

LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

LICENSING POLICY STATEMENT

**Fourth Edition
1 April 2012**



CONTENTS

	SECTION		PAGE
1.	Introduction - - - - -		3
2.	Licensing Objectives - - - - -		3
3.	Policy Statement - - - - -		4
4.	Consultation - - - - -		4
5.	Definitions - - - - -		5
6.	The Borough of Enfield - - - - -		6
7.	Children- - - - -		6
	CHILDREN (OFF-LICENCE) POLICY - - - - -		6
8.	Licensing Hours - - - - -		8
	CHILDREN (ON-LICENCE) POLICY - - - - -		8
9.	Cumulative Impact Policy - - - - -		9
	CUMULATIVE IMPACT POLICY - - - - -		13
10.	Licence Applications and Review - - - - -		15
11.	Operating Schedules - - - - -		15
12.	Special Factors for Consideration - - - - -		15
13.	Conditions - - - - -		17
14.	Significant Events - - - - -		18
15.	Olympics & Paralympics - - - - -		18
16.	Temporary Events - - - - -		19
17.	Enforcement - - - - -		19
18.	Integration for Policies and Avoidance of Duplication		20
19.	Contact Details - - - - -		20
	Annex 1 – Cumulative Impact Policy - Time Comparison - - - - -		21
	Annex 2 – Cumulative Impact Policy - Noise Data - - - - -		22
	Annex 3 – The Edmonton Cumulative Impact Policy Area - - - - -		26
	Annex 4 – The Enfield Highway Cumulative Impact Policy Area		27
	Annex 5 – The Enfield Town Cumulative Impact Policy Area - - - - -		28
	Annex 6 – The Southgate Cumulative Impact Policy Area - - - - -		29
	Annex 7 – Sexual Entertainment Venues & Sex Establishments		30
	Annex 8 – Summary of Age Restrictions - - - - -		30

1. INTRODUCTION

- 1.1 This Licensing Policy Statement ('the Policy') is issued by the London Borough of Enfield ('the Council'), as Licensing Authority, under the Licensing Act 2003 ('the Act').
- 1.2 The Policy relates to all licensing activities falling within the provisions of the Act, namely :
- 1.2.1 the supply of alcohol (either sold by retail or supplied to a club member);
 - 1.2.2 the provision of regulated entertainment;
 - 1.2.3 the provision of late night refreshment.
- 1.3 Supply of alcohol includes the retail sale of alcohol, including for consumption on or off premises, with or without food, and the supply of alcohol by or on behalf of a club to, or on the order of, a member of the club.
- 1.4 Regulated entertainment occurs where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining the audience and includes :
- 1.4.1 a performance of a play;
 - 1.4.2 an exhibition of a film;
 - 1.4.3 an indoor sporting event;
 - 1.4.4 a boxing or wrestling entertainment;
 - 1.4.5 a performance of live music;
 - 1.4.6 any playing of recorded music;
 - 1.4.7 a performance of dance;
 - 1.4.8 entertainment of a similar description.
- 1.5 Late night refreshment is the provision of hot food and/or drink between the hours of 23:00 and 05:00.
- 1.6 The Policy takes into account Guidance ('the Guidance') issued by the appropriate Secretary of State under section 182 of the Act.
- 1.7 The Policy supports the Council's vision to make Enfield a better place to live and work, delivering fairness for all, growth and sustainability and strong communities.

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are :
- 2.1.1 the prevention of crime and disorder;
 - 2.1.2 public safety;
 - 2.1.3 the prevention of public nuisance;
 - 2.1.4 the protection of children from harm.

3. POLICY STATEMENT

- 3.1 The purpose of the Policy is to inform Members, applicants, residents and businesses of the key principles under which the Council will make licensing decisions.
- 3.2 Every application considered by the Council under this Policy, will be considered on its merits where relevant representations are made in respect of any application and a hearing is convened and regard is given to the Act and the Guidance and any supporting regulations.
- 3.3 The Council maintains that licensing is about the control of licensed premises, qualifying clubs and temporary events within the terms of the Act and any terms and conditions attached to licences will be focused on matters that are within the control of individual licensees and in the vicinity of premises.
- 3.4 The Crime and Disorder Act 1998 promotes the practice of partnership working to reduce crime and disorder and places a statutory duty on police and local authorities to develop and implement a strategy to tackle problems in their area. In doing so, the responsible authorities are required to work in partnership with a range of other local public, private, community and voluntary groups and with the community itself.
- 3.5 This approach recognises that both the causes of crime and disorder and the interventions required to deliver safer, more secure communities lies with a range of organisations, groups and individuals working in partnership. Crime reduction is not solely the responsibility of the police.
- 3.6 For people in the community the quality of their life in their neighbourhoods is affected by a whole range of influences. Quite rightly, they do not apportion responsibility for solutions uniquely to each individual agency and as part of our own community, we recognise situations in which the actions of one agency can positively contribute to the work of another. Local organisations working together can collectively provide interventions and responses to tackle problems and provide earlier, more effective solutions.

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others) :
- 4.1.1 The Chief Officer of Police;
- 4.1.2 The London Fire Brigade;
- 4.1.3 Bodies representing local holders of premises licences;
- 4.1.4 Bodies representing local holders of club premises certificates;
- 4.1.5 Bodies representing local holders of personal licences;
- 4.1.6 Bodies representing businesses and residents in the Council's area.

5. DEFINITIONS

- 5.1 'Interested Party' is defined in section 13(3) of the Act and means any of the following :
- 5.1.1 a person living in the vicinity of the premises;
 - 5.1.2 a body representing persons who live in that vicinity;
 - 5.1.3 a person involved in a business in that vicinity;
 - 5.1.4 a body representing persons involved in such businesses
- 5.2 'Responsible Authority' is defined in section 13(4) of the Act and means any of the following :
- 5.2.1 the chief officer of police for any police area in which the premises are situated;
 - 5.2.2 the fire authority for any area in which the premises are situated;
 - 5.2.3 the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
 - 5.2.4 the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
 - 5.2.5 the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimizing or preventing the risk of pollution of the environment or of harm to human health;
 - 5.2.6 a body which (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters;
 - 5.2.7 any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated;
 - 5.2.8 in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State;
 - 5.2.9 a person prescribed for the purposes of this subsection.
- 5.3 'Provisional statement' means a statement issued under section 31(2) or (3) (c) of the Act, which relates to premises that are about to be constructed, extended or otherwise altered.
- 5.4 The Council regards 'irresponsible price promotions' as those that encourage people to drink faster and more than they would when normal pricing arrangements apply.
- 5.5 'Significant event' is deemed by the Metropolitan Police Service to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

6. THE BOROUGH OF ENFIELD

6.1 Enfield is London's northernmost Borough and covers 32 square miles. There are five major roads passing through, including the M25 in the north. About one third of the Borough is residential comprising some 115,000 homes. Another third is Green Belt land (predominantly in the north and west) comprising country parks, farmland and open land (including urban parks, sports fields, golf courses, allotments and school playing fields). There are also fifteen conservation areas. The Borough has a population of 281,775 (Office of National Statistics 2001 census updated 2002).

