

LONDON BOROUGH OF ENFIELD

LICENSING ACT 2003

**LICENSING POLICY
STATEMENT**

**Second Edition
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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:
- the supply of alcohol (either sold by retail or supplied to a club member)
 - the provision of regulated entertainment
 - 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:
- a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - a boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
 - 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 Secretary of State for Culture, Media and Sport ('the Secretary of State') under section 182 of the Act.
- 1.7 The Policy supports the Council's Corporate strategy of 'Putting Enfield First' by making Enfield:
- a safer place to live, work, study and do business
 - cleaner and greener
 - economically successful and socially inclusive
 - improving the quality of life

2. LICENSING OBJECTIVES

- 2.1 The Council, in carrying out its licensing functions under the Act, will promote the Licensing Objectives, which are:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - 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 While licensing is not the primary mechanism for controlling anti-social behaviour away from premises, it is a key aspect of such control, and licensing is part of the holistic approach to the management of the evening and night-time economy.
- 3.5 As required by section 17 of the Crime and Disorder Act 1998, the Council has had regard the effect of this Policy on crime and disorder, and the need to do all it reasonably can to prevent it.

4. CONSULTATION

- 4.1 The Policy is made following consultation with (amongst others):
- The Chief Officer of Police
 - The London Fire and Emergency Planning Authority
 - Bodies representing local holders of premises licences
 - Bodies representing local holders of club premises certificates
 - Bodies representing local holders of personal licences
 - 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:
- a person living in the vicinity of the premises
 - a body representing persons who live in that vicinity
 - a person involved in a business in that vicinity
 - 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:
- the chief officer of police for any police area in which the premises are situated
 - the fire authority for any area in which the premises are situated
 - 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
 - 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
 - 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
 - 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
 - any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated
 - in relation to a vessel (i) a navigation authority, (ii) the Environment Agency, (iii) the British Waterways Board, or (iv) the Secretary of State
 - 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 The centre of Enfield is 12 miles from the centre of London. The authority covers an area of 31.7 square miles. The M25 forms the northern boundary of the borough, which also has two trunk roads – the A10 (London to Cambridge) and A406 (London's North Circular Road). Five train lines pass through the borough (including the Piccadilly Underground Line).
- 6.2 Enfield Council is a unitary authority, having responsibility for a wide range of services although, as one of the 32 London boroughs, it is also served by the Greater London Authority for transport, Police and emergency services. The Council is composed of 63 Councillors representing 21 wards.
- 6.3 At mid-2005 the population of the borough was estimated to be 280,500 (according to the Office for national Statistics) making Enfield the 6th largest of the 32 London boroughs.
- 6.4 On almost all measures, Enfield is one of the most highly deprived Outer London boroughs, though moderately deprived in the context of London and England. In the Indices of Deprivation 2004, Enfield ranked 104th most deprived out of the 354 local authority areas in England.
- 6.5 Crime in Enfield falls below the average for similar outer London boroughs and perceptions of Anti-Social Behaviour have reduced 30 percent since 2003/04. The total recorded crime rate for Enfield at 96.6 per 1,000 population was below the England & Wales rate of 100.2 and well below the London average of 123.0 in 2006/07. Crime has fallen consecutively for the last four financial years.
- 6.6 Enfield is home to London's second largest industrial estate, Brimsdown. This is backed by a strong retail sector prevalent throughout the borough and a focus of company headquarters on the western borders. The service sector accounts for over 78,000 employees in the borough, 84.2% of the total.
- 6.7 Enfield is adjoined by seven local authorities. These are the London Boroughs of Barnet, to the west, Haringey, to the south, Waltham Forest, to the east and the District Councils of Broxbourne, to the north, Epping Forest, to the north east, and Hertsmere and Welwyn Hatfield to the north west.

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:
- the concerns of Responsible Authorities and Interested Parties who have made representations
 - 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
- 7.5 POLICY No. 1

For premises supplying alcohol for consumption off premises, the Council will normally require 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.

