

MUNICIPAL YEAR 2013/14 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
19 February 2014

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
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| | SUBJECT : Review of premises licence following closure order |
| | PREMISES : Club 303 1 Jute Lane, Enfield EN3 |
| | WARD : Enfield Highway |

1 MATTERS FOR CONSIDERATION :

- 1.1 In accordance with Section 161 of The Licensing Act 2003 ('the Act'), a senior police officer may make a closure order in relation to any relevant premises if he reasonably believes that (a) there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the premises and their closure is necessary in the interests of public safety, or (b) a public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance. A closure order is an order requiring relevant premises to be closed for a period not exceeding 24 hours beginning with the coming into force of the order. In determining whether to make a closure order in respect of any premises, the senior police officer must have regard, in particular, to the conduct of each appropriate person in relation to the disorder or nuisance.
- 1.2 Copies of the closure order and documentation received from the Police are attached as Annex 01.
- 1.3 In accordance with Section 164 of the Act, the responsible senior police officer must, as soon as reasonably practicable after a closure order comes into force in respect of any relevant premises, apply to the relevant magistrates court for it to consider the order.
- 1.4 In accordance with Section 165 of the Act, the relevant magistrates court must as soon as reasonably practicable after receiving an application from the responsible senior police officer : (a) hold a hearing to consider whether it is appropriate to exercise any of the court's powers in relation to the closure order, and (b) determine whether to exercise any of those powers. The relevant magistrates' court may : (a) revoke the closure order; (b) order the premises to remain, or to be, closed until such time as the relevant licensing authority has made a determination in respect of the order; (c) order the premises to remain or to be closed until that time subject to such exceptions as may be specified in the order; or (d) order the premises to remain or to be closed until that time unless such conditions as may be specified in the order are satisfied.
- 1.5 A copy of the order received from the Magistrates Court is attached as Annex 02.

2 HEARING & RELEVANT REPRESENTATIONS :

- 2.1 In accordance with Section 167 of the Act, where the Council (as licensing authority) has received notice of the court order, the Council must review the premises licence. The Licensing Sub-Committee must hold a hearing to consider the closure order, the court order and any relevant representations.
- 2.2 In accordance with Nos. 4 & 5 of The Licensing Act 2003 (Hearings) Regulations 2005, the hearing of the Licensing Sub-Committee must be commenced within ten working days of the Council receiving the court order.
- 2.3 In accordance with No. 38 of The Licensing Act 2003 (premises licences and club premises certificates) Regulations 2005, this review of premises licence following closure order was advertised for seven consecutive days commencing on 12 February 2014.
- 2.4 The premises licence holder, any responsible authority and any other person may attend the hearing, in person, to make their relevant representations to the Licensing Sub-Committee.
- 2.5 In accordance with Section 167 of the Act, relevant representations means representations which are relevant to one or more of the licensing objectives and, if they are made by a person (who is not also a responsible authority), are not, in the opinion of Licensing Sub-Committee, frivolous or vexatious.

3 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 3.1 The paragraphs below are extracted from either :
 - 3.1.1 the Licensing Act 2003 ('Act'); or
 - 3.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2012 ('Guid'); or
 - 3.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

General Principles :

- 3.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 3.3 The licensing objectives are :
 - 3.3.1 the prevention of crime and disorder;
 - 3.3.2 public safety;
 - 3.3.3 the prevention of public nuisance; &
 - 3.3.4 the protection of children from harm [Act s.4(2)].
- 3.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 3.4.1 the Council's licensing policy statement; &
 - 3.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Decision :

- 3.5 Having considered the closure order, the court order and any relevant representations the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
 - 3.5.1 to modify the conditions of the licence (for this purpose the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added);
 - 3.5.2 to exclude a licensable activity from the scope of the licence;
 - 3.5.3 to remove the designated premises supervisor
 - 3.5.4 to suspend the licence for a period not exceeding three months;
 - 3.5.5 to revoke the licence [Act s.167].

Background Papers :
None other than any identified within the report.

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