7. CHILDREN

7.1 The Act imposes certain controls by way of criminal penalty relating to the access to certain premises by unaccompanied children. In addition, Policy may create further restrictions for certain premises relating to access by children.

7.2 The Council recognises the wide variety of premises for which licences may be granted. It also recognises that there are many circumstances where it is appropriate for children to be present on premises and seeks to encourage their access to constructive leisure pursuits that support the social fabric of the Borough. It also recognises that there are circumstances where it is appropriate to limit or prevent access by children for the purposes of the Licensing Objectives.

7.3 The Council will not therefore impose conditions that restrict or prevent access by children unless this is necessary to promote the Licensing Objectives. It will however seek to ensure that children are not permitted to remain at or enter certain premises after a specified cut-off time or times.

7.4 In determining a specified cut-off time, the committee will take into account :

7.4.1 the concerns of Responsible Authorities and Interested Parties who have made representations;

7.4.2 the steps set out in an operating schedule that the licensee will take to meet the Licensing Objectives having regard to the nature of the premises or events for which the licence is required.

CHILDREN (OFF-LICENCE) POLICY

7.5 For premises supplying alcohol for consumption off premises, the Council normally requires applicants to have arrangements to ensure that children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

7.5.1 NB. The age-limit of 14 years is intended as an upper limit and does not imply that this limit will be permitted for all relevant applications.

- 7.6 There will be a strong presumption against access by persons under 18 to premises where any of the following apply :
- 7.6.1 where adult entertainment is provided;
 - 7.6.2 where there have been convictions of the current management for serving alcohol to minors;
 - 7.6.3 where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
 - 7.6.4 where there is a known association with drug taking or dealing;
 - 7.6.5 where there is a strong element of gambling on the premises;
 - 7.6.6 where the supply of alcohol for consumption on the premises is the exclusive or primary purposes of the services provided at the premises
- 7.7 In order to protect children, the Licensing Committee or Sub-Committee's options would include, among other things, requiring conditions relating to :
- 7.7.1 requirements for the production of proof of age cards or other age identification before sales are made;
 - 7.7.2 limitations on the hours when children may be present;
 - 7.7.3 age limitations below 18;
 - 7.7.4 limitations or exclusions when certain activities are taking place;
 - 7.7.5 access limited to parts of the premises;
 - 7.7.6 requirements for accompanying adults;
 - 7.7.7 full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 7.8 No conditions will be imposed to the effect that children must be admitted to licensed premises.
- 7.9 Conditions may be imposed on licences for premises where children will be present during regulated entertainment to the effect that adult staff must be present to control the access and egress of children and to ensure their safety.
- 7.10 Children and cinemas :
- 7.10.1 The Council will require licensees to include in their operating schedules arrangements for restricting the viewing of films by children below the age of any restriction for that film as classified according to the recommendations of the British Board of Film Classification or the Council, as the case may be;
 - 7.10.2 In respect of all premises licences and club premises certificates that authorise the exhibition of films to children, a mandatory condition will be required for the exhibition of any film to be restricted in accordance with the recommendations given to films by a body designated under section 4 of the Video Recordings Act 1984 or by the Council;
 - 7.10.3 The Council will expect the premises to provide adequate numbers of attendants in accordance with model conditions from the Guidance;
 - 7.10.4 It is not the Council's intention to re-classify films that have been classified by a body designated under section 4 of the Video Recordings Act 1984. However, the Council reserves the right to do so in exceptional circumstances.

8. LICENSING HOURS

- 8.1 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives.
- 8.2 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise.
- 8.3 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 8.4 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received and a hearing takes place.
- 8.5 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work.

CHILDREN (ON-LICENCE) POLICY

- 8.6 There is a strong presumption that the Council will not license premises to permit persons under the age of 18 to be present on premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises.**

- 8.7 'Off sales' :
- 8.7.1 The Guidance recommends to Licensing Authorities that shops, stores and supermarkets should normally be permitted to sell alcohol during their normal trading hours, for consumption off premises, where consistent with the Licensing Objectives;
- 8.7.2 Whilst accepting this principle in respect of certain premises, the Council also recognises that in individual cases availability of alcohol, particularly late at night, can contribute to anti-social behaviour around premises licensed to sell alcohol for consumption off premises;
- 8.7.3 Licences for the sale of alcohol for consumption off premises, particularly late night sales, will be resisted and/or limitations may be imposed in the case of specific premises known to be or likely to be, a focus of crime and disorder, nuisance or those presenting a risk of harm to children.
- 8.8 Late Night Takeaway Premises :
- 8.8.1 Applications for premises offering late night take away food and drink will be considered on their individual merits and in the absence of relevant representations shall be granted in accordance with the application subject only to such conditions as are consistent with the operating schedule and conditions that are mandatory under sections 19 to 21 of the Act;
- 8.8.2 However, the impact upon the licensing objectives from people gathering at such premises, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity;
- 8.8.3 The cumulative effect of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require takeaway premises to provide litterbins in order to prevent the accumulation of litter.

9. CUMULATIVE IMPACT POLICY

Introduction

- 9.1 The Guidance 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.
- 9.2 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 :
- 9.2.1 Identify concern about crime and disorder or public nuisance;
- 9.2.2 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;
- 9.2.3 Identify the boundaries of the area where problems are occurring;

- 9.2.4 Consult those specified in section 5(3) of the Act, and subject to the outcome of the consultation, include and publish details of the cumulative impact within the licensing policy statement.
- 9.3 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 the licensing objectives.

Identifying Concern about Crime and Disorder or Public Nuisance

- 9.4 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.
- 9.5 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.
- 9.6 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 :
- 9.6.1 from approximately 10.30pm to 3am the majority of arrests are for alcohol-related offences;
- 9.6.2 there is the potential for routine incidents of public nuisance to escalate to more serious, especially violent, offences;
- 9.6.3 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;
- 9.6.4 intoxicated prisoners can be disruptive, uncooperative and may present severe hygiene problems, urinating or defecating in their clothing during or after arrest.
- 9.7 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.

- 9.8 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.
- 9.9 The Guidance states that the four licensing objectives are paramount considerations at all times. 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.’

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

- 9.10 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.
- 9.11 Typically, most such offences are recorded between 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.
- 9.12 The areas that show the highest levels of such incidents, or the most significant increases are: Fore Street, 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.
- 9.13 **Annex 1** is a table showing police data records for crime and anti social behaviour calls in Edmonton, Enfield Highway, 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.
- 9.14 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.

- 9.15 As may be expected, the 'all crimes' category during the day for Edmonton, Enfield Highway and Enfield Town 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, but a higher number of recorded incidents of violence during the night time period in each of Enfield Highway, Enfield Town and Southgate, as compared to the day time.
- 9.16 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, in Enfield Town and in Southgate, with a similar number during each period in Enfield Highway. Police experience shows that after 10pm anti social behaviour calls are most often alcohol related.
- 9.17 **Annex 2** is the analysis of noise data in these four areas shows a clear peak for noise complaints in Enfield Highway at around midnight. In Southgate the second highest peak time for noise complaints is at midnight.
- 9.18 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

- 9.19 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 :
- 9.19.1 **Edmonton**, as delineated and highlighted on the map at **Annex 3**;
- 9.19.2 **Enfield Highway**, as delineated and highlighted on the map at **Annex 4**;
- 9.19.3 **Enfield Town**, as delineated and highlighted on the map at **Annex 5**;
- 9.19.4 **Southgate**, as delineated and highlighted on the map at **Annex 6**.

