

**MEETING TITLE AND DATE
COUNCIL 20 NOVEMBER 2019**

**REPORT OF THE LICENSING
COMMITTEE**

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Agenda Part 1

Item: 5

SUBJECT: Approval of Enfield's
Licensing Act 2003 Policy and No
Sexual Entertainment Venue
Licensing Resolution

WARD: All wards

1. EXECUTIVE SUMMARY

- 1.1 The Council has a statutory duty, following public consultation, to publish its licensing policy Licensing Act 2003, every five years.
- 1.2 The Council may also, every five years, resolve not to adopt the sexual entertainment venues licensing provisions contained within the Policing and Crime Act 2009.

2. RECOMMENDATIONS

- 2.1 To approve the minor changes in the 6th Edition of the licensing policy Licensing Act 2003.
- 2.2 To continue to resolve not to adopt the sexual entertainment venues licensing in Enfield, as per Annex 7 of the Policy.

3. THE CONSULTATION AND ITS RESULTS

- 3.1 The current 5th Edition of Licensing Policy Statement can be viewed online [here](https://new.enfield.gov.uk/services/business-and-licensing/licensing-policies/licensing-policy-licensing-act-2003-policy-statement-5th-edition-28-01-15.pdf) or by following this link: <https://new.enfield.gov.uk/services/business-and-licensing/licensing-policies/licensing-policy-licensing-act-2003-policy-statement-5th-edition-28-01-15.pdf>
- 3.2 The 6th Edition of our Licensing Policy Statement must be approved by full Council by January 2020 and that draft is attached as Annex 1.
- 3.3 The 6th Edition Licensing Policy Statement now has:
 - 3.3.1 Clarified definitions (Sections 5, 12 and 15);
 - 3.3.2 Updated borough statistics (Section 6) and crime statistics (Section 9 and annexes);

- 3.3.3 Updated responsible agencies and referral agencies such as Canal River Trust (Section 2.11) and Safer Sounds Partnership (Section 14.2);
- 3.3.4 Included the 2015 Statutory Guidance (1.5) and 2018 Public Space Protection Order (Section 17).
- 3.4 It was recommended and agreed with the Council's consultation and web team that the public consultation should take place between 12 August and 22 September 2019 (six weeks). The consultation was published on the Council's website, and general comments were to be sent to Licensing, rather than a questionnaire format. Emails advising of the consultation were sent to:
- 3.5. All Responsible Authorities and other bodies listed as required by the policy, as per page 4 of the draft 6th Edition:
- 3.5.1 North London Chamber of Commerce;
 - 3.5.2 Voluntary Community Services (who included it in newsletters and council's Facebook page);
 - 3.5.3 All councillors, and was included in the Members Newsletters;
 - 3.5.4 Relevant communications newsletters;
 - 3.5.6 PubWatch members.
- 3.6 The Licensing Team received two responses to the consultation, which although appears a low response rate, is not unsurprising due to the low-level changes made by the 6th Edition draft.
- 3.7 The responses were received on behalf of Transport for London and London Fire Brigade and are summarised in Annex 2.
- 3.8 The minor changes in the 6th Edition of the licensing policy Licensing Act 2003, including not to adopt the sexual entertainment venues licensing provisions, as set out in Annex 7, was approved at the Licensing Committee meeting on 16 October 2019.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that the Council is able to discharge its statutory obligations and promote its four licensing objectives.

5. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

5.1 Financial Implications

- 5.1.1 This report seeks to approve the minor changes in the 6th Edition of the licensing policy Licensing Act 2003, these proposed changes have no financial implications.

5.2 Legal Implications

- 5.2.1 Section 5 of the Licensing Act 2003 requires a licensing authority to publish a statement of its licensing policy at least every five years. A policy must take into account any cumulative impact assessment (CIA) an authority has published under section 5A of the 2003 Act. The Act has four licensing objectives:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2.2 From this report:

- the timing of the consultation and engagement has started early in the policy formation process to genuinely consider and take into account the views of those who have responded;
- the consultation has been open to the full range of stakeholders with a substantial interest in the licensing policy and persons likely to be affected by the licensing policy;
- The principles of consultation appear to have been engaged, including, fairness, having due regard to eliminate discrimination, advance equality of opportunity and foster good relations under the Public Sector Equality Duty pursuant to the Equality Act 2010.

5.3 **Property Implications** - None.

6 **KEY RISKS**

- 6.1 The Council is at risk of public challenge if it does not promote its licensing objectives.

7 **IMPACT ON COUNCIL PRIORITIES**

7.1 **Fairness for All**

- 7.1.1 This report ensures that the Council's Licensing Policy meets its statutory obligations and continues to be able to prevent licensable activity that is not in the public interest and to reduce crime and antisocial behaviour arising from concentrations of licensed premises operating in areas affected by such disorder.

7.2 **Growth and Sustainability**

- 7.2.1 These recommendations continue to not restrict growth. By reducing crime and disorder will promote sustainable business.

7.3 **Strong Communities**

- 7.3.1 The recommendations in this report fully support this Council priority.

8 **EQUALITIES IMPACT IMPLICATIONS**

- 8.1 No equality impact assessment is required.

9 PERFORMANCE MANAGEMENT IMPLICATIONS

9.1 None.

10 PUBLIC HEALTH IMPLICATIONS

10.1 None.

Background Papers: None other than any identified within the report