to escalate to more serious, especially violent, offences
- 14.6.3 dealing with intoxicated offenders can be difficult and time consuming. For example, they may have to be kept in cells long enough to sober up; while they are there the police have a duty of care and have to ensure the offender does not come to harm by choking on their own vomit. The offender may have to be checked every 15 minutes. Medical attention may be necessary. Female offenders need female police officers to attend certain procedures who may have to be taken off other duties.
- 14.6.4 intoxicated prisoners can be disruptive, uncooperative and may present severe hygiene problems, urinating or defecating in their clothing during or after arrest. Police Research Series. Paper 150, Home Office 2002.
- 14.7 The Council has also taken note of the results of the 2010/11 Enfield resident's Ipsos MORI survey and in particular that, whilst 70% of residents were either very satisfied or fairly satisfied with their local area as a place to live, they also had significant concerns about crime and disorder. Of those surveyed, 64% said they thought the level of crime was one of the most important things in making somewhere a good place to live and almost 40% said the level of crime was one of the things that needed improving. Almost a third of those surveyed considered that people being drunk or rowdy in a public place was a problem.
- 14.8 All local authorities must fulfil their responsibilities under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the Licensing Act 2003. Section 17 places a duty on local authorities and the police to do all they reasonably can to prevent crime and disorder in their area.
- 14.9 The introduction to the Guidance, issued by the Secretary of State under section 182 of the Licensing Act 2003, states that the four licensing objectives are paramount considerations at all times. They are:
- 14.9.1 The prevention of crime and disorder
- 14.9.2 Public safety
- 14.9.3 The prevention of public nuisance
- 14.9.4 The protection of children from harm.
- 14.10 But the Guidance also identifies a number of other key aims and purposes which it says should be the principal aims for everyone involved in licensing work. They include: 'The necessary protection of local residents whose lives can be blighted by disturbance and anti social behaviour associated with the behaviour of some people visiting licensed premises of entertainment.' Paragraph 1.4
- 14.11 When deciding to consult on the adoption of a cumulative impact policy the Council has carefully considered the evidence presented to it by the police as regards crime and disorder, but also by the council's Environmental Health noise team officers as regards public nuisance.

## **Evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent**

- 14.12 Recent analysis of police statistics by the Enfield Community Safety Unit has shown an increase of 23% in what they describe as 'alcohol and night time economy offences in the last 12 months. Most such offences are occurring on Friday nights into Saturday mornings and Saturday nights into Sunday mornings. Those are the times when pubs, clubs and bars are most highly populated.
- 14.13 Typically, most such offences are recorded between 12 midnight and 3am. That information has been confirmed by comparing London Ambulance data which identifies people taken to hospital who have been the victims of assault, or who are treated for problems that are alcohol related.
- 14.14 The areas that show the highest levels of such incidents, or the most significant increases are: Fore Street Upper Edmonton; Hertford Road, where although there has been a decrease in the overall levels of night time alcohol related incidents comparative levels remain high; and Enfield Town. That analysis is available as a background document because it includes some confidential information. It can be made available on request in edited form.
- 14.15 Attached to this chapter of the policy, as Appendix 1, is a table showing police data records for crime and anti social behaviour calls in Edmonton-Ponders End, Hertford Road, Enfield Town and Southgate. It displays the numbers of crimes in three categories: All Crime; Violent Crime only; and Anti Social Behaviour Calls. The first column of numbers displays the total crimes in those categories between 11am and 3pm, the second column those between 11pm and 3am and then in subsequent columns the total numbers on each day of the week.
- 14.16 The comparison between four of the busiest hours of the day, when footfall may be expected to be at its highest in a town centre, and four night time hours, which may be expected to see far fewer people on the streets because shops and offices are closed is informative because places of entertainment are the main attraction at those times.
- 14.17 As may be expected, the 'all crimes' category during the day for Edmonton – Ponders End, Enfield Town and Hertford Road show higher levels of crime than the night time period, particularly because the 'all crimes' totals include acquisitive crime. However, the 'violent crimes' only category which is so often associated with alcohol shows high levels during both periods in Edmonton – Ponders End, but a higher number of recorded incidents of violence during the night time period in each of Enfield Town, Hertford Road and Southgate, as compared to the day time.
- 14.18 For 'anti social behaviour' calls, there are a higher number of calls to the police during the night time period up to 3am in Edmonton – Ponders End, in Enfield Town and in Southgate, with a similar number during each period in Hertford Road. Police experience shows that after 10pm anti social behaviour calls are most often alcohol related.
- 14.19 The analysis of noise data in these four areas (see appendix 2 attached to this chapter of the policy) shows a clear peak for noise complaints in Hertford Road at

around midnight. In Southgate the second highest peak time for noise complaints is at midnight.