Consultation on Cumulative Impact Policies

- 9.20 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 consulted those specified in section 5(3) Licensing Act 2003.

CUMULATIVE IMPACT POLICY

- 9.21** Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out below (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 9.22** Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out below (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.
- 9.23** **Core Hours** :
- 9.23.1** Sale/supply of alcohol (on supplies only) :
Monday to Sunday Indoors and/or outdoors 10:00 to 23:00
- 9.23.2** Sale/supply of alcohol (on supplies only) when 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 24:00
- 9.23.3** Sale/supply of alcohol (on and off supplies) :
Monday to Sunday Indoors and/or outdoors 10:00 to 23:00
- 9.23.4** Sale/supply of alcohol (off supplies only) :
Monday to Sunday Indoors and/or outdoors 08:00 to 23:00
- 9.23.5** 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
- 9.23.6** 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 24:00
- 9.23.7** Late night refreshment :
Monday to Sunday Indoors and/or outdoors none
Monday to Sunday Indoors only 23:00 to 24:00
- 9.23.8** New Years Eve : Any premises or club that is licensed for both the on supply of alcohol and for regulated entertainment 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

- 9.24 In developing these policies the council has given careful consideration to the whole of the 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.
- 9.25 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.
- 9.26 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.
- 9.27 It is not the intention of the Council to impose a particular terminal hour in any area of Enfield, as urged against in the 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.
- 9.28 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.

10. LICENCE APPLICATIONS AND REVIEW

- 10.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to: the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.
- 10.2 When preparing their Operating Schedules, applicants should consider the Special Factors for Consideration below. The Council may refuse to grant or may attach conditions to a licence where it is not satisfied that these factors have been properly addressed by the applicant's Operating Schedule.
- 10.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

11. OPERATING SCHEDULES

- 11.1 An Operating Schedule is submitted with a licence application and contains the information required by section 17(4) of the Act. Among other things, it includes the steps that the applicant proposes to take to promote the Licensing Objectives. Where a risk to the Licensing Objectives is present, the Council expects applicants to specifically address in their operating schedules, how they will meet the Special Factors for Consideration.

12. SPECIAL FACTORS FOR CONSIDERATION

- 12.1 **Prevention of Crime and Disorder** - the means by which crime and disorder will be or is prevented by the effective management and operation of the licensed activities including :
- 12.1.1 crime prevention design, including adequate lighting of car parks and CCTV;
 - 12.1.2 text/radio pagers;
 - 12.1.3 door supervision, including arrangements for screening for weapons and drugs;
 - 12.1.4 other measures to control violent, drunken or abusive behaviour (including exclusion of troublemakers; refusal to sell to those who are or appear to be drunk or under age; use of toughened and plastic 'glasses'; and bottle bins);
 - 12.1.5 drug dealing and abuse;
 - 12.1.6 prostitution and indecency;
 - 12.1.7 methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises;

- 12.1.8 methods to discourage taking alcohol off the premises in open containers;
 - 12.1.9 methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods;
 - 12.1.10 capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit;
 - 12.1.11 appropriate ratio of tables and chairs to customers (based on the capacity) where the premises are used exclusively or primarily for the 'vertical' consumption of alcohol;
 - 12.1.12 irresponsible alcohol promotion.
- 12.2 **Public Safety** - the means by which risk to public safety will be or is prevented by the effective management and operation of the licensed activities including :
- 12.2.1 whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it;
 - 12.2.2 whether the applicant has carried out a risk assessment as to the maximum number of people who can attend the premises safely and evacuate it in an emergency;
 - 12.2.3 measures to record and limit the number of persons on the premises;
 - 12.2.4 the adequacy of transportation arrangements to ensure that customers may safely travel to and from the premises and nuisance is avoided by concentrations of people unable to access transport in a timely manner;
 - 12.2.5 confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority;
 - 12.2.6 arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency;
 - 12.2.7 the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc;
 - 12.2.8 for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation.
- 12.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including :
- 12.3.1 noise from delivery vehicles;
 - 12.3.2 noise from vehicles delivering and collecting customers;
 - 12.3.3 noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens;
 - 12.3.4 noise, anti-social behaviour and other disturbance caused by persons leaving the premises;
 - 12.3.5 in relation to urination in public places the means to prevent nuisances should include the adequacy of lavatories, financial contributions towards the provision and/or maintenance of public urinals and supervision in the vicinity of the premises;
 - 12.3.6 congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises;
 - 12.3.7 litter and accumulations of rubbish;
 - 12.3.8 the removal from premises of drinking vessels and bottles;
 - 12.3.9 vermin and pests;
 - 12.3.10 light pollution;

- 12.3.11 use of fireworks or other explosives / special effects;
 - 12.3.12 noxious smells;
 - 12.3.13 arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises;
 - 12.3.14 noise from persons smoking outside the premises;
- 12.4 **Protection of Children from Harm** - the means by which harm to children will be or is prevented by the effective arrangement and operation of the licensed activities including :
- 12.4.1 the prevention of unlawful supply, consumption and use of alcohol and drugs and other products which it is illegal to supply to children, including proof of age arrangements;
 - 12.4.2 premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present;
 - 12.4.3 the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature;
 - 12.4.4 the protection from significant gambling;
 - 12.4.5 arrangements to deter, drug taking or dealing;
 - 12.4.6 adequacy of controls on the times during which children may be present on the premises;
 - 12.4.7 the nature of the licensed premises and facilities provided e.g. sporting, cultural and recreational, where these may provide a tangible social benefit, particularly for children and may contribute to crime and disorder reduction and the protection of children from harm.

13. CONDITIONS

- 13.1 When relevant representations are made by a Responsible Authority or Interested Parties, the Committee may impose conditions on licences. Any such conditions, which must be necessary for the promotion of the Licensing Objectives, will be specific to the individual premises and events. Conditions may be drawn from the model pool of conditions in the Guidance.
- 13.2 Special conditions may be imposed for certain types of venues to prevent the sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the "Safer Clubbing" guidelines issued by the Home Office and model conditions from the Guidance. Where these conditions are to be imposed advice may be sought from appropriate bodies such as the Enfield Drug Action Team and the Police, who it is envisaged will make representations on such applications.
- 13.3 The Council will have regard to the impact of licensable activities at specific premises on persons living and working in the vicinity of those premises, which are disproportionate and unreasonable. These issues will mainly concern noise, light pollution, noxious smells, litter and vermin and pest infestations. Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of

'interested parties'. Special conditions and other limitations may be considered necessary where customers may be inclined towards carelessness and anti-social behaviour as a result of consuming alcohol.

13.4 The Council will give consideration to setting capacity limits for licensed premises or clubs where it may be necessary for public safety or otherwise to prevent over-crowding which may lead to disorder and nuisance. Where applicable, further consideration will also be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled.

13.5 The Council recognises proper account will need to be taken to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, including for example, opera, jazz and the performance of a wide range of traditional and historic plays, contemporary music and other arts.