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:
- where adult entertainment is provided
 - where there have been convictions of the current management for serving alcohol to minors
 - where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm
 - where there is a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises
 - 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:
- requirements for the production of proof of age cards or other age identification before sales are made
 - limitations on the hours when children may be present
 - age limitations below 18
 - limitations or exclusions when certain activities are taking place
 - access limited to parts of the premises
 - requirements for accompanying adults
 - 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.

8.6 POLICY No. 2

<p>There will be 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.</p>

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. LICENCE APPLICATIONS AND REVIEW

9.1 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.

9.2 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.

9.3 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.

10. OPERATING SCHEDULES

- 10.1 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 below.

11. CONDITIONS

- 11.1 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.

12. CRIME AND DISORDER

- 12.1 Conditions that may be attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, for example the provision of Closed Circuit Television (CCTV) in certain premises.
- 12.2 The Council may consider that certain premises require greater supervision for the purpose of promoting the Licensing Objectives. In such cases, and in light of any representations, the Guidance, this policy and steps identified as necessary to promote the licensing objectives, the Council may impose a condition that supervisors must be employed at the premises either at all times or at such times when certain events take place.
- 12.3 Whenever security operatives are employed at licensed premises to carry out any security function they must be licensed by the Security Industry Authority. This does not apply to: premises staging plays or exhibiting films; casinos or bingo halls; or premises where a Club Premises Certificate is in force.

13. DRUGS

- 13.1 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.

14. NUISANCE

- 14.1 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.
- 14.2 Nuisance may include, in appropriate circumstances, the detrimental impact upon the living and working amenity and environment of 'interested parties'.
- 14.3 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.

15. SPECIAL FACTORS FOR CONSIDERATION

- 15.1 **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:
- crime prevention design, including adequate lighting of car parks and CCTV
 - text/radio pagers
 - door supervision, including arrangements for screening for weapons and drugs
 - 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)
 - drug dealing and abuse
 - prostitution and indecency
 - methods to discourage drinking of alcohol supplied for consumption on the premises, in a public place in the vicinity of the premises
 - methods to discourage taking alcohol off the premises in open containers
 - methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods
 - capacity limits where necessary to prevent overcrowding or prevent nuisance upon entry and exit
 - 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
 - irresponsible alcohol promotion.

15.2 **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:

- whether the premises has a licence or fire certificate specifying the maximum number of persons that can attend it
- 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
- measures to record and limit the number of persons on the premises
- 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
- confirmation that any arrangements or advertising of taxis solely relate to taxis licensed by a recognised licensing authority
- arrangements to ensure the safety for users, including people with disabilities, in the event of fire or other emergency
- the safe storage and use of special effects such as fireworks or other explosives, firearms, real flame, strobe lighting / lasers etc
- for dance events, the provision of measures to combat overheating, including availability of drinking water, air conditioning and ventilation

15.3 **Prevention of Nuisance** - the means by which nuisances will be or are prevented by the effective management and operation of the licensed activities including:

- noise from persons smoking outside the premises
- noise from delivery vehicles
- noise from vehicles delivering and collecting customers
- noise and/or vibrations emanating from the premises including extended/external areas such as beer gardens
- noise, anti-social behaviour and other disturbance caused by persons leaving the premises
- 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
- congregations of persons, whether consuming alcohol or not, either waiting to enter, leaving or spilling/standing outside the premises
- litter and accumulations of rubbish
- the removal from premises of drinking vessels and bottles
- vermin and pests
- light pollution
- use of fireworks or other explosives / special effects
- noxious smells
- arrangements to ensure that public lavatories within premises are available for use throughout the entire period that the public are on those premises

- 15.4 **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:
- 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
 - premises restrictions on the access by children to the whole or any part of premises, including times when children may not be present
 - the protection from inappropriate exposure to strong language, expletives or entertainment of an adult or sexual nature
 - the protection from significant gambling
 - arrangements to deter, drug taking or dealing
 - adequacy of controls on the times during which children may be present on the premises
 - 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

16. **SIGNIFICANT EVENTS**

- 16.1 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events the Council recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 16.2 The Council further recommends the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion/Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Council anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Council within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 16.3 Forms 696 and 696A are available on the Metropolitan Police web site. It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are ClubsFocusDesk-CO14@met.police.uk and licensing@enfield.gov.uk.
- 16.4 The majority of venues have regular repeat artistes and DJs. Only one risk assessment and subsequent debrief is required for an artiste at the venue concerned. Where venues have promotions with different artistes or DJs on each occasion, it is anticipated that the risk assessment forms will be completed for each of these occasions.