- 14.20 Public nuisance caused by noise is a cause of great concern to local residents who may be trying to sleep themselves or who have young children who are woken at night by intoxicated revellers.

### **Identify the boundaries of the area where problems are occurring**

- 14.21 Following analysis of the police data and of council records relating to public nuisance, four areas have been identified which the evidence indicates are subject to high levels of public nuisance and certain categories of crime and disorder which are connected to the concentrations of licensed premises in those areas. Those four areas are designated as: Enfield Highway, comprising Hertford Road between Ordnance Road and Tyberry Road see appendix 3; Edmonton, comprising Hertford Road and Fore Street, between Nags Head Road and the Borough boundary in the South, see appendix 4; Southgate, comprising Chase Side, Crown Lane, and parts of Burleigh Gardens, High Street, The Bourne, Winchmore Hill and Chase Road, see appendix 5; and Enfield Town comprising the area enclosed by Church Street and Cecil Road, and parts of Chase Side, Windmill Hill, Silver Street, Coleman Parade, Genotin Road and London Road, see appendix 6.

### **Consultation on Cumulative Impact Policies**

- 14.22 In light of the concerns and evidence about alcohol related crime and disorder and public nuisance, set out above in this policy statement, the council has decided to consult those specified in section 5(3) Licensing Act 2003 about the adoption of a cumulative impact policy. They are:

- 14.22.1 the chief officer of police for the area;
- 14.22.2 the fire authority for the area;
- 14.22.3 persons/bodies representative of local holders of premises licences;
- 14.22.4 persons/bodies representative of local holders of club premises certificates;
- 14.22.5 persons/bodies representative of local holders of personal licences; and
- 14.22.6 persons/bodies representative of businesses and residents in its area.

- 14.23 The policies which those bodies are invited to comment on are as follows:

### **Special Policy on Cumulative Impact**

- 14.24 Applications for hours within the limits set out below (referred to as Core Hours) for premises inside the cumulative impact areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 14.25 Any applications for later hours within the cumulative impact areas will be subject to the presumption against grant, implicit in a cumulative impact area policy.
- 14.26 Core Hours :

Sale/supply of alcohol (on supplies only) :  
Monday to Sunday                      Indoors and/or outdoors      10:00 to 23:00

Sale/supply of alcohol (on supplies only) :

Subject to a condition that “alcohol shall not be supplied other than as ancillary to a substantial table meal” :

Monday to Sunday            Indoors and/or outdoors    10:00 to 23:00

Monday to Sunday            Indoors only                    10:00 to 00:00 (midnight)

Sale/supply of alcohol (on and off supplies) :

Monday to Sunday            Indoors and/or outdoors    10:00 to 23:00

Sale/supply of alcohol (off supplies only) :

Monday to Sunday            Indoors and/or outdoors    08:00 to 23:00

Live music, Recorded music, Performance of dance, Facilities for making music and/or Facilities for dancing :

Monday to Sunday            Indoors and/or outdoors    09:00 to 23:00

Plays, Films, Indoor sporting events and/or Boxing or wrestling entertainments :

Monday to Sunday            Indoors and/or outdoors    09:00 to 23:00

Monday to Sunday            Indoors only                    09:00 to 00:00 (midnight)

Late night refreshment :

Monday to Sunday            Indoors and/or outdoors    none

Monday to Sunday            Indoors only                    23:00 to 00:00 (midnight)

New Years Eve : any premises or club premises that is licensed for both the on sale/supply of alcohol and for music or music and dancing may remain open and provide their licensed activities from the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.

## Conclusion

- 14.27 In developing these policies the council has given careful consideration to the whole of the Secretary of State’s Guidance. In particular, it has considered that, in some circumstances, flexible licensing hours can ensure that concentrations of customers leaving premises simultaneously are avoided, which can help to reduce the friction at late night fast food outlets, taxi ranks and bus stops which sometimes lead to friction and to crime and disorder.
- 14.28 It also takes note of the need to ensure a thriving and safe evening and night time economy which are important to investment and employment locally, but have to be balanced against the requirement to promote the licensing objectives. Some premises, for example restaurants where there is no ‘take away’ facility and alcohol is only provided as ancillary to substantial food provided to people seated at table, generally have a lower incidence of crime than premises selling alcohol where substantial food is not available and there is little seating.
- 14.29 The policy of the council takes account of the particular circumstances that apply in each of the designated cumulative impact areas in Enfield and the evidence that problems of crime and disorder and public nuisance are generally associated with longer and later hours. It is the view of the police nationally that longer and later hours for premises licensed to sell alcohol lead to problems later in the night and

that those problems are most apparent outside the licensed premises and around fast food outlets and taxi ranks.