14. SIGNIFICANT EVENTS

14.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that matters related to the licensing objectives are identified and addressed.

14.2 Licence holders are advised to contact the Metropolitan Police Service and enquire if the Police require that the Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A be completed and submitted to them.

15. OLYMPICS & PARALYMPICS

15.1 The Council is fully committed to a safe and successful Olympic and Paralympic Games in London during 2012. The council recognises that the resources of the police, transport and emergency services will be planned out and prioritised for the security of major events before, during and after the Games, as a minimum from 15th July 2012 until 16th September 2012. Due consideration will be given by the council to representations from the Police in relation to licence applications for activity during Games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk that the licensing objectives will be compromised, it is likely that such applications will not be granted.

16. TEMPORARY EVENTS

- 16.1 The Act requires that a Temporary Event Notice (TEN) must be given to the licensing authority no later than 10 working days before the day on which the event begins. Nevertheless, the Council will seek the co-operation of Personal Licence holders and other people serving TENs in allowing more than the minimum required 10 days. To this end the Council strongly recommend giving (the longest possible notice) at least three months' notice to hold all but the smallest events; this will allow the Council to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.
- 16.2 Organisers of temporary events should be aware that although a licence or authorisation may not be needed under the Act, other legislation might apply. This can include :
- 16.2.1 Health and Safety at Work etc. Act 1974;
- 16.2.2 Fire Precautions Act 1971;
- 16.2.3 Environmental Protection Act 1990.
- 16.3 Organisers of temporary events should also be aware that it is highly likely that the Council's enforcement officers will visit events held under the terms of a Temporary Event Notice to ensure compliance with legal requirements. While mindful of the Council's Enforcement Policy, the Council will normally prosecute where serious offences are detected.
- 16.4 Organisers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

17. ENFORCEMENT

- 17.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be :
- 17.1.1 **Proportionate** - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- 17.1.2 **Accountable** - regulators must be able to justify decisions, and be subject to public scrutiny;
- 17.1.3 **Consistent** - rules and standards must be joined up and implemented fairly;
- 17.1.4 **Transparent** - regulators should be open, and keep regulations simple and user friendly;
- 17.1.5 **Targeted** - regulation should be focused on the problem, and minimise side effects.
- 17.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

- 17.3 The Council will adopt a risk-based inspection programme. The Council's risk model for premises licences will be based upon the Licensing Objectives.
- 17.4 The main enforcement and compliance role for the Council under the Act is to ensure compliance with the premises licences and other permissions which it authorises.
- 17.5 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web-site.

18. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 18.1 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.
- 18.2 The Council has adopted powers to designate parts of its area as places where alcohol may not be consumed publicly. These 'designated areas' will be kept under review by the Council.
- 18.3 The Council and its partners has produced an Alcohol Harm Reduction policy, which the Council will take into account in considering representations to licence applications and complaints from Responsible Authorities and Interested Parties seeking a review of a licence.

19. CONTACT DETAILS

- 19.1 Further information and advice on this Licensing Policy Statement, the requirements of the Licensing Act 2003 and related matters is available from the Council as follows :
- 19.1.1 Address : London Borough of Enfield Licensing Team, PO Box 57, B-Block South, Civic Centre, Silver Street, Enfield EN1 3XH;
- 19.1.2 Telephone : 020 8379 3578
- 19.1.3 Email : licensing@enfield.gov.uk
- 19.1.4 Internet : www.enfield.gov.uk

ANNEX 1 - CUMULATIVE IMPACT POLICY - TIME COMPARISON

Total Notifiable Crime between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
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

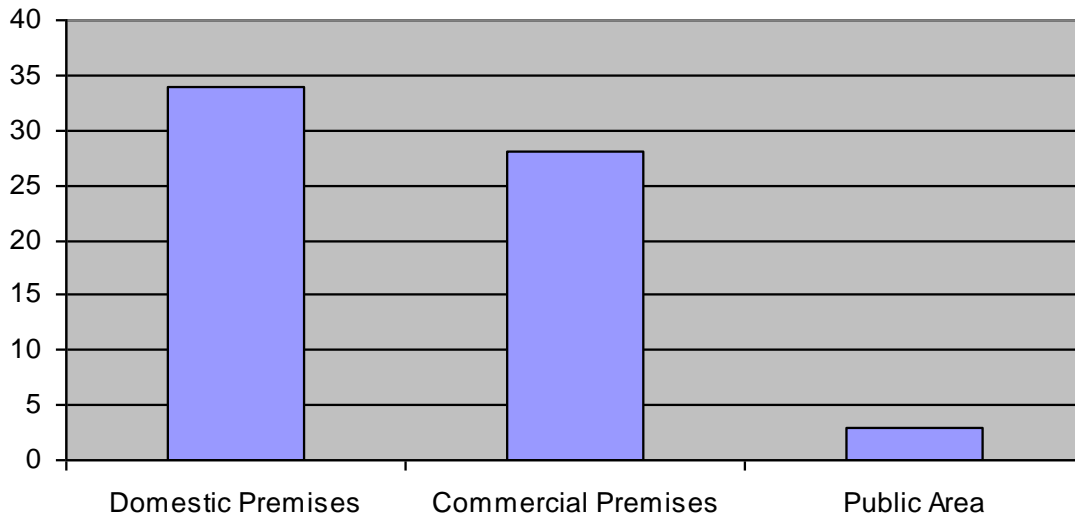
Violent Crime between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Edmonton	130	98	80	94	88	77	109	112	93
Enfield Highway	17	35	15	17	14	20	22	37	20
Enfield Town	39	64	27	24	25	17	33	61	33
Southgate	14	21	12	10	6	11	13	16	16

Anti-Social Behaviour Calls between January and December 2010									
Area	11am – 3pm	11pm – 3am	Mon	Tue	Wed	Thu	Fri	Sat	Sun
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

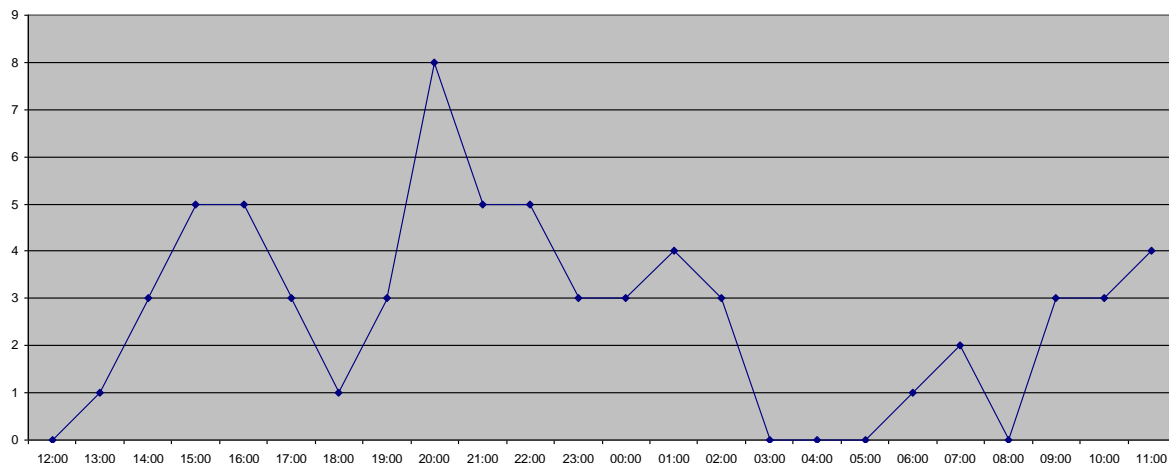
ANNEX 2 – CUMULATIVE IMPACT POLICY - NOISE DATA