16.5 The recommended risk assessment conditions are:

16.5.1 The licensee shall undertake a risk assessment of any significant promotion or event using the MPS Promotion/Event Risk Assessment (Form 696) or an equivalent and provide a copy to the Metropolitan Police Service and the Council not less than 14 days before the event is due to take place.

16.5.2 Where an 'event' has taken place, the licensee shall complete an MPS After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Council, within 14 days of the conclusion of the event.

16.6 Licensees are be advised to consult the local Metropolitan Police Licensing Unit to clarify whether the proposed event is significant.

17. LIVE MUSIC, DANCING AND THEATRE

17.1 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.

17.2 Conditions to be imposed on relevant licences will not discourage the promotion of such entertainment but will relate solely to the promotion of the 'licensing objectives'. The imposition of conditions will only arise where there is a hearing into an application brought about by the receipt of relevant representations in respect of it.

18. CAPACITY LIMITS

18.1 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.

19. CUMULATIVE IMPACT

- 19.1 The Council may refuse premises licences where representations are received from a Responsible Authority or Interested Party that the issue of a licence may, due to a concentration of premises in an area, result in exceptional problems for that area to the detriment of the Council's 'licensing objectives'.
- 19.2 It is for any person making such representations to provide evidence to the Licensing Committee or sub committee that the addition of the premises concerned is likely to cause the cumulative impact claimed. When considering such representations, the Committee will:
- identify any serious and chronic concern
 - identify the area from which problems are arising and the boundaries of that area
 - make an assessment of the causes
 - consider adopting a policy about future licence applications from that area

20. TEMPORARY EVENTS

- 20.1 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.
- 20.2 Organizers 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:
- Health and Safety at Work etc. Act 1974
 - Fire Precautions Act 1971
 - Environmental Protection Act 1990 (Noise and nuisance)
- 20.3 Organizers 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.
- 20.4 Organizers and promoters of temporary events should be mindful of the 'Special Factors for Consideration' outlined above.

21. ENFORCEMENT

- 21.1 The Council will follow the Better Regulation and Hampton principles and shall endeavour to be:
- Proportionate - regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised
 - Accountable - regulators must be able to justify decisions, and be subject to public scrutiny
 - Consistent - rules and standards must be joined up and implemented fairly
 - Transparent - regulators should be open, and keep regulations simple and user friendly
 - Targeted - regulation should be focused on the problem, and minimise side effects
- 21.2 The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 21.3 The Council will adopt a risk-based inspection programme. The Council's risk model for will be based upon the Licensing Objectives.
- 21.4 The Council's enforcement/compliance protocols/written agreements and risk methodology will be available on the Council's web site.

22. INTEGRATION OF POLICIES AND AVOIDANCE OF DUPLICATION

- 22.1 Licensing control is but one part of an overall strategy to deal with any environmental or other impacts of the leisure economy. Other mechanisms include:
- Planning controls
 - Positive measures to create a safe and clean town centre environment
 - Powers of the Council to designate public areas where the consumption of alcohol is not permitted
 - Police enforcement of disorder and anti-social behaviour
 - The prosecution of personal licence holders and staff for selling alcohol to persons who are under age or drunk
 - The confiscation of alcohol from persons in designated areas
 - Police and Local Authority powers to close down instantly any licensed premises on grounds of disorder or likelihood of disorder or excessive noise emanating from the premises
 - Powers of the Local Authority under the Environmental Protection Act and Health and Safety at Work Act
 - Power of police or a local resident or business to seek a review of a licence
- 22.2 Any decision in relation to licensing applications will be separate from planning decisions. However licences will not normally be granted where:

- operating schedules relate to proposals for which planning permission is required and no application has been made or is contemplated
 - the proposals are contrary to decisions of the planning committee or appeals from that committee, or an application has been refused
- 22.3 Neither of the above affects an individual's right to make an application for a Provisional Statement.
- 22.4 The Licensing Committee will receive reports on crime and disorder, transportation, cultural matters, employment and tourism to ensure that these matters are properly reflected in their decisions.
- 22.5 The Licensing Committee will consider the impact of licensing on regulated entertainment, particularly live music and dancing. Where there is any indication that such events are being deterred by licensing requirements, the Policy will be examined with a view to investigating how this situation may be addressed.
- 22.6 Where appropriate the Licensing Committee will provide regular reports to the Planning Committee on the situation regarding licensed premises in the Borough, including the general impact of alcohol related crime and disorder.
- 22.7 The Interim Local Implementation Plan, prepared in support of the Mayor for London's Transport Strategy, takes into account the need to disperse people from town centres and to avoid concentrations of people that produce disorder and disturbance.
- 22.8 So far as possible, duplication with other regulatory regimes will be avoided and conditions will only be attached to licences that are necessary for the promotion of the 'licensing objectives'.
- 22.9 The Council will actively support and maintain protocols with the London Fire and Emergency Planning Authority and Metropolitan Police to ensure effective co-operative working arrangements.

23. ALCOHOL HARM REDUCTION

- 23.1 The Government has published an Alcohol Harm Reduction strategy and the London Borough of Enfield 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.
- 23.2 The Council will take into account that excessive consumption of alcohol is identified with an increased incidence of anti-social behaviour, including noise and disturbance to residents from people leaving premises. Aggravating factors may include whether the sale of alcohol is the exclusive or primary purpose of the premises; irresponsible price promotions and the style or 'lay out' of the premises (including floor space area and provision of seating and tables etc.; the amount of 'vertical drinking' and / or loud and 'pulsating' music).
- 23.3 The Council recognises that the provision of table meals, including before and during entertainment, contributes to the responsible consumption of alcohol.
- 23.4 The Council also recognises the social value of bone fide private members clubs and the special consideration given to them by the Act and the Guidance.

24. CONSUMPTION OF ALCOHOL IN PUBLIC PLACES

- 24.1 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.
- 24.2 In considering licence applications and reviews, which have been the subject of relevant representations, the Council will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol for consumption off premises and unauthorised removal of drinks that have been supplied for consumption on premises.
- 24.3 In respect of premises wholly or mainly engaged in the supply of take-away food in designated areas, the Policy is to discourage applications for sales of alcohol for consumption off the premises, given the risk that the alcohol sold will then be consumed in the designated area.

25. 'RESPONSIBLE LICENSEE' GUIDELINES

- 25.1 This is a Council initiative that seeks to promote and recognise good management practice that contributes towards the Licensing Objectives'. All licensees are encouraged to subscribe to the Council's 'Responsible Licensee' guidelines.

26. PROMOTION OF RACIAL EQUALITY

26.1 This Policy recognises that:

- the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups
- local authorities are also required under the 1976 Act, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring

26.2 The Council will monitor the impact of the Policy on the promotion of race equality. Any perceived impact will be reported to the Licensing Committee.

27. SUMMARY OF AGE RESTRICTIONS

27.1 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 or 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)

28. DELEGATION OF FUNCTIONS

28.1 The delegations of functions in relation to Licensing matters is as follows:

MATTER TO BE DEALT WITH	LICENSING SUB-COMMITTEE	OFFICERS
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other case
Applications for interim authorities	If Police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a police objection to a temporary event notice	All cases	

29. CONTACT DETAILS

29.1 Further information and advice on this Policy and the requirements of the Act and related matters is available as follows:

Address : London Borough of Enfield
Licensing Team, PO Box 57,
B-Block North, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578
Fax : 020 8379 5120
Email: licensing@enfield.gov.uk
Internet: www.enfield.gov.uk

30. EXPLANATORY NOTE – SEX ESTABLISHMENTS

This information is provided for convenience and is complementary to, but does not form part of, the Policy under the Act .