- 14.30 It is not the intention of the Council to impose a particular terminal hour in any area of Enfield, as urged against in the Government's Guidance. Where an application is made for later hours than the core hours, and representations are made, then such applications will always be carefully considered against the above policies and any relevant representations. The consideration of hours of operation will include the context of each application within each of the licensing objectives. For example, the hours at which noise may occur and the extent to which that may affect local resident's sleep and relaxation, will be a consideration because late night premises may have an impact on the local environment and can cause public nuisance.
- 14.31 Neither is it the intention of the Council to impose quotas, based on either the number of premises or the capacity of those premises. Quotas could indirectly have the affect of predetermining the outcome of an application. The licensing authority will consider each application with regard to the Council's policies and each application will be determined with a view to promoting the licensing objectives.
- 14.32 Shops, stores and supermarkets may apply for a premises licence to sell alcohol for consumption off the premises at times when it is open as a retail outlet for shopping, and such applications will be considered on their individual merits. Careful consideration will always be given to any representations by the police where such premises are known to be a focus of disorder and disturbance.

6 October 2011

## APPENDIX 1 - TIME COMPARISON FOR CUMULATIVE IMPACT AREAS

<b>Total Notifiable Crime between January and December 2010</b>									
<b>Area</b>	<b>11am – 3pm</b>	<b>11pm – 3am</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
Edmonton	599	367	361	356	382	390	397	384	270
Enfield Highway	146	130	90	85	95	115	111	129	80
Enfield Town	485	165	170	207	190	205	228	249	130
Southgate	86	131	74	80	74	78	86	96	67

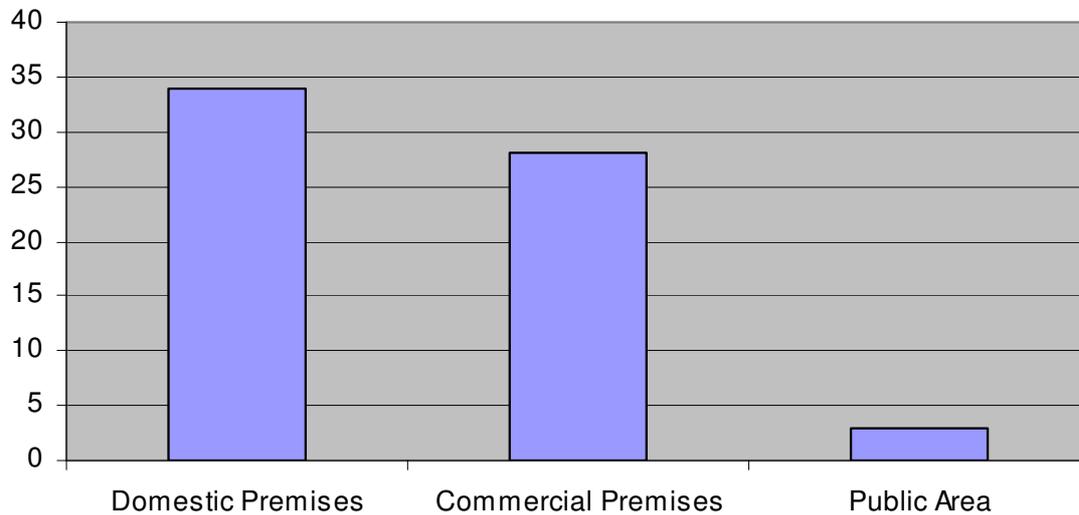
<b>Violent Crime between January and December 2010</b>									
<b>Area</b>	<b>11am – 3pm</b>	<b>11pm – 3am</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
Edmonton	130	98	80	94	88	77	109	112	93
Enfield Highway	17	35	15	17	14	20	22	37	20
Enfield Town	39	64	27	24	25	17	33	61	33
Southgate	14	21	12	10	6	11	13	16	16

<b>Anti-Social Behaviour Calls between January and December 2010</b>									
<b>Area</b>	<b>11am – 3pm</b>	<b>11pm – 3am</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
Edmonton	446	463	472	447	416	421	478	592	481
Enfield Highway	144	130	146	134	146	159	204	182	136
Enfield Town	157	271	128	130	156	114	192	225	153
Southgate	57	67	57	61	74	70	51	94	62