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

EDMONTON CUMULATIVE IMPACT POLICY AREA

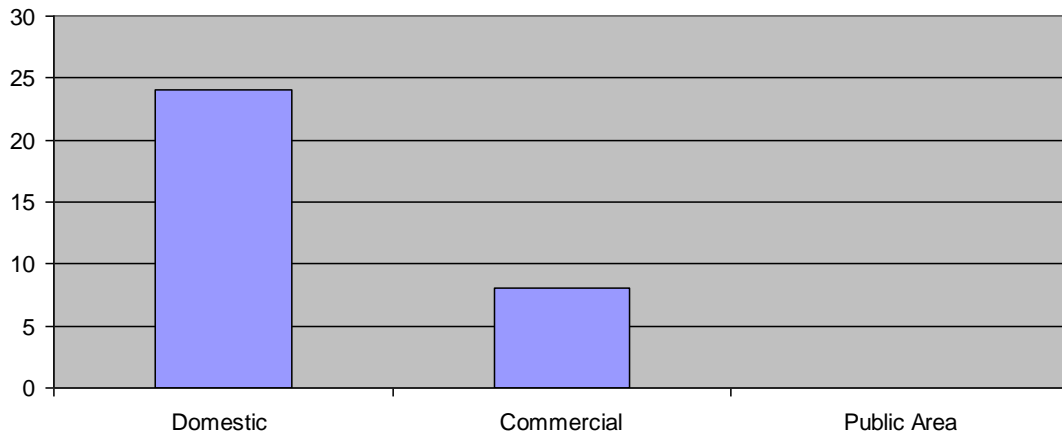


There were a total of 65 noise complaints in the Edmonton Stress Area in this period of time. 28 were complaints against commercial premises, 34 were against domestic premises and 3 were against public areas.

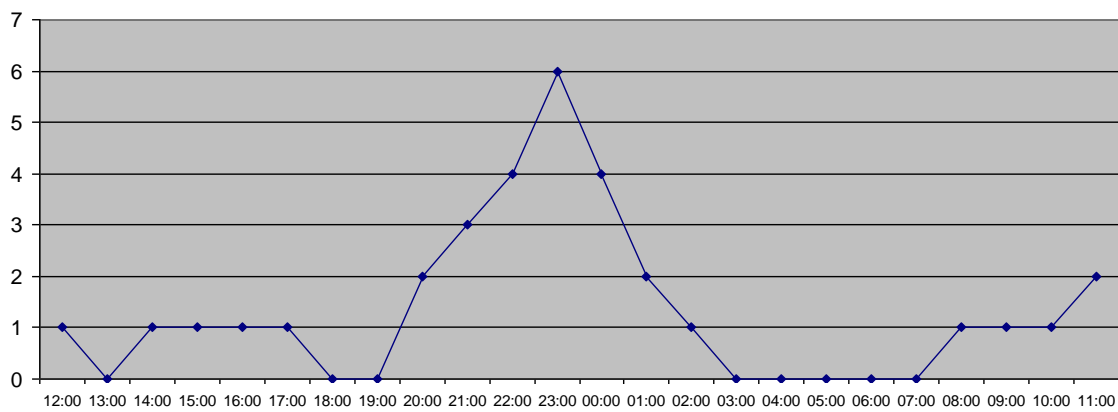


The above line graph shows the time of ALL noise reports received against every type of premises. The graph shows a surge in noise reports within the hour of 20:00 gradually decreasing until the hour of 01:00, where there is a slight increase.

ENFIELD HIGHWAY CUMULATIVE IMPACT POLICY AREA

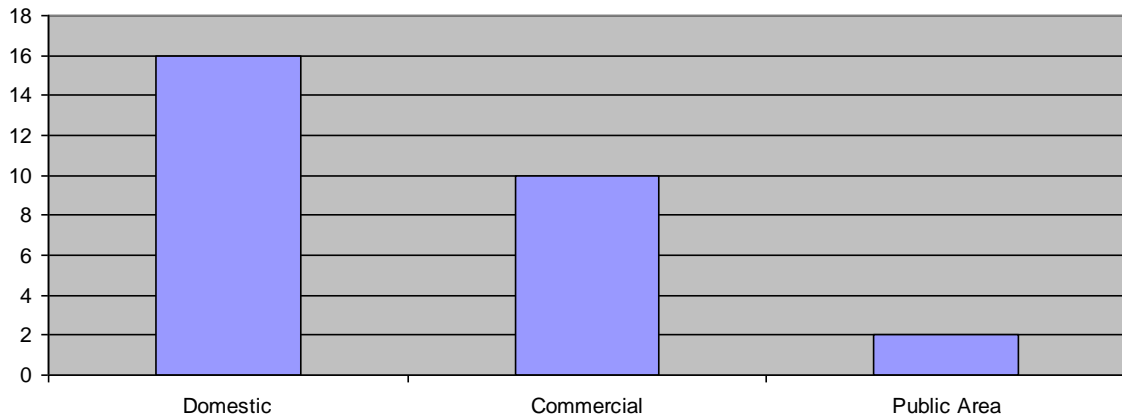


There were a total of 32 noise complaints in the Enfield Highway Stress Area in this period of time. 8 were complaints against commercial premises, 24 were against domestic premises and none were against public areas.

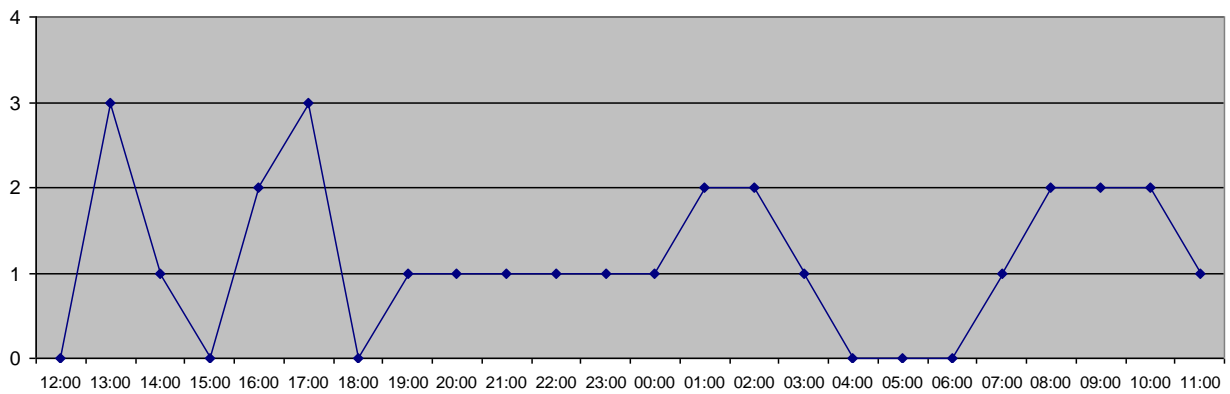


The above line graph shows the time of ALL noise reports received against every type of premises. As you can see there is a clear peak within the hour of 23:00.