The Council has previously agreed a policy in relation to sex cinemas and sex encounter establishments under the Local Government (Miscellaneous Provisions) Act 1982, as amended.

The Council has resolved that the appropriate number of sex cinemas and sex encounter establishment licences to be granted for each relevant locality in the Borough is nil.

Any application received will be considered on its merits and the Council's policy that the Licensing Committee and sub committees should exercise caution in considering any application.

31. NOTE FROM THE METROPOLITAN POLICE SERVICE

These are the standards Police would seek to promote :

CCTV

CCTV is an essential part of any security in licensed premises. Its integrity is of the utmost importance to ensure it not only acts as a deterrent but can provide evidence if required which is admissible in any future prosecution. Police would expect any system to conform to the following points : (1) The system must be a digital system; (2) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (3) Cameras must be sited to observe the entrance doors both inside and outside and all areas required by Police; (4) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification – not less than 120% of screen; (5) Cameras viewing till areas must capture frames not less than 50% of screen; (6) Cameras overlooking floor areas should be wide angled to give an overview of the premises. They must be capable of detection i.e. not less than 10% of screen; (7) Be capable of visually confirming the nature of the crime committed;

(8) Provide a linked record of the date, time and place of any image; (9) Provide good quality images – colour during opening times; (10) Operate under existing light levels within and outside the premises; (11) Have the recording device located in a secure area or locked cabinet; (12) Have a monitor to review images and recorded picture quality; (13) Record images as near to real time as possible; (14) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (15) Be regularly maintained to ensure continuous quality of image capture and retention; (16) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (17) Have signage displayed in the customer area to advise that CCTV is in operation; (18) Be operated by the correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (19) Digital images must be kept for 31 days; (20) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (21) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (22) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (23) All access to the medium on which the images are recorded should be documented; (24) Police will have access to images at any reasonable time; (25) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request; (26) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.

ALARM SYSTEM

Alarm systems are essential in deterring crime or reducing loss if crime is committed. All premises storing alcohol should have alarm systems in place to ensure it is properly secured. Police would expect any alarm system to conform to EU 50131 (or if existing, system to BS4737). Panic buttons must be incorporated on the advice of Police.

RAID CONTROL

Many premises suffer the offence of armed robbery and other serious offences. Premises in particular small businesses, are more vulnerable at night into the early hours of the morning from more violent crime as less staff are employed and the environment quieter. Police would expect certain premises, especially those selling alcohol for off sales only, to install Raid Control (anti-Robbery devices) if the premises open past 0100 hours. Examples of Raid Control include: (1) A time delay safe is fitted; (2) A separate covert real time camera is fitted above the front door. (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training; (5) Cash must be minimised in the till.

PROOF OF AGE

A proof of age scheme is essential to aid staff selling alcohol and other restricted goods to ensure no illegal sales occur. Police would expect all premises to follow the guidelines below.

1. A method of documenting refused sales for example a “refusal book or diary” must be kept at the point of sale, or one at each point of sale where necessary, or recorded electronically on the till. This must be completed on each separate occasion that an individual is refused a sale of alcohol.
2. The refusals system e.g. a book/diary must be immediately made available to Police and/or the Local Authority upon request.
3. The designated premises supervisor must undertake routine monitoring of the refusals records and record that this is being done.
4. All staff who make sales of alcohol must receive regular training (induction and refresher) this should include: (1) Application of relevant proof – of- age scheme or similar; (2) Penalties for selling to an under age person; (3) Asking for appropriate photographic identification. This must be either a passport; photographic driving licenses or an identity card with the P.A.S.S logo (Proof of Age Standards Scheme); (4) The refusals process; (5) Any other information as deemed appropriate.
5. Training must be documented and records kept for at least 2 years. This record must be immediately made available to the Police and/or Local Authority upon request.