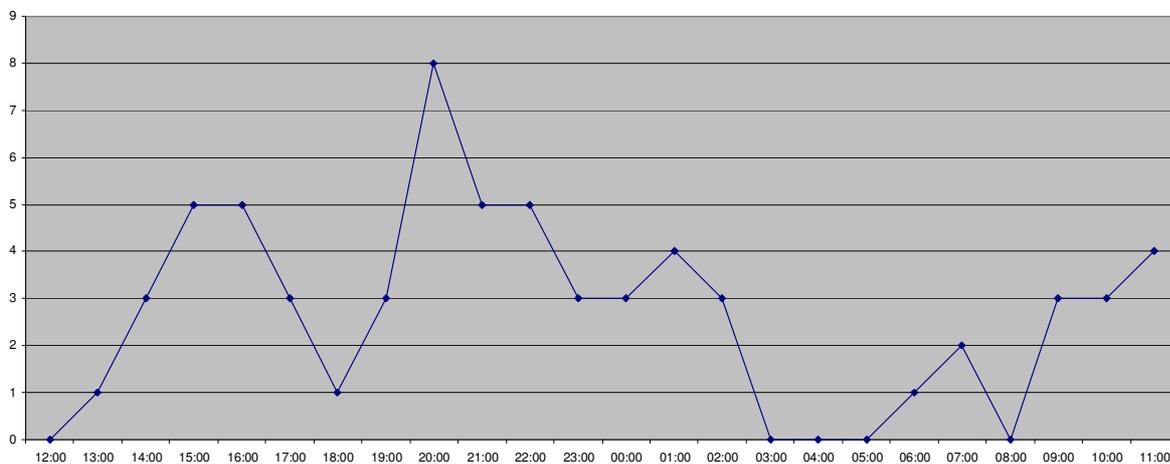
## APPENDIX 2 – NOISE DATA

The following information is based on noise complaints received by Enfield Council within the 12 month period of 6<sup>th</sup> March 2010 to 6<sup>th</sup> March 2011. The information will be divided into 4 different 'Stress Areas' of the borough.

### EDMONTON CUMULATIVE IMPACT AREA

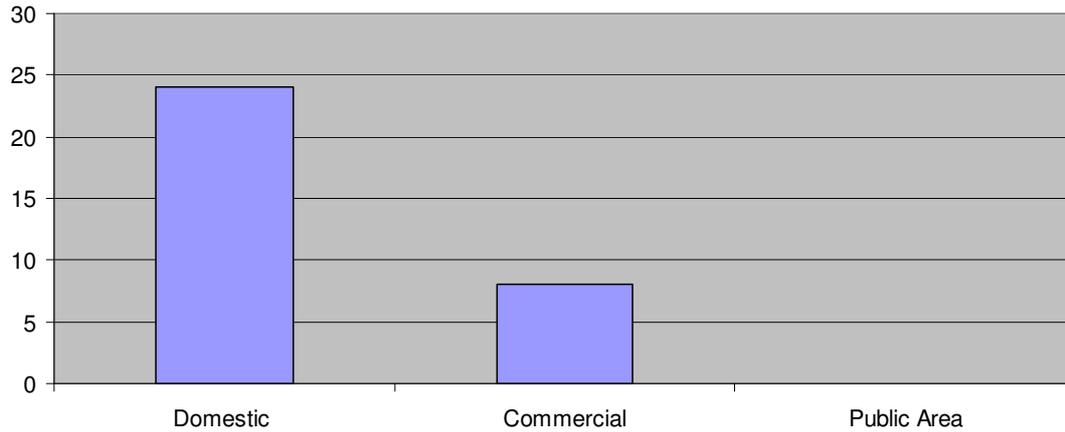


There were a total of 65 noise complaints in the Edmonton Stress Area in this period of time. 28 were complaints against commercial premises, 34 were against domestic premises and 3 were against public areas.

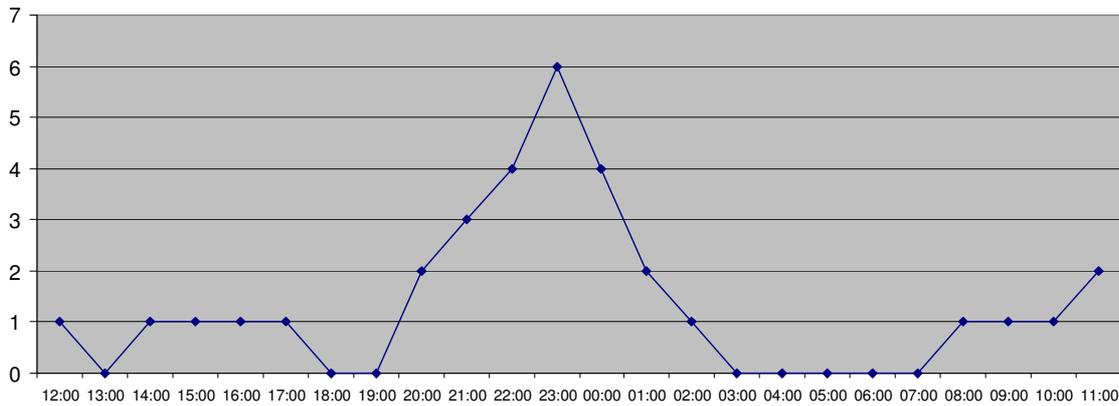


The above line graph shows the time of ALL noise reports received against every type of premises. The graph shows a surge in noise reports within the hour of 20:00 gradually decreasing until the hour of 01:00, where there is a slight increase.

## ENFIELD HIGHWAY CUMULATIVE IMPACT AREA

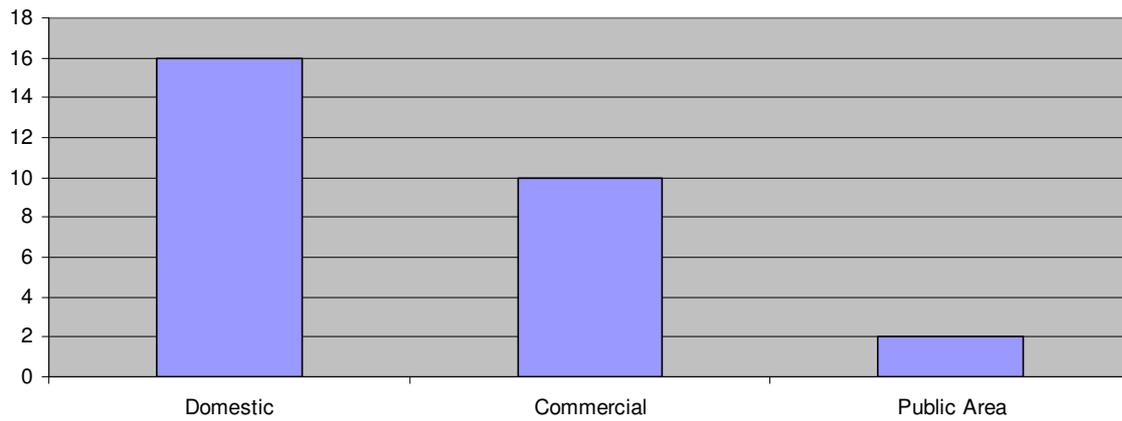


There were a total of 32 noise complaints in the Enfield Highway Stress Area in this period of time. 8 were complaints against commercial premises, 24 were against domestic premises and none were against public areas.

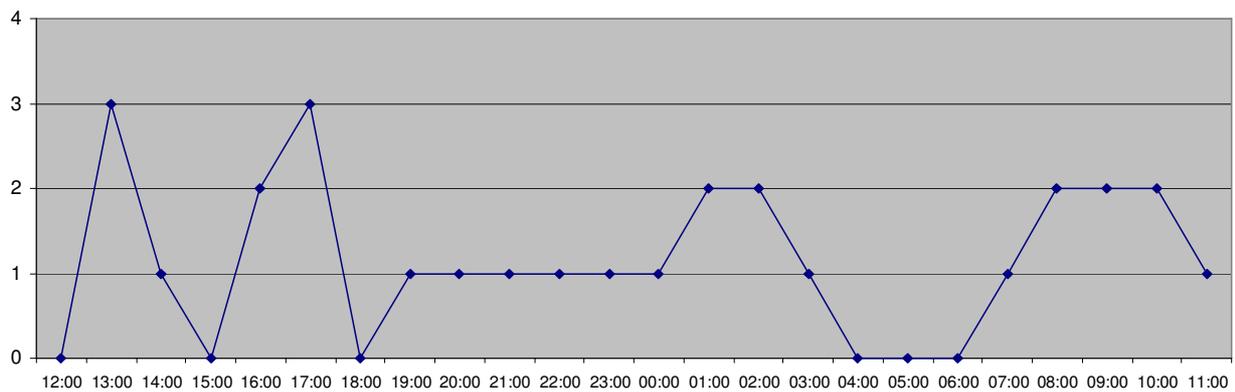


The above line graph shows the time of ALL noise reports received against every type of premises. As you can see there is a clear peak within the hour of 23:00.

## ENFIELD TOWN CUMULATIVE IMPACT AREA

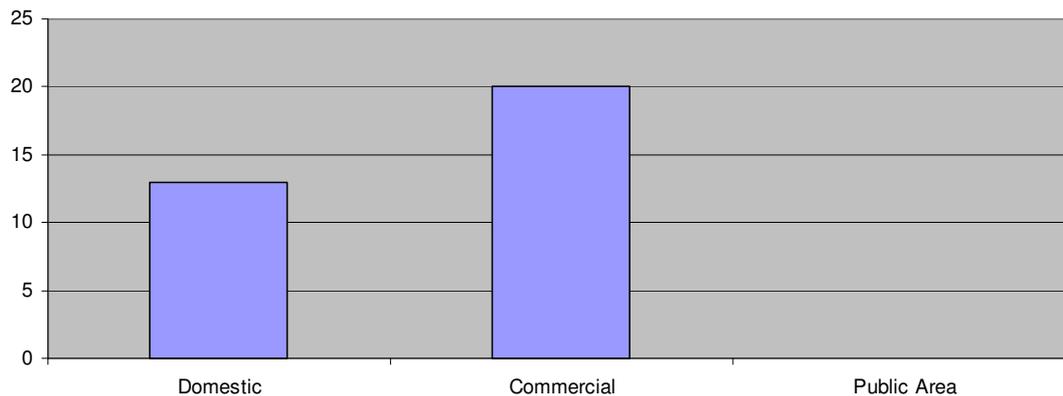


There were a total of 28 noise complaints in the Enfield Town Stress Area in this period of time. 10 were complaints against commercial premises, 16 were against domestic premises and 2 were against public areas

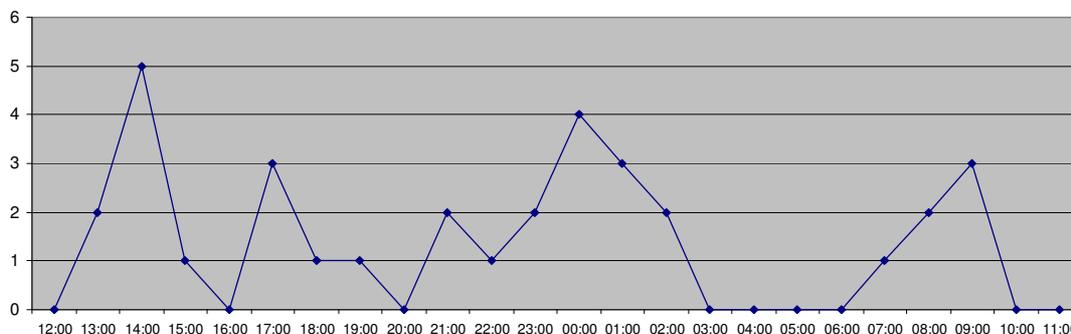


The above line graph shows the time of ALL noise reports received against every type of premises in the Enfield Town Stress Area. There is not a particular time where noise is at a peak. It peaks and troughs throughout the 24 hours. The hours of 13:00 and 17:00 have the highest amount of noise complaints.

## SOUTHGATE CUMULATIVE IMPACT AREA

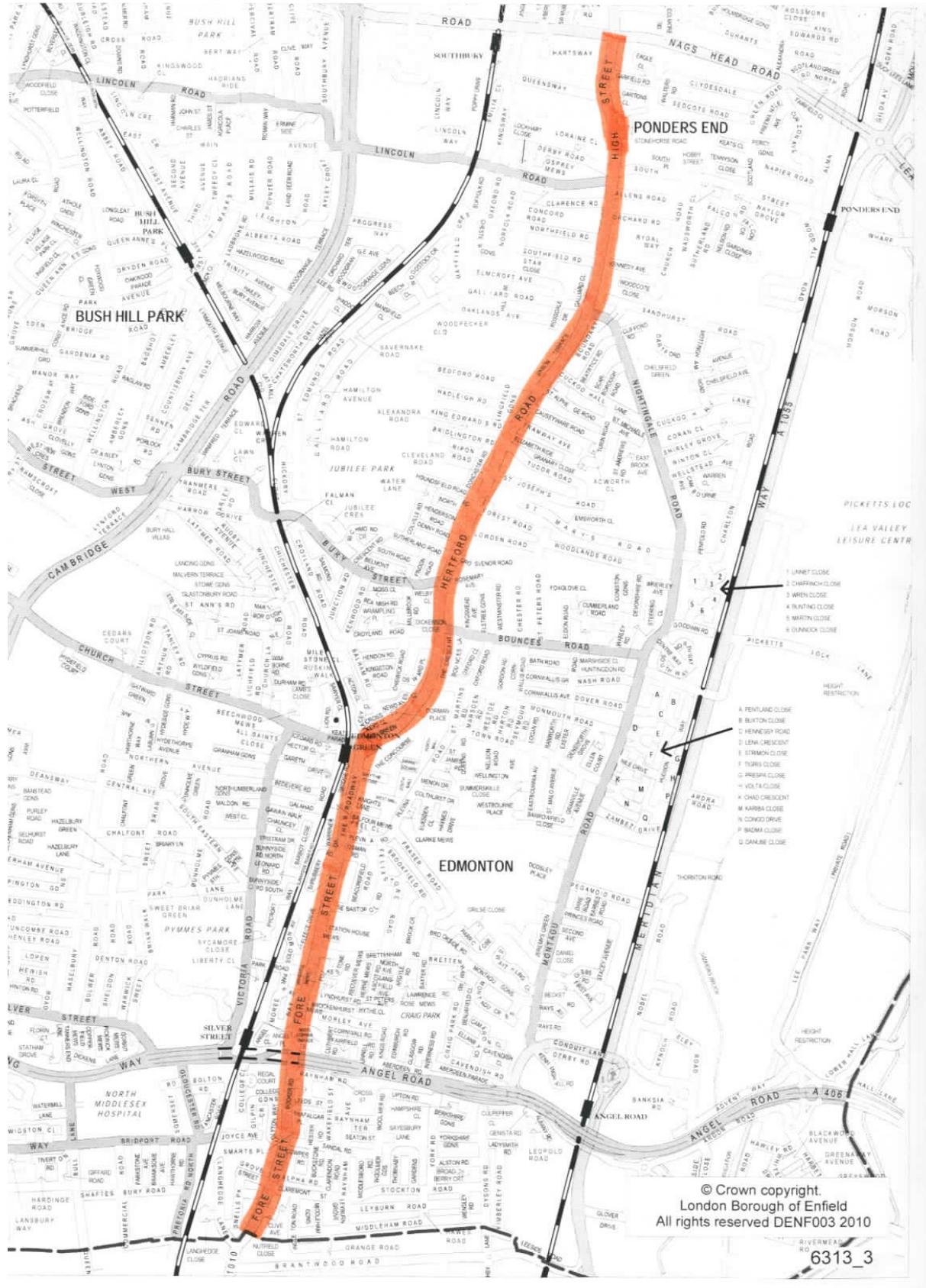


There were a total of 33 noise complaints in the Southgate Stress Area in this period of time. 20 were complaints against commercial premises, 13 were against domestic premises and none were against public areas



The above line graph shows the time of ALL noise reports received against every type of premises in the Southgate Stress Area. The hours when the most noise complaints were within the hour of 14:00 and within the hour of 00:00.

# APPENDIX 3 – EDMONTON CUMULATIVE IMPACT AREA



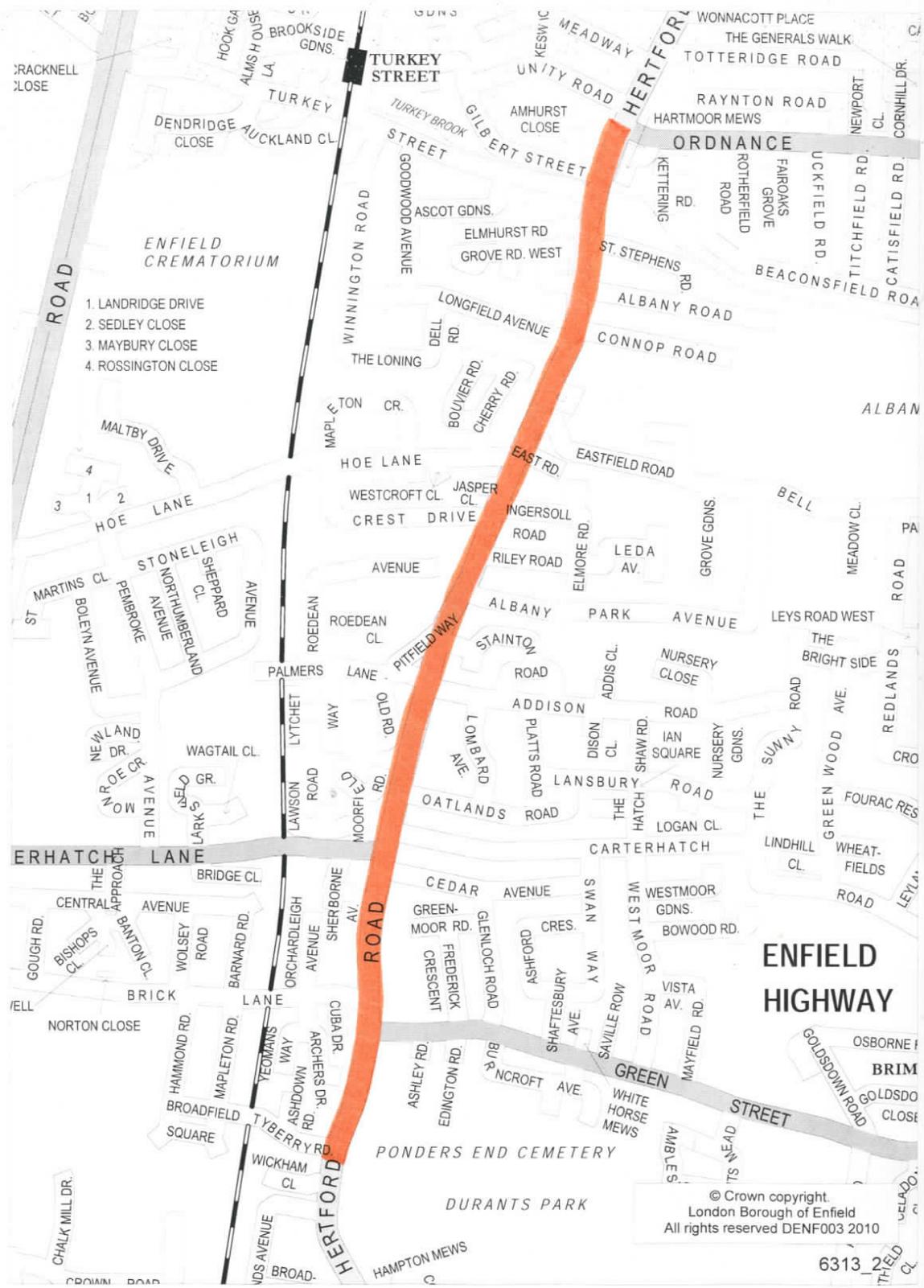
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# APPENDIX 4 – ENFIELD HIGHWAY CUMULATIVE IMPACT AREA