ENFIELD TOWN CUMULATIVE IMPACT POLICY AREA

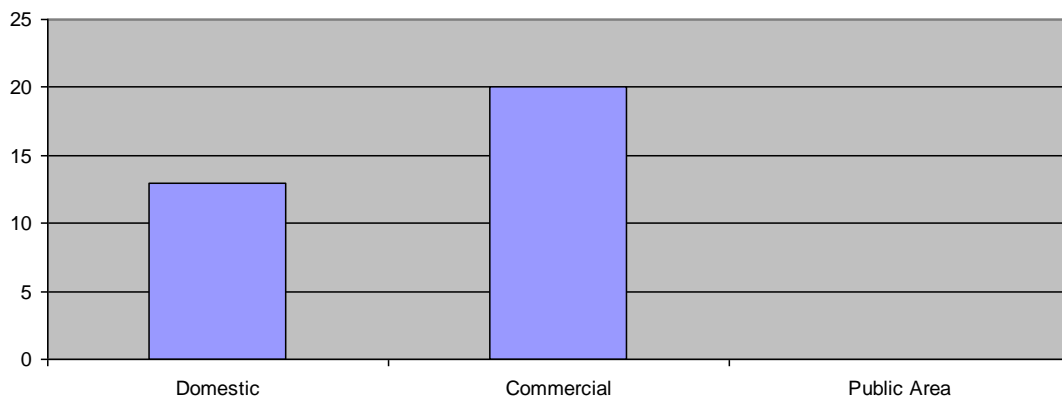


There were a total of 28 noise complaints in the Enfield Town Stress Area in this period of time. 10 were complaints against commercial premises, 16 were against domestic premises and 2 were against public areas

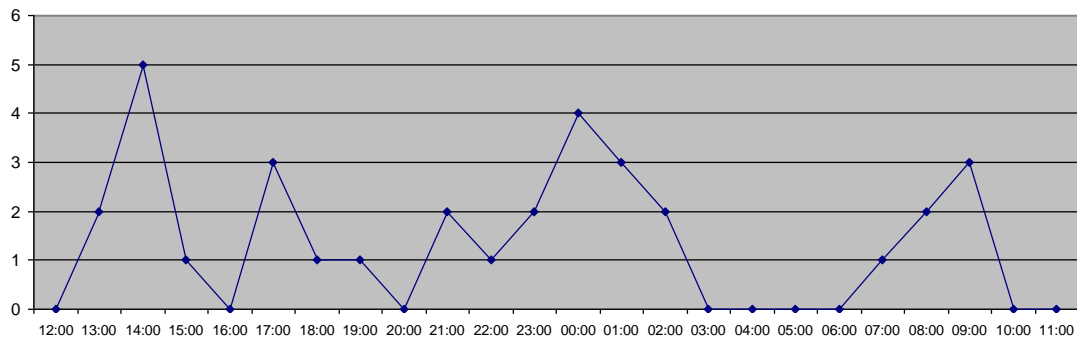


The above line graph shows the time of ALL noise reports received against every type of premises in the Enfield Town Stress Area. There is not a particular time where noise is at a peak. It peaks and troughs throughout the 24 hours. The hours of 13:00 and 17:00 have the highest amount of noise complaints.

SOUTHGATE CUMULATIVE IMPACT POLICY AREA

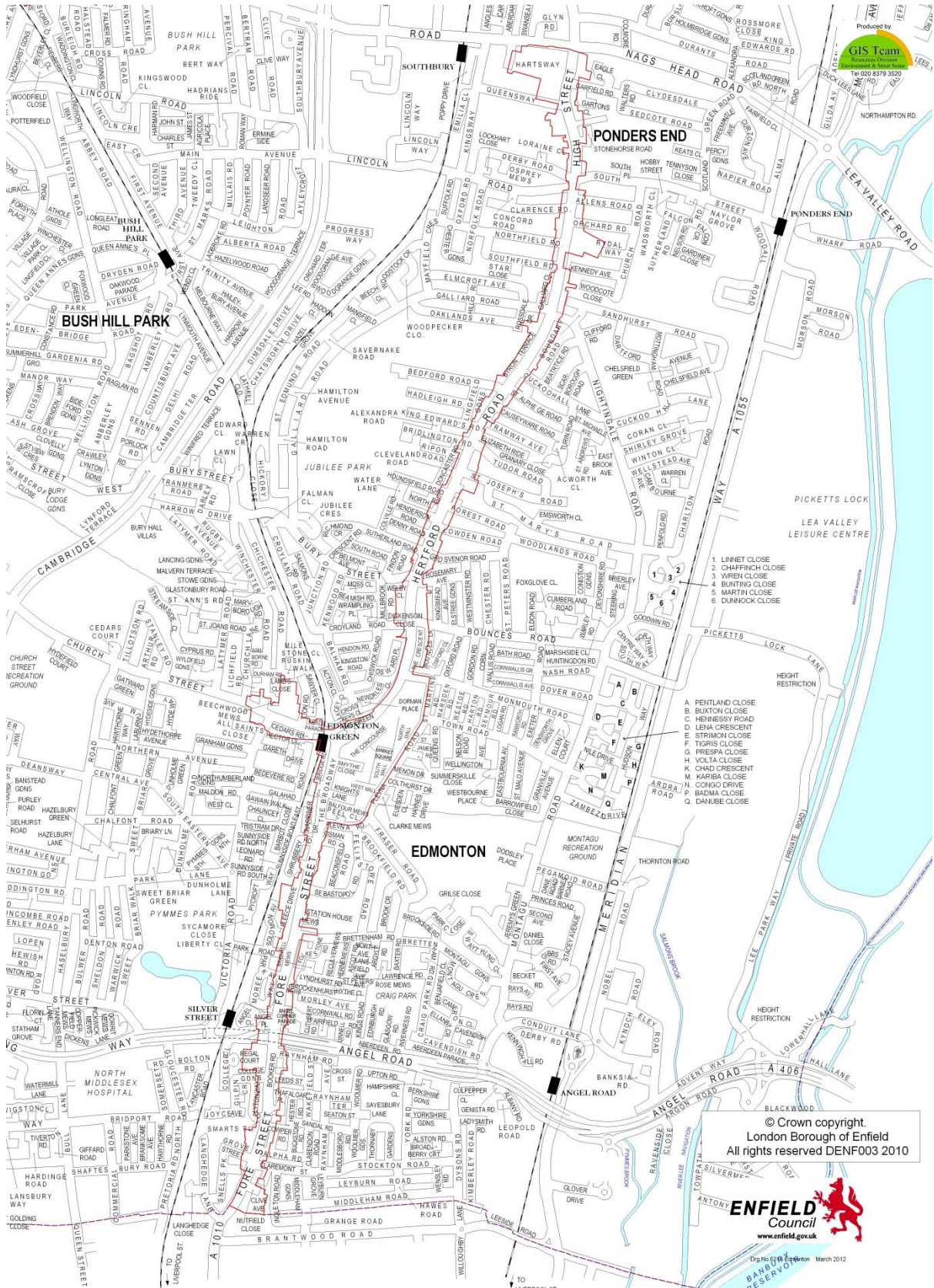


There were a total of 33 noise complaints in the Southgate Stress Area in this period of time. 20 were complaints against commercial premises, 13 were against domestic premises and none were against public areas



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.

