

MUNICIPAL YEAR 2011/2012 REPORT NO. 187

MEETING TITLE AND DATE:

Licensing Committee
23 January 2012

REPORT OF:

Director of Environment

CONTACT OFFICER:

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Agenda – Part: 1	Item: 4
Subject: Licensing Consultation 2011	
Wards: All	

1. EXECUTIVE SUMMARY

- 1.1 Licensing Consultation 2011, subsequent to the Licensing Committee of 7 November 2011.

2. RECOMMENDATION

- 2.1 To consider the responses to the Council's consultation in respect of 3 licensing proposals and recommend those proposals for adoption by Council.

3. LICENSING CONSULTATION 2011

- 3.1 Between 14 October 2011 and 13 January 2012 a borough-wide public consultation was conducted in respect of 3 licensing proposals, as follows :

- 3.1.1 Cumulative Impact Policy. It is proposed to introduce a Cumulative Impact Policy in the areas of Edmonton, Enfield Highway, Enfield Town and Southgate. In these areas, applications for new licences or for variations of existing licences, for alcohol and/or entertainment and/or hot food take-aways will be granted up to a closing time of 11pm. Licences for closing times after 11pm will usually be refused. Existing licences will not be affected by this policy.

- 3.1.2 Sexual Entertainment Venues. It is proposed to refuse to adopt legislation in respect of Sexual Entertainment Venues. By not adopting this legislation we will prevent businesses from being granted an automatic right to provide 'live displays or performances involving nudity' on up to 11 separate occasions a year without a licence.
- 3.1.3 Olympics & Paralympics. It is proposed to introduce a policy to cover licensable events that may take place during the Olympic and Paralympic Games between June and September 2012.
- 3.2 Consultation letters/e-mails were sent to 995 recipients, as follows :
- 3.2.1 Letters were sent to 828 Licensed Premises.
- 3.2.2 Letters were sent to 96 Residents Associations.
- 3.2.3 E-mails were sent to 63 Members.
- 3.2.4 E-mails were sent to 8 Responsible Authorities.
- 3.3 We have received 8 responses to the consultation, which is a 0.8% return. The majority of responses (over 50% in each case) were supportive of the 3 licensing proposals.
- 3.4 A table of the responses received is attached as Annex 1.
- 3.5 We have received 4 comments, in respect of the 3 licensing proposals. None of these comments have any policy or legal implications in respect of the 3 licensing proposals.
- 3.6 A list of the comments received, and the notes thereon, is attached as Annex 2.

4. ALTERNATIVE OPTIONS CONSIDERED

Not applicable

5. REASONS FOR RECOMMENDATIONS

- 5.1 A 3-month public consultation was conducted in respect of 3 licensing proposals. These proposals were approved by the Cabinet Member on 31 October 2011 and by the Licensing Committee on 7 November 2011.
- 5.2 The majority of the responses that were received were supportive of the 3 licensing proposals. None of the comments that were received have either a policy or legal implication in respect of the proposals.
- 5.3 The 3 licensing proposals are recommended for adoption by Council.

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

Not applicable

Background Papers

Licensing Sub-Committee – 7 November 2011

ANNEX 1

Cumulative Impact Policy :

	No. of Respondents	
	Yes	No
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Edmonton?	5 (62.5%)	3 (37.5%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Enfield Highway?	4 (57%)	3 (43%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Enfield Town?	4 (57%)	3 (43%)
Do you agree that we should usually refuse applications for new licences (or for variations of existing licences) after 11pm in Southgate?	4 (57%)	3 (43%)

Sexual Entertainment Venues :

	No. of Respondents	
	Yes	No
Do you agree that we should prevent businesses from being granted an automatic right to provide 'live displays or performances involving nudity' on up to 11 separate occasions a year without a licence?	5 (62.5%)	3 (37.5%)

Olympics & Paralympics :

	No. of Respondents	
	Yes	No
Do you agree that we should introduce a policy to cover licensable events that may take place during the Olympic and Paralympic Games (between June and September) 2012?	6 (75%)	2 (25%)

ANNEX 2

Cumulative Impact Policy :

Comment 1 – I am pleased to see the use of the word "usually" because I believe that each application should be seen on its own merits. I hope that these recommendations fall within national policy.

Our Note – Each application will be considered on its own merits. Cumulative Impact Policies accord with the Home Secretary's National Guidance under the Licensing Act 2003.

Comment 2 – If these proposals only cover high streets etc. could these proposals also include off licences in small parades like Fillebrook Avenue

Our Note – The Cumulative Impact Policy ('CIP') will apply to any parades of shops that lie within the proposed CIP areas.

Comment 3 – I am not in favour of blanket refusal policies.

Our Note – The Cumulative Impact Policy is not a blanket refusal policy. Each application will be considered on its own merits.

Sexual Entertainment Venues :

Comment 4 – The Sexual Entertainment Venue policy has no effect on venues that regularly provide "sexual entertainment"; they will require licences regardless of this policy, thanks to the below-12-times-yearly caveat. The proposed policy will instead affect the pub landlord who wants to run a burlesque night on a rare occasion, for example, something that would both aid his business and the local community.

Our Note – There are no licensed premises that are known to provide 'live displays or performances involving nudity'. All new and varied licences granted are subject to a condition that provides that "there shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children". Any breach of that condition is a criminal offence attracting, on conviction, a maximum fine of £20,000 and up to 6 months imprisonment.

Olympics & Paralympics :

No comments received