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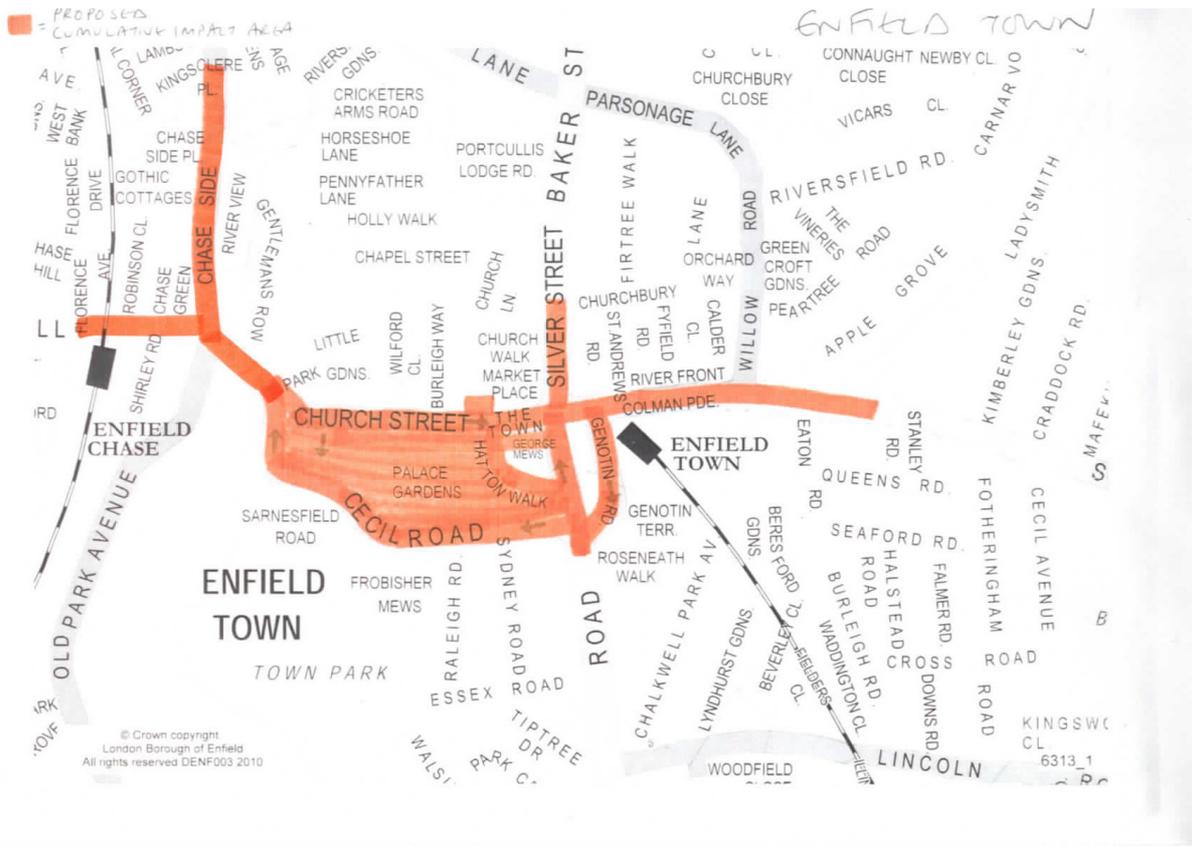
*Enfield Highway*



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## APPENDIX 5 – ENFIELD TOWN CUMULATIVE IMPACT AREA



## APPENDIX 6 – SOUTHGATE CUMULATIVE IMPACT AREA