ANNEX 3 – THE EDMONTON CUMULATIVE IMPACT POLICY AREA

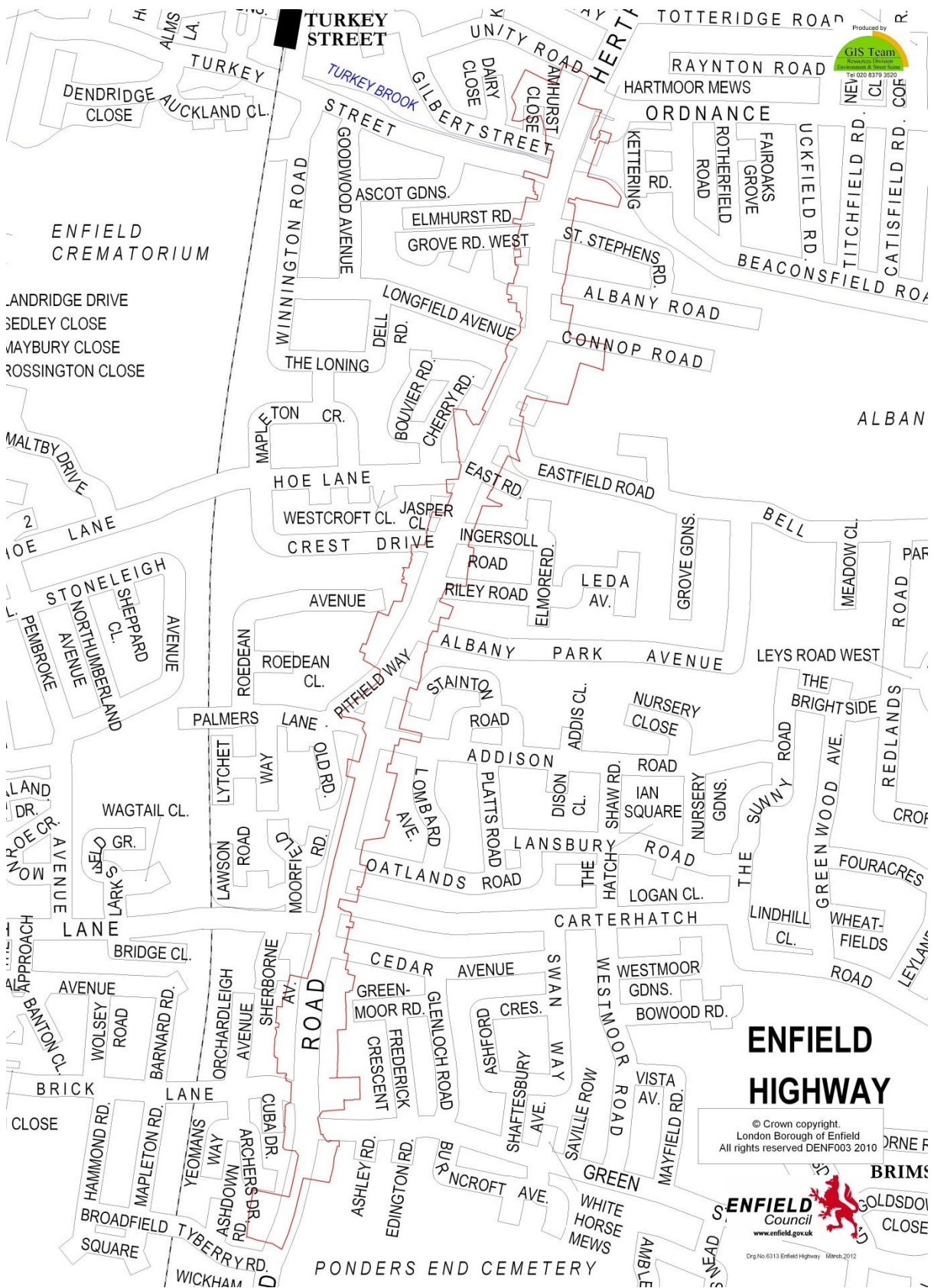


© Crown copyright.
London Borough of Enfield
All rights reserved DENF003 2010

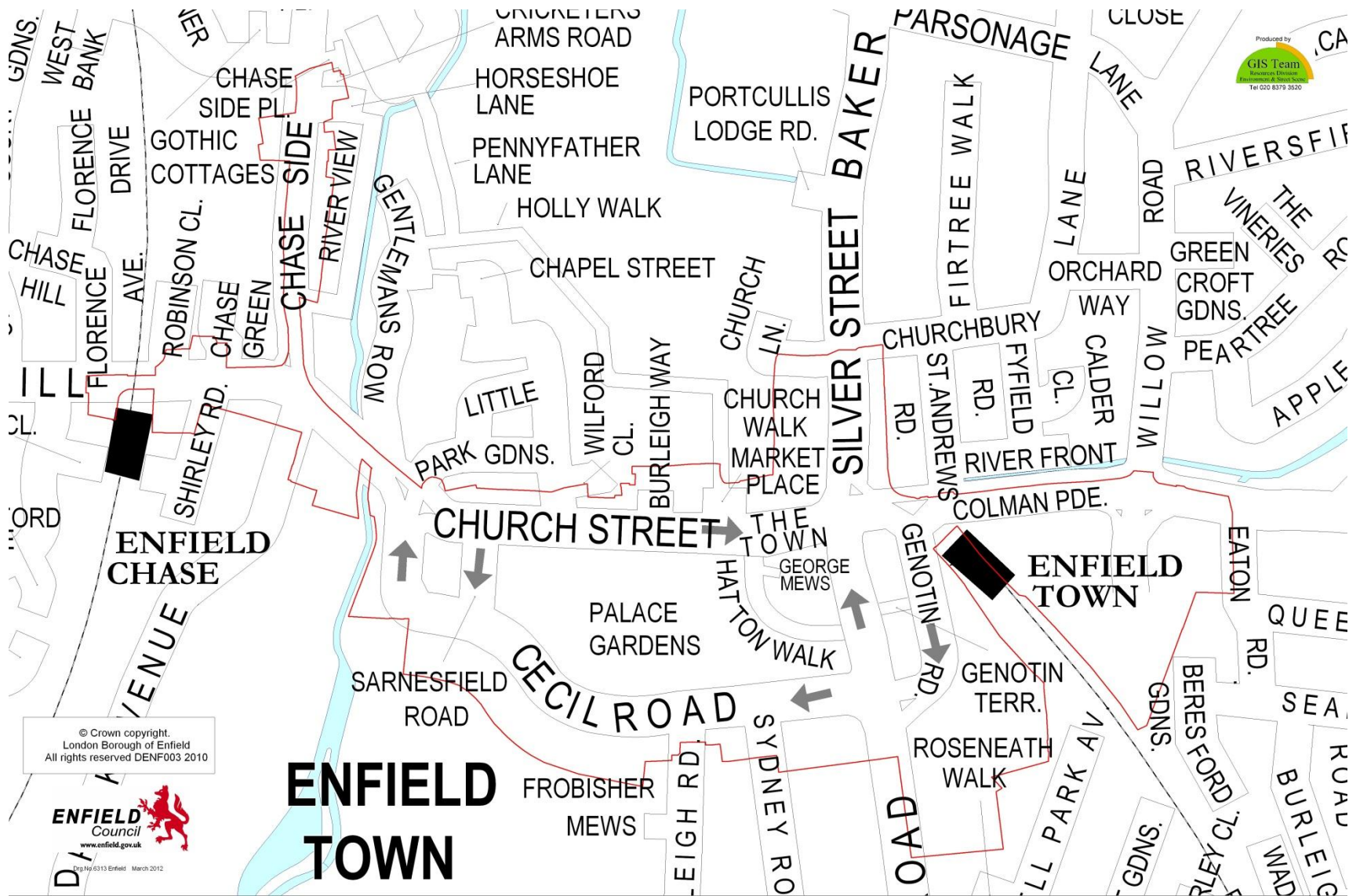


Updated 13/03/2013 March 2012

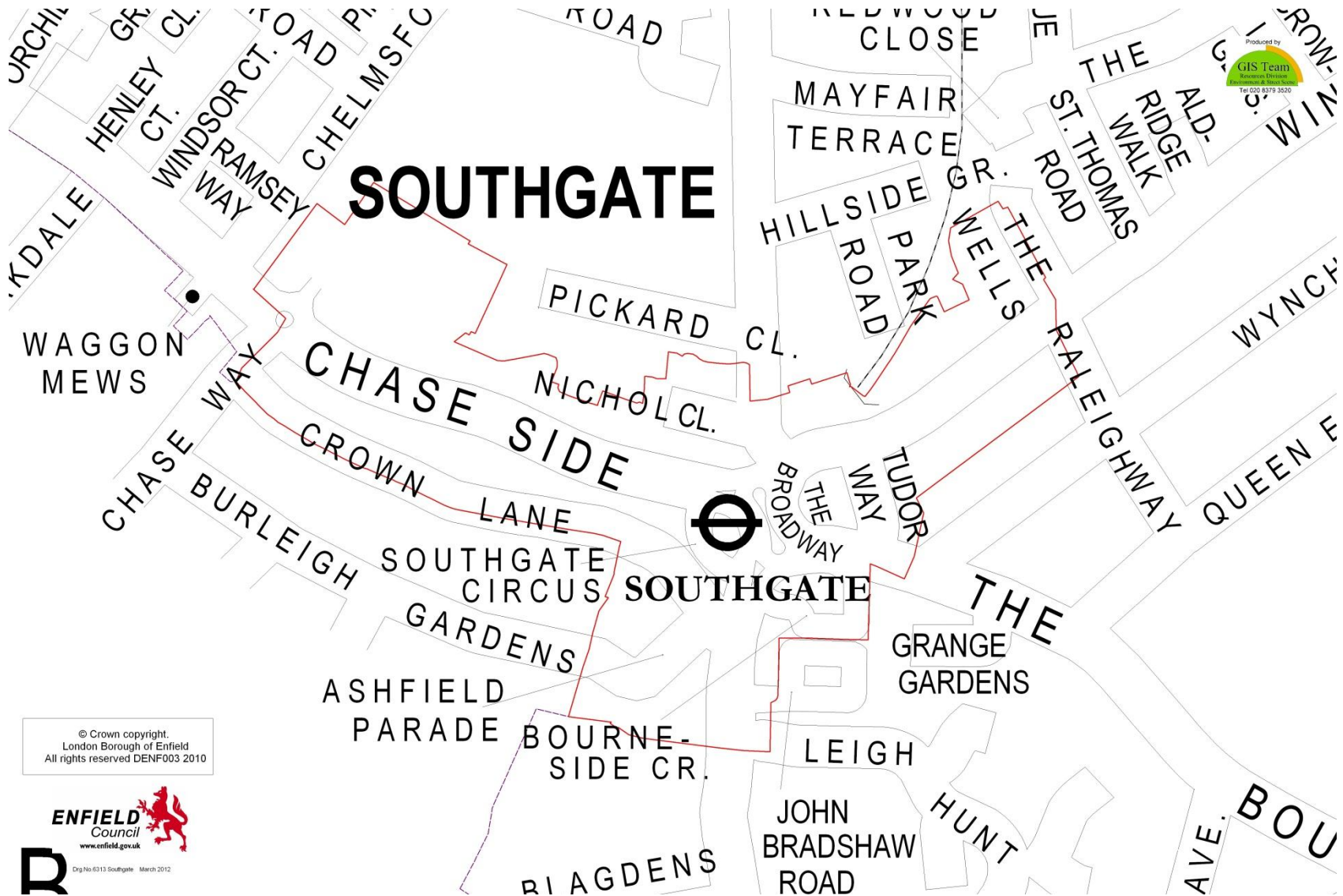
ANNEX 4 – THE ENFIELD HIGHWAY CUMULATIVE IMPACT POLICY AREA



ANNEX 5 – THE ENFIELD TOWN CUMULATIVE IMPACT POLICY AREA



ANNEX 6 – THE SOUTHGATE CUMULATIVE IMPACT POLICY AREA



© Crown copyright.
London Borough of Enfield
All rights reserved DENF003 2010



ANNEX 7 – SEXUAL ENTERTAINMENT VENUES AND SEX ESTABLISHMENTS

The information below is provided for convenience and is complementary to, but does not form part of, the Policy under the Act :

Sexual Entertainment Venues - Policing and Crime Act 2009

On 28 March 2012 the Council resolved to refuse to adopt the sexual entertainment venues licensing provisions contained within the Policing and Crime Act 2009. Therefore Sexual Entertainment Venue Licences are not required in Enfield.

Sex Establishments - Local Government (Miscellaneous Provisions) Act 1982 (as amended)

The Council has adopted the legislation in relation to sex establishments.

The Council has resolved that the appropriate number of Sex Establishment Licences to be granted in the Borough is nil.

Any application received will be considered on its merits and in accordance with the Council's policy that the Licensing Sub-Committee should exercise caution in considering any such application.

ANNEX 8 - SUMMARY OF AGE RESTRICTIONS

The table below summarises certain age restrictions. The list is not exhaustive and is provided as a guide :

Type of Premises	Access or sales restriction (Source in brackets)
Premises exclusively or primarily used for the sale or supply of alcohol for consumption on the premises	No unaccompanied under 16's at any time (section 145 of the Act) No under 18's after 23:00 (Policy)
Other licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	No unaccompanied under 16's between the hours of midnight and 05:00 (section 145 of the Act)
All licensed premises whilst open for the sale or supply of alcohol for consumption on those premises	Under 18's only until 'specified cut-off time' identified in the premises licence (where applicable) (Policy)
Off-licensed premises	No unaccompanied under 14's after 21:00 (Policy)
All premises	No sale of alcohol to under 18's (except 16 and 17 year olds where supplied as part of a table meal where an over 18 is present). (Section 146 of the Act)
Film exhibition	Restricted in accordance with film classification (Section 29 of the